

OVERSIGHT OF THE DEPARTMENT
OF HOMELAND SECURITY

HEARING
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

APRIL 28, 2015

Serial No. J-114-14

Printed for the use of the Committee on the Judiciary



www.judiciary.senate.gov
www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON THE JUDICIARY

CHARLES E. GRASSLEY, Iowa, *Chairman*

ORRIN G. HATCH, Utah	PATRICK J. LEAHY, Vermont, <i>Ranking</i>
JEFF SESSIONS, Alabama	<i>Member</i>
LINDSEY O. GRAHAM, South Carolina	DIANNE FEINSTEIN, California
JOHN CORNYN, Texas	CHARLES E. SCHUMER, New York
MICHAEL S. LEE, Utah	RICHARD J. DURBIN, Illinois
TED CRUZ, Texas	SHELDON WHITEHOUSE, Rhode Island
JEFF FLAKE, Arizona	AMY KLOBUCHAR, Minnesota
DAVID VITTER, Louisiana	AL FRANKEN, Minnesota
DAVID PERDUE, Georgia	CHRISTOPHER A. COONS, Delaware
THOM TILLIS, North Carolina	RICHARD BLUMENTHAL, Connecticut

KOLAN L. DAVIS, *Chief Counsel and Staff Director*

KRISTINE LUCIUS, *Democratic Chief Counsel and Staff Director*

C O N T E N T S

APRIL 28, 2015, 10:03 A.M.

STATEMENTS OF COMMITTEE MEMBERS

	Page
Grassley, Hon. Charles E., a U.S. Senator from the State of Iowa	1
Schumer, Hon. Charles E., a U.S. Senator from the State of New York	3

WITNESSES

Witness List	51
Johnson, Jeh, Secretary, U.S. Department of Homeland Security	5
prepared statement	52

QUESTIONS

Questions submitted to Secretary Johnson by:	
Senator Grassley	100
Senator Lee	114
Senator Cruz	61
Senator Flake	94
Senator Vitter	122
Senator Perdue	116
Senator Tillis	121
Senator Leahy	113
Senator Feinstein	90
Senator Schumer	120
Senator Franken	98

ANSWERS

Responses of Secretary Johnson:	
Answer to Question 21	126
Exams Spending:	139
Fraud Account Spending, Question 22 from Senator Cruz:	143
H-1B Spending:	144
USCIS Obligations Fiscal Year 2009-2015:	145
USCIS Filing trends to QFR 23 compiled August, 20, 2015:	146
USCIS Filing trends to QFR 23 compiled August, 20, 2015:	152
H2B Approvals and Denials Fiscal Year 2013-Fiscal Year 2015:	158
Sacramento, California FFRMS Listening Session Attendees:	162

MISCELLANEOUS SUBMISSIONS FOR THE RECORD

Benny Martinex Statement	77
EPIC Intelligence Assessment	80

OVERSIGHT OF THE DEPARTMENT OF HOMELAND SECURITY

TUESDAY, APRIL 28, 2015

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC

The Committee met, pursuant to notice, at 10:03 a.m., Room 226, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman, presiding.

Present: Senators Sessions, Cornyn, Cruz, Flake, Perdue, Tillis, Schumer, Durbin, Whitehouse, Klobuchar, Franken, Coons, and Blumenthal.

OPENING STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Chairman GRASSLEY. Thank you, Mr. Johnson, for coming.

Oversight is a critical function and a constitutional responsibility of our branch. Every year, this Committee tries to invite the Secretary of Homeland Security to brief us on the State of affairs at that Department. It is an opportunity to question the administration's policies, as well as an opportunity for the Department to take responsibility for its actions.

It is a pleasure to have Secretary Johnson here. This is the first opportunity for our Committee to question him publicly since the President's executive action on immigration announced in November.

Even though there is an injunction against the executive's actions, we can still get a good idea of what to expect from the enjoined programs based on the way the Department has implemented the DACA program. It appears, for example, that applications for deferred action are being rubber stamped, evidenced by the fact that criminals and gang members are receiving special benefit despite supposed policies against it.

Take, for example, the case of a DACA recipient in North Carolina, Emmanuel Rangel-Hernandez, who is accused of murdering four people. Last week, the Department admitted Rangel-Hernandez had received DACA, despite his gang membership which was known to adjudicators and despite being in deportation proceedings.

The Agency response indicated a lap—lapse in the processing of Rangel-Hernandez's application, however, it is not yet clear who ultimately made the decision to approve the application but we need to get to the bottom of it. We know that the Agency has terminated

282 DACA requests because of gang and/or criminal issues, so this appears to be a bigger problem.

This tragedy compels the question, what background checks are in place and are they adequate to ensure benefits are not being provided to those who pose a threat to homeland and public safety, and does this administration truly have a zero tolerance policy for granting immigration benefits to criminals and gang members, as suggested by the President?

The Committee will also want to hear from the Secretary about the proposed expansion of DACA and why the Department provided over 100,000 DACA work authorization extensions, despite assurances that lawyers gave the Federal court that it would not implement any aspect of the President's executive action until February 18, 2015.

Whether discussing the 2012 DACA program or the 2014 executive actions, there remain questions about the legality of the President's actions. There are also questions about how the Department will fund the program and whether legal immigrants will suffer due to the prioritization for benefits of people in the country illegally.

The Secretary must also answer as to why this administration is allowing people here illegally to be put on a path to citizenship, which is clearly a constitutional responsibility of Congress. This path to citizenship is afforded through the administration's use of advanced pro considering—encouraging DACA applicants to take advantage of.

This loophole will set a dangerous precedent that will allow lawbreakers to obtain the benefits of lawful, permanent residence and citizenship after showing a total disregard for American law. One thing seem to be very clear: there is little will or desire by the administration to enforce the laws on the books and back up agents in the field who swear to uphold the law.

The administration needs to answer for the release of criminal aliens into the community. In Fiscal Year 2013, the Department released from detention over 36,000 convicted criminal aliens in removal proceedings or after they had been ordered removed, and in 2014 it released 30,558 convicted criminal aliens. They had convictions ranging from homicide, sexual assault, kidnapping, to aggravated assault, to drunk driving.

According to ICE statistics, 56.8 percent of the 30,558 releases in 2014 were purely discretionary. The remainder were due to court mandates and the ability to obtain travel documents. Why did the administration release almost 60 percent of the criminals in their custody and what are they going to do about it? I expect the Secretary to address that today.

I expect the Secretary to also address the problems of the EB-5 immigrant investor program. Not only are these—there gaping holes that risk our national security, there are serious management problems that were highlighted by the Inspector General. The IG laid out how preferential treatment was granted to those well-connected.

It is very clear that the Secretary does not plan to hold the former Director, who now sits in the number-two post, accountable for his actions. Instead, it appears that the violations of ethical con-

duct will go unpunished, all while agents and adjudicators in the field are being reprimanded and threatened if they do not get to yes and follow the President's policies.

I would also like to hear Secretary Johnson's thoughts on combatting an array of national security issues that the country faces. The rise of ISIS, of course, presents a significant threat to the homeland. This past weekend it was reported that the Federal Government is actively investigating an ISIS plot to commit a terrorist attack inside the United States, perhaps by targeting uniformed personnel in California.

The Transportation Secretary and TSA alerted local law enforcement to be on the lookout and to increase security. Earlier this month, there were a number of arrests of American citizens for their involvement with ISIS. The Justice Department has also alleged that ISIS helped to train a man from Ohio. The man had traveled to Syria and was directed to return to the United States and commit a terrorist attack here.

Other individuals, including a Kansas man and two people in New York, were allegedly inspired by ISIS propaganda. Numerous other Americans have been arrested on the way to the airport as allegedly attempting to travel to ISIS.

The President has downplayed the threat posed by ISIS, but it reportedly has billions of dollars and controls significant territory and is executing innocent men, women and children across the Middle East, including Americans. This is obviously a threat that requires a serious and sustained response to keep our homeland safe.

Another threat I expect the Secretary to address is ever-increasing risk of cyber attacks. News reports are filled with shocking examples of the Federal Government's lack of preparedness against the threat. It was reported this past weekend that the President's unclassified email was hacked in late 2014.

Defense Secretary Kerr recently disclosed that earlier this year that Russian hackers accessed an unclassified Pentagon computer network. Moreover, a recent Government Accountability Office report found that DHS lacked a strategy for protecting government buildings and access control systems from intrusion by hackers.

Cyber security cannot be on the periphery of our national security strategy any longer. It has to be at the center. There are many issues to discussion today, and I thank the Secretary for being here.

I am told that Senator Leahy cannot come, and I am willing to call on anybody on that side of the aisle. Go ahead, Senator Schumer.

**OPENING STATEMENT OF HON. CHARLES E. SCHUMER, A U.S.
SENATOR FROM THE STATE OF NEW YORK**

Senator SCHUMER. Thank you for choosing me, among all the other choices, first. I appreciate that very much. [Laughter.]

I thank you, Mr. Chairman. Welcome, Secretary Johnson. Secretary, it is always a pleasure to see you and speak with you about the critical issues confronting our Nation. As a fellow New Yorker, I am proud of the work you have done since being confirmed. I think most Americans join me. You have done a great job.

I think I can speak for our friends on both sides of the aisle, you are always available, you are always candid, you ask the right questions, you give answers when we answer questions, so you are a credit to your Department and to the country. Your depth and breadth in counter-terrorism and defense issues has served the Department very well.

I want to tell you, you have a great staff. They hear from me constantly. New York is a center, a terrorist target. New York, we have all of the Sandy issues and defense issues, and your staff is fabulous. I thank you for that.

We all know that DHS is tasked with an enormous range of responsibilities, from guarding our borders and coastline to administering immigration, responding when disaster strikes, shielding the President, protecting our airports, securing the homeland. It is a huge job.

In my State, from New York to Buff—New York City to Buffalo and all along the northern border, the Department's work directly impacts our economy as well as our security. Whether it's the Peace Bridge in Buffalo, the JFK International Airport, Hurricane Sandy relief efforts, DHS's work is vital to New Yorkers and your dedicated civil servants who fill these responsibilities are essential.

Unfortunately, we had an appropriations battle where we fought from the beginning of the year and we emphasized time and time again that 90 percent of DHS personnel would be declared essential in the event of a Department-wide shut-down. That meant they would have to work without pay unless Congress got its act together.

It befuddled me how so many people could want to hold up DHS funding when you have so many vital issues at stake unrelated to immigration because the President would not do what it wanted. It was hostage-taking at its worst, and I am glad the Department did not shut down. I am relieved, too, that you were able to keep your hands on the helm during those difficult times.

I want to close by addressing two issues that my dear colleague Senator Grassley has addressed. First, is ISIS and terrorism. There are new terrorist threats. Believe me, as a New Yorker who lived through 9/11, knew people who died, I know that.

I would say this to my colleagues. With the new threats and the changing threats, we ought to be taking our hat off to the Secretary, his people, and all the people in the CIA, DoD, NSA who do an amazing job. It is not an accident that, praise God, we have not had a 9/11-like incident in America.

In fact, just about every—with the exception of Boston, which was unique. Just about every major terrorist incident has been thwarted ahead of time, as Senator Grassley talked about. That is not an accident. That is not an accident.

I think that the men and women who work for you, CIA, DOD, NSA and all the other agencies, FBI, deserve a tremendous amount of credit. They are wonderful. They are like our soldiers. They are wonderful civil servants. I have talked to so many of them who are truly dedicated to preventing, God forbid, another terrorist attack on our homeland. So I salute them, and certainly questions should be asked, but let us not forget to give a little praise where praise is due.

Second, on immigration. You know, I find it truly befuddling about my colleagues from the other side of the aisle. They cry out against a broken border. The bipartisan immigration bill passed. Senator McCain and myself, the Gang of 8, does more to tighten up the border than any proposal made by the other side. More than any.

We talk about a broken system but our colleagues are just happy to let the status quo go on, where employers are allowed to hire new illegals. Our bill stopped that with things taken from Jeff Session's book, E-Verify and things like that. We get a lot of complaints that the President is moving forward on immigration but we have no activity, no solutions from the other side of the aisle, only complaints. That is not governing.

They are in the Majority, they have a responsibility to start governing on this issue instead of just complaining when the administration, because of the paralysis in Congress on this issue, not caused by Democrats, blocks us from moving forward.

I would just say you will hear a lot of those complaints, but let us all bear in mind that this Senate, bipartisan, came together on a solution that dealt with border, dealt with illegals crossing the border, dealt with all of the issues we faced. It had overwhelming support in the country. A majority of Republicans supported the bill. But because of a hard right few, we have been unable to pass a bill. That should be constantly borne in mind as you will hear the criticisms that you will hear today.

With that, Mr. Chairman, I yield the floor.

Chairman GRASSLEY. Thank you.

Senator SCHUMER. I mean, the microphone. We are not on the floor.

Chairman GRASSLEY. Before I have you go ahead, stay seated, but I would like to have you affirm that the testimony you are about to give before the Committee will be the truth, the whole truth, and nothing but the truth, so help you God.

Secretary JOHNSON. I do, sir.

Chairman GRASSLEY. Thank you. Proceed.

**STATEMENT OF HON. JEH JOHNSON, SECRETARY, U.S.
DEPARTMENT OF HOMELAND SECURITY**

Secretary JOHNSON. Thank you, Mr. Chairman. I want to thank the members of the Committee for hearing me today. You have my prepared statement. Let me just say a few things in the 5-minutes that I have.

In my view, counter-terrorism needs to remain the cornerstone of the Department of Homeland Security's mission. It is the reason we were formed and it's the reason why I accepted service as the Secretary for this Department.

In my view, the global terrorist threat has evolved to a new phase. It is more complex, it is more decentralized. In many respects, it is harder to detect. There are more groups and we therefore need a whole-of-government approach to our counter-terrorism efforts that includes very much so the Department of Homeland Security. We have the phenomenon now of foreign fighters who leave their home countries, go to places like Iraq and Syria and return.

We need to track foreign fighters. We need to track foreign fighters from countries for which we do not require a visa. My staff is developing, as a follow-on to what we did last summer, greater security measures that can be taken with regard to travelers from those countries.

We continue to focus on aviation security. I want to build pre-clearance capability on the front end of a flight into the United States. We are working daily to do that. A lot of our efforts continue to center around airport security. We directed a number of things last week concerning airport security.

We are engaging State and local law enforcement, which in my view, given the nature of the homeland threat which involves the threat of the lone wolf, the independent actor—it's much more important that we work with city police departments, commissions—commissioners, State law enforcement as well.

We have our engagements in the community to counter violent extremism. I personally traveled to places like Minneapolis, Boston, Los Angeles, Chicago, Columbus, Ohio, to engage community leaders about countering violent extremism. I am pleased that the Congress is active in evaluating and voting on cyber security legislation. It is one of my top priorities and I'm happy to discuss that further.

We are doing a lot to enhance border security. We have added resources, stemming from last summer. We have prioritized those apprehended at the border. We have developed what I briefed to some of you, the Southern Border Campaign Strategy, which is a DHS-wide combined effort at border security on the southern border.

As I reported last week, our numbers of apprehensions on the Southern border midway through the Fiscal Year are down considerably from where they were this time last year, and even the year before that. Apprehensions are an indication of total attempts to cross the border illegally and they are down considerably, though I believe that there is more we can, and should, do.

As all of you know, the President and I are interested in reforming our immigration system. We announced a number of executive actions that include deferred action for parents, which is the subject of the litigation in Texas, but it includes a number of other things as well: added border security, the Southern Border Campaign Strategy, pay reform for immigration enforcement personnel, and so forth.

We are ending the controversial Secure Communities program, which led to a lot of resistance from State and local law enforcement in an effort to get at the criminals who should be removed from our country.

I am interested in enhancing public safety, I'm interested in getting at the criminals, and so we are working with mayors, Governors, county commissioners, sheriff's chiefs, to introduce them to our new Priority Enforcement Program so that they will work with us again in an effort to get at the criminals who should be removed from this country.

I am sure we will have an opportunity to discuss the EB-5 program. There are a number of security enhancements I would like to see for the EB-5 program. I wrote a letter to the Chairman and

the Ranking on that yesterday. We are doing a number of things to reform the way we manage the Department to make it a more effective and efficient place.

Last but not least, I want to thank the members of the Senate for helping us fill the vacancies in our Department. Over the last 16 months, we have had 12 Senate-confirmed Presidential appointments to the Department, including myself.

Our nominee for Under Secretary for Management Russ Deyo, was confirmed 2 weeks ago. I am very appreciative of the Senate for that. Our nominee to be the new TSA administrator should be announced shortly, perhaps even today.

I thank the Committee in advance for your time and attention, and I am interested in building a more effective and efficient Department of Homeland Security, and I appreciate the support in doing that.

[The prepared statement of Secretary Johnson appears as a submission for the record]

Chairman GRASSLEY. I'm going to start with a statement on Mr. Mayorkas that I don't expect you to respond to, but I want you to know exactly how I feel about it.

In the Inspector General report on Mr. Mayorkas and the EB-5 program, the Inspector General clearly laid out the evidence against Mayorkas. The report explains how he intervened on three particular cases, each of which had high-profile political connections. Despite the outrage, it seems to me that you have no intention of doing anything and plan to stick by Mr. Mayorkas, even though he provided preferential treatment and violated the very rules he wrote about ethical conduct.

It is no wonder that there is a morale problem at the Department. Employees see leadership getting away with violating the rules. Employees are given clear rules on preferential treatment and how to adjudicate EB-5, yet when the Director himself breaks those rules there's no recourse, and then what are employees to think about that?

The only defense that I have seen so far on the preferential treatment is the Agency gets pressure from Members of Congress and from both sides of the aisle. I think that that is comparing apples and oranges and it is no excuse. Members of Congress aren't in a position to effect final decisions like a Director.

Secretary Johnson, I think that it causes a loss of credibility with many people that work within the Department. It's a shame that there has been—it's been tolerated by you and others in the administration. That's that statement.

I'll go to my first question. I want to ask you about Mr. Rangel-Hernandez, a gang member that committed those murders I referred to. According to your April 17th response to me and Senator Tillis, Mr. Rangel-Hernandez's application should have gone through several layers of review, including by U.S. Citizenship and Immigration Services's Background Check Unit.

Because of his gang affiliation, the Department's headquarters should also have reviewed the case. Thus, the adjudicator would only be able to approve such an application after a sign-off from Washington leadership. There was obviously a lapse, but it's unclear who dropped the ball.

First question: why was Mr. Rangel-Hernandez approved for deferred action, despite his known gang ties? In other words, which office is responsible for approving the DACA applicant, and was it the adjudicator, the Background Check Unit, or U.S. CIS headquarters?

Secretary JOHNSON. Senator, the answer to the broader question is——

Chairman GRASSLEY. Microphone.

Secretary JOHNSON. The answer to the why question is simply, he should not have received DACA. I believe, on balance, DACA is a good program. I also believe that this case is a tragic case and this individual should not have received DACA. I cannot state that in stronger terms.

In reaction to that case, as I think you know, we have gone back and we have retrained the entire workforce that deals with these cases to make sure that they identify trouble signs, such as suspected membership in criminal gangs. If you're a member of a criminal gang, a known member of a criminal gang, you should not be receiving DACA, you should be considered a priority for removal.

We retrained the force and we've done a retrospective review of every DACA case, every DACA participant, to see whether there are any similar to this case. We've identified some and we continue to evaluate this to make sure that we have reduced situations like this to zero in the DACA program.

I'm interested in—I'm interested in deporting criminals, sir, and that's one of the reasons why we have engaged in things like Operation Cross-Check, which is interior enforcement. This was an operation conducted several weeks ago where we rounded up some 2,000 priorities for removal. So I am interested in getting at the criminals, sir.

Chairman GRASSLEY. Yes.

Secretary JOHNSON. This—this case is a tragic case and he should not have received DACA.

Chairman GRASSLEY. Do you know whether it was the adjudicator or the Background Check Unit or the U.S. CIS headquarters that made the mistake on Hernandez?

Secretary JOHNSON. I believe that the error occurred—and I don't have the facts in detail, but I believe the error occurred once he was referred to those who normally conduct the background checks. I do not know the name of that unit, but I believe the error occurred at that point.

Chairman GRASSLEY. OK. Then you just talked about a zero tolerance policy. I guess it would appear to me that you don't have a zero tolerance policy, and you just told me you do have. I guess in the future then we would expect things like this not to happen?

Secretary JOHNSON. In the future I am interested in deporting criminals, including those who've committed crimes who are in the DACA program. They are priorities for removal.

Chairman GRASSLEY. On April the 9th—and all this question is, is can I have a response by May the 1st. On April the 9th, I wrote you about another individual, I think it's pronounced Jose Buroquez, in the country illegally, an alleged DACA recipient that has been charged with suspicion of second-degree murder in

Tempe, Arizona. I have yet to receive a response. Could you see that I get a response to that?

Secretary JOHNSON. I will. I will undertake to provide you a prompt response, sir.

Chairman GRASSLEY. Thank you.

It is clear to me that the Department no longer seems to have a will to enforce immigration laws. I start with the statistics of interior removals, plummeting from 237,000 Fiscal Year 2009 to 102,000 Fiscal Year 2014. Saying that officers were reassigned from the interior to the border, I don't think—well, I guess I'd say a red herring. It doesn't explain why interior removals had already declined by 44 percent between 2009 and fiscal 2013, well above the surge.

What can the Committee expect with regard to removals in the interior? Will they continue to decline, showing a continued disregard for enforcement of the law?

Secretary JOHNSON. With the resources we have, sir, I'm interested in focusing on criminals and recent illegal arrivals at the border. We have prioritized criminals, we've prioritized those who came into this country after January 1, 2014, and we've prioritized those who were apprehended at the border.

That is one of the reasons why we have a new Priority Enforcement Program where we want to work with law enforcement to get at those who are behind bars. It's one of the reasons why we have developed Operation Cross-Check, greater interior enforcement against criminals. I'm interested in going after the criminals.

One of the reasons I believe that the removal numbers are down this year, and we are in the middle of the fiscal year, is because lower apprehensions, so there's lower intake—lower apprehensions, as I referred to in my opening remarks. There are fewer people attempting to cross the Southern border and there are fewer people apprehended.

The other reason, frankly, is because of all of the resistance that we were receiving in State and local law enforcement to the Security Communities Program. Something like 239 jurisdiction were resisting cooperating with us in our enforcement activities, so we've developed a new program that I believe removes the political and legal controversy with the old program.

I am now personally engaging in conversations with mayors, Governors, about the new program so that we can work together again at interior enforcement against criminals, those who represent public safety.

I also believe, sir, that one of the reasons the numbers are not as high as they used to be when it comes to removals is because of the changing character of the migrants. They are increasingly from non-contiguous countries and the process of a removal of someone from a non-contiguous country is more time-consuming. You see greater claims for humanitarian relief, for asylum, so it's not as simple as just sending somebody back across the border.

Chairman GRASSLEY. Senator Klobuchar.

Senator KLOBUCHAR. All right. Thank you very much, Senator Grassley. Thank you so much, Mr. Secretary. I think we've talked about this in the last week and you are very aware of what's hap-

pened in Minnesota, where six men from the Twin Cities area were arrested for plotting to travel to the Middle East to fight for ISIS.

Our U.S. Attorney there, as you know, is doing a good job, as are our law enforcement officers on the Federal level, your people. I think you also know that one of the reasons we're able to make these cases is because of the relationship that law enforcement has built over the years with the Somali community, of which we are very proud, and been able to get information and been able to bring these cases. I think that gets forgotten sometimes.

Part of this is the effort that the—you mentioned you were coming to Minnesota—I was with you then—the idea of fighting extremism and the pilot program that is going on in Minnesota. I would hope that this is a long-term priority of the Department of Homeland Security.

One of the concerns that we have about the current state of the program is that the grant programs that support the extremism initiatives are not sufficiently focused on helping the programs in the pilot cities. You mentioned the pilot cities.

I was wondering if we can get some more funding, to be so blunt, given that we have shown we are actually having these problems? This pilot has been recognized. We did just get \$100,000 from the Justice Department, but it's kind of hard to add to everything else we're doing with the prosecutions, and that's what we're trying to pursue in the Twin Cities right now.

Secretary JOHNSON. Senator, I agree wholeheartedly that our so-called CVE engagements are fundamental to our overall Homeland Security counter-terrorism efforts, which is why I am spending a lot of my personal time doing it myself. As you know, I came to Minneapolis some months ago.

I think it is important that we engage communities, community leaders, the Islamic community in this country, and I believe that through the good works of people like U.S. Attorney Andy Luger there's been a lot of progress made in building trust between community leaders, family members, and law enforcement, even Federal law enforcement.

When I go to these communities myself, I recognize it's an exercise in building trust. They want to talk to me about profiling at the airports or some of their issues with how we enforce our immigration laws, and I want to listen, I want to learn from those experiences, but then I always have an ask, as you know, which is that it's everybody's homeland security, it's your public safety, it's your homeland security. Help us with public safety.

Senator KLOBUCHAR. OK. I'll—we can—I want to move on to something else, but I do, again, want to put that pitch in. In the past when I was in law enforcement and pilot programs were set up, it usually came with some kind of funding that would support the kinds of goals of the program.

Secretary JOHNSON. Yes.

Senator KLOBUCHAR. I think that's very important if we want to show that this works.

The second thing on U.S. Customs and Border Protection. As you know, one of their key responsibilities is enforcing our trade laws, including the antidumping and countervailing duty orders. Particularly important in the Iron Range in Minnesota, we have had 1,100

workers laid off. This is true to my heart, this is where my grandpa worked, where my dad grew up. My grandpa worked 1,500 feet underground in the mines his whole life.

It appears that we could be doing more, just based on talking to the White House, talking to people with various Departments, with U.S. Customs to be checking these shipments when they come on our shore. If they're filled with illegal steel products, why can't we see it and call it as it is?

I think that sends just as strong a message as changing statutes, which is very important, to make it easier to bring these cases. I'd like to stop these things from getting on our land to begin with if they're not supposed to be there. Could you talk about the efforts that are going on with that right now?

Secretary JOHNSON. Part of—part of what our mission is, is promoting lawful trade and travel and combatting Customs fraud, illegal dumping, as you referred to it, and so our CBP personnel, as well as ICE Homeland Security Investigations, are spending a lot of time dealing with fraud in connection with our imports, exports, false statements, counterfeit items.

I think HSI in particular does a pretty good job when it comes to tracking inappropriate, illegal shipments of things, and we're also focused, frankly, on promoting lawful trade and travel and we've had record numbers of imports, inspections last year in that regard but our efforts need to be focused on—on the items you referred to as well.

Senator KLOBUCHAR. Right. We're going to be pursuing this as we move along in the next month or so. But to me this could get a lot of bang for the buck if we did a better job enforcing the laws right when the shipments come in, and it just seems to me it's pretty easy to find a bunch of steel rebar when we're able to find drugs and smaller containers of things. If you've got a whole shipment of steel, there's got to be a way to see it and track it and figure it out. I think it would be a very smart way of enforcing these laws.

The last thing I wanted to ask about was the U visas for victims of domestic violence and trafficking. I know you're supporting of comprehensive immigration reform, and we worked on this as part of the bill that passed the Senate.

On the first day of the fiscal year, U.S. CIS filled its limit of 10,000 visas. The Vermont Service Center, as an example, is now processing U visa applications filed in March 2014 that will not leave the waiting list until Fiscal Year 2018. What are the ramifications of running out of these victim visas so early?

Secretary JOHNSON. The ramifications, if demand exceeds supply, obviously, is that a lot of people worthy of U visas don't get them. I appreciate the efforts that were undertaken in the comprehensive Senate bill to address this issue and I hope we can re-address it at some point.

Senator KLOBUCHAR. Yes. Again, I know this isn't your issue from a policy standpoint because you're supportive, but I think it's important for my colleagues to know that, in my experience as a prosecutor, was that people would deliberately prey on people and then tell them to shut up after they raped them because they were going to report them, and that's why this U visa program has been

so successful to get people to come forward who are victims who have documentation issues.

I'm hoping that we will be able to resolve this going forward when we do pass some kind of comprehensive immigration reform bill. I think people have to know the nationwide numbers and what's happening, so thank you, Mr. Secretary, for your work.

Chairman GRASSLEY. Thank you, Senator Klobuchar.

Senator SESSIONS.

Thank you, Mr. Chairman, and thank you for your leadership. Secretary, good to have you with us.

First of all, on the comprehensive immigration bill, it was not supported by the people and over a 10-year period the number of green cards would increase from, lawfully then, 10 million people getting permanent residence, to 30 million people getting permanent residence.

As to the enforcement situation, Senator Grassley offered a bill that said, well, we want to see the border secure for 6 months before the amnesty occurs. That was rejected by the Democrat Majority in the Senate.

Senator Cornyn had a bill that called for a commission to certify and improve the border situation using Governors and others. That was rejected and so that's part of the reason we had such a difficult time.

Secretary Johnson, I believe Senator Grassley is correct to say that we see a lack of will in your Department before you took the office and from the President, frankly, on down.

He mentioned interior enforcement, 40 percent of the people here unlawfully today came lawfully and refused to leave on time. We have no real ability to deal with that and have not taken steps required by law to deal with that.

The first day the President took office, he stopped work site inspections and basically threatened agents never again to do that. He canceled and effectively ended the 287-G program that welcomes State officers to be trained by the Federal officers to help them improve their situations and their ability to help.

Sanctuary cities continue unabated. They don't even honor your detainers. Won't even honor your detainers, and we need to—why we would not push back against that utilizing financial incentives, I don't know. Operation Streamline, that worked in a number of border-sick sectors, has been cut back dramatically, if not ended. True interior removals are much lower than they have been.

The President's push for amnesty, his continual discussion of it, is promise of amnesty and he's actually carrying out executive amnesty after Congress refused, has increased immigration unlawfully into the country. We have continued to allow foreign countries to refuse to accept back people that we are trying to deport. If they don't accept that, then they should have other members, other citizens admitted here.

Morale in your Department is the lowest in the government. Indeed, they even filed a lawsuit against your predecessor because the Department was blocking them from carrying out plain law. Deportations are down 41 percent over 3 years, 25 percent over last year; 160,000 criminal aliens are on the streets.

You've announced a program to fly people from Central American countries who apply for refugee and parole status in those countries to the United States of America at the expense of the U.S. taxpayers. All this has led, I believe, millions to conclude if they come here illegally they'll be successful.

We've got to change that fundamentally. If you do that, I believe we can make progress. In fact, I would note that you've gotten a good bit more resources, although Border Patrol numbers are beginning to slip again.

In Fiscal Year 2006, before the first big battle over amnesty occurred, there were 12,000 agents, now there are 2,100 agents, although they've declined for the last 3 years, Border Patrol agents. I don't—just can't say, Mr. Secretary, that you have led, and the President and your predecessors, have led effectively, demonstrating a will to do what the American people want, which is a lawful system of immigration that serves the national interest, one that we can be proud of.

We are not there yet and you need to do more, and you can do more with the resources you have. If you need more resources and legal changes, please let us know and I think Congress will respond.

Let me ask you this, just some fundamental questions. How many aliens with final orders of removal are currently in the United States and have not been removed?

Secretary JOHNSON. I don't have the number sitting here right now. I'm sure it is a large number, by your measure and mine. It's an unacceptable number, but I know that there is a huge backlog in our immigration enforcement efforts.

We need to prioritize those, in my judgment, who are public safety threats in this tremendous backlog and those who have come to this country illegal recently, which is why, in the new priorities, we have put an emphasis on those who arrived here after January 1, 2014. So going forward—priority.

Senator SESSIONS. Going forward, with regard to your priority, I understand you need to prioritize. I can understand that. A priority can become, in itself, an amnesty. A priority can say huge numbers of people are not going to be deported. What I hear you saying, and I think others could hear you say, that if you don't commit a serious crime you're OK, you're not going to be deported.

Let me ask you this. According to the Border Patrol statistics in Fiscal Year 2014, 479,00 individuals were apprehended at the Southwest border.

Secretary JOHNSON. Yes.

Senator SESSIONS. How many of those remain currently in the United States?

Secretary JOHNSON. A lot have been removed, a lot were sent back on an expedited basis last year. But as I said a moment ago, a number of those are from non-contiguous countries and they've asserted claims and been granted relief.

Senator SESSIONS. That isn't a problem. I think we need to help you pass laws that would make that easier. How many of those—easier to remove. How many of those are actually here, having been released on bail, have not been deported, and have gone someplace throughout the country? Do you not have the numbers?

Secretary JOHNSON. Let me say two things. One, when we had the spike last summer in the Rio Grande Valley, we expedited the return flights to Central America, we reduced the turn-around time from something like 30 days down to 4 days, and we surge—surge resources. We turned them around quicker and we've kept the resources on the Southern border so that——

Senator SESSIONS. I'm going to submit a written question. My time is up.

Secretary JOHNSON [continuing]. The numbers remain low.

Senator SESSIONS. I'll submit a written question, but I think you need to be able to tell us how many of those have actually not been deported but have successfully entered the country through that illegal process.

Secretary JOHNSON. Senator, that's a knowable number and I'm happy to provide it to you, I just don't have it sitting here.

Senator SESSIONS. Thank you.

Chairman GRASSLEY. Thank you.

Senator Durbin.

Senator DURBIN. Secretary Johnson, thanks for your leadership at the Department of Homeland Security. You have a tough job. Unfortunately, Congress has not made it any easier for you. My friend and colleague from Alabama said what America wants is a lawful system of immigration. Couldn't agree with him more. Lawful. That suggests that Congress should pass a law. Well, wouldn't that be novel?

We did pass a law in the Senate, 68:32, the Comprehensive Immigration Reform Act. The House of Representatives refused to call it up, or anything since. If we're going to have a lawful system of immigration, perhaps we should have a law from Congress, which has been opposed by most of the critics that you're hearing today.

What the President has tried to do is to step in with a broken immigration system and make it better. I don't know how anyone can argue that we are a more secure homeland if we don't know who's living here. What the President has said is that if you are a young person brought here through no fault of your own and have grown up in this country, through DACA, we'll give you a chance on a temporary, renewable basis to submit yourself to a criminal background check and to live in America without fear of deportation. Temporary, renewable process, criminal background check. Seems to me that's not only fair, but makes our country more secure.

When Congress failed to pass a comprehensive immigration law, the President said, of the 10 or 11 million undocumented in this country, we are better off as a Nation to know who they are, where they live, that they've submitted themselves to a criminal background check, and that they're going to pay their taxes while we're here.

I think most Americans would agree that makes us a more secure Nation, but there are people who just loathe this notion that the President would use his power as an executive, as other Presidents before him, to try to make this a more secure Nation.

I have a special interest in DACA, introduced the Dream Act 14 years ago, hearings in this Committee, called before Congress as

part of comprehensive immigration, passed, but sadly the House of Representatives refused to even consider the issue.

I'm concerned of reports that say that more than 11,000 Dreamers who applied to renew DACA in a timely manner have lost their status because of delays in processing at your Agency, through no fault of their own.

Can you tell me what the status is on applications for renewal on DACA, Mr. Secretary?

Secretary JOHNSON. Yes, sir. We, as I'm sure you know, encourage DACA participants, if they're renewing, to do that months in advance of when their current authorization expires. You're correct that a number were not issued their work authorizations in time. I think you're right that the number's about 11,000. Most who renewed, renewed timely and were able to get their work authorizations on time.

I also know from the Director of CIS that we've set up a hot-line, so to speak, for expedited treatment if somebody is facing the lapse of their work authorization and they haven't got a new one in time.

If that process is utilized, we will do our best to try to turn that around in a timely manner, making sure that we've appropriately assessed the renewal application. I do know there is an expedited route to get a work authorization for lapses if people know about it and they take advantage of it.

Senator DURBIN. I thank you for that. As you might imagine, I joined a number of Senators encouraging the President to create the DACA program. My understanding is, some 600,000 have successfully applied for that protective status on a temporary, renewable basis and submitted themselves to criminal background checks. I've met many of them and they're getting on with their lives and on the path to making a great contribution to this country.

It would certainly be helpful, with our broken immigration system, if Congress stepped up to its responsibility too and that we did something to enact the law, which would make us a more secure Nation.

When it comes to our border, we not only have invested more resources in protecting the border of the United States with Mexico than ever in our history, it's one of the largest Federal law enforcement agencies that we have in this country. The comprehensive immigration reform, which many on the other side voted against, would have dramatically increased that technology and manpower to protect the border.

In your opening statement you talked about a decline in apprehensions at the border. Could you repeat that for the record and suggest what that says about what we're doing at our border?

Secretary JOHNSON. I think we have invest—well, I believe that our investment in border security over the last 10, 15 years is showing results. We have more people, more technology on the Southern border in particular now than in the history of this Nation and I think that it is showing results.

In the year 2000, there were 1.6 million apprehensions on the Southern border. That number in recent years has ranged somewhere between 350,000 to, as Senator Sessions noted, 479,000 last

year. That increase last year was due, almost majority, to the spike in the Rio Grande Valley sector.

I expect that the number will be down considerably from 479,000. Longer term, our investment in border security is showing good results. I believe that the downturn in the numbers is due to that. I believe it's due to the fact that we got the word out in Central America that there are no promisos, like the Coyotes were spinning last summer.

You can see our public awareness campaigns posted at bus stops in Guatemala City, for example. I believe that our law enforcement efforts against the smugglers are showing good results. All of this is in the face of an improving economy in this country.

Normally, illegal migration is tied to the economic conditions in this country. We have an improving economy, so the pull factors are there. We are seeing a pretty marked decrease in apprehensions this fiscal year. I looked at the April numbers this morning and the April numbers are pretty much consistent with the March numbers.

Senator DURBIN. I just have a few seconds.

Secretary JOHNSON. Sure.

Senator DURBIN. I want to close by saying that I believe that when we are judged in the course of history on an international basis the world will point to the humanitarian crisis in Syria and ask every civilized nation on earth, what did you do? Some nations have made an extraordinary sacrifice. Turkey, Lebanon and Jordan have accepted huge numbers of refugees and we've helped pay for their care.

The United States, in the last 4 years, has accepted 700 refugees from Syria. We can do more. We should do more. I hope that there is an effort afoot in your Agency to find ways to safely, safely bring in those refugees who are no threat to the United States, but represent a true humanitarian challenge to our country.

Chairman GRASSLEY. Thank you, Senator Durbin.

Senator CRUZ.

Senator CRUZ. Thank you, Mr. Chairman. Mr. Secretary, thank you for joining us today. Thank you for your service.

I'd like to address two different topics. I want to start with an issue you raised, which is ISIS and foreign fighters. To the best of DHS's knowledge, about how many Americans have traveled abroad to join up with ISIS?

Secretary JOHNSON. Senator, the way I—the way we calculate that is, there are approximately—and this is the last time I looked. It could be a little higher now—180 individuals who have left to join the conflict in Syria and Iraq, or attempted to leave. That number, as I said, is probably a little higher by now but that's the number we've said publicly and I think that that's a fairly accurate number. There's an unknown factor, clearly, sir.

Senator CRUZ. On the order of magnitude, 180 is a good approximation?

Secretary JOHNSON. The last time I—the last time I saw a number it was about that, but it's probably higher by now.

Senator CRUZ. Chairman Grassley and I have joined together in introducing legislation, the Expatriot Terrorist Act, that provides that an American citizen who travels abroad and joins ISIS and

joins up with a foreign terrorist organization has in so doing constructively forfeited his or her American citizenship.

There is existing legislation on the book that provides for other grounds for forfeiting your citizenship, [Video had stopped] but right now joining a foreign terrorist organization is not one of those.

In your judgment, would it be beneficial to have additional tools to prevent U.S. citizens from using American passports to come back to this country and potentially wage jihad and attempt to murder American citizens here at home?

Secretary JOHNSON. Senator, I don't know that stripping somebody of their American citizenship is—is the most effective tool. I do believe that we need to enhance our efforts to interdict those who are attempting [Video started up again] to leave the country and prosecute them for material support or deny them boarding, or deny them boarding on the return flight or in some way investigate and apprehend them before they can get on the flight or once they return.

We have spent a lot of time with our counter-terrorism partners overseas and within the Department of Homeland Security at better efforts to detect those who are engaging in travel to Iraq and Syria, including broken travel. We spend a lot of time in DHS and with law enforcement doing exactly that.

Senator CRUZ. Although I guess the track record of apprehending people when they're coming back is not what it should be, if I recall correctly. The elder Tsarnaev brother who carried out the Boston bombing, when he came back to America, his return and his travel was not flagged, although it was supposed to be. Is that correct?

Secretary JOHNSON. Very clearly, there were some lessons learned from that case and we have done, I believe, a better job at connecting the dots in reaction to that case.

Senator CRUZ. Let's shift to a different topic, which is the enforcement of the border. I am very concerned by the lack of enforcement at the border, the lack of enforcement of our immigration laws, and I'm very concerned on multiple levels: No. 1, from the perspective of national security and dangerous illegal immigrants being allowed to come into this country, and No. 2, from the perspective of this administration not enforcing the law.

Last week the Washington Times ran an article, the headline of which was, "Illegal Immigrant Deportations Plummet As Amnesty Hampers Removal Efforts", and it described that this year, deportations have fallen by another 25 percent this year, and indeed overall, deportations of those who are here illegally are down 41 percent from 3 years ago.

Indeed, the article goes on to say, "And the drop began almost exactly at the beginning of President Obama's illegal amnesty". Mr. Secretary, how do you explain a 41 percent drop in removals of aliens here illegally?

Secretary JOHNSON. A couple of things, sir. One, the apprehensions are, in fact, lower on the southern border so the intake is lower, this Fiscal Year in particular. Two, Secure Communities. Secure Communities was a controversial program that led to the enactment of restrictions, prohibitions, on cooperating with our immigration enforcement personnel in a number of different State and

local municipalities, so forth. Secure Communities was becoming so controversial that mayors, governors were passing laws, ordinances that prevented cooperating with us in our enforcement efforts.

We have ended the Secure Communities program, as I mentioned, and put in its place a new program that I believe will promote enforcement so that we can get at the criminals. Secure Communities, in my judgment, is one of the reasons why we are seeing those lower numbers, along with a few other things, sir.

Senator CRUZ. Mr. Secretary, you stated your interest just a moment ago at getting at the criminals.

Secretary JOHNSON. Yes.

Senator CRUZ. Which I guess is very much the same as the President's purported justification for his illegal amnesty program, that it would allow the focus of prosecutorial resources on violent criminals. It strikes me there's a fairly serious problem with that argument, which is namely that the Department is not focusing its resources on violent criminals.

Indeed, the number of criminal aliens deported from the interior has declined 23 percent since last year, and declined 39 percent since the peak in 2011. When it comes to violent criminals, the Department is not stepping up its efforts.

Indeed, if you look to 2013, in 2013 the Department released 36,007 criminal aliens with serious convictions. That included 116 with convictions for homicide, 43 with convictions for negligent manslaughter, 14 with convictions for voluntary manslaughter, one with a conviction for something I classified as "homicide—willful kill public official gun" and that individual was released.

In addition to that, we had 15,635 criminal aliens who had been convicted of drunk driving that were released back into the population; 2,691 who had convictions for assault that were released into the population.

Why is the Department releasing so many criminal aliens? Second, can you tell this Committee, in the six and a half years of the Obama administration's tenure, just how many criminal aliens have been released, how many murderers, how many rapists, how many people who have been convicted of violent assault have been released into the population?

Secretary JOHNSON. Yes. As you pointed out, Senator, in FY13 there were about 36,000 individuals convicted of a crime who, once in our immigration system, were bonded out. That number declined to about 30,000 in FY14, but in my judgment that number is still too high.

In reaction to this situation I directed that we do a number of things differently, including elevating the approval for a circumstance where somebody who has been convicted of a crime is released from immigration detention. It is the case that some of these cases are due to releases by immigration judges or by the Supreme Court jurisprudence in *Zavado v. Davis*.

I do think we could do a better job, which is why I've directed we elevate the approval level for that and that we no longer release people for lack of space. That was an issue in FY13, especially when we were dealing with sequestration.

We had a situation where we released a lot of people because we were concerned we didn't have the space, and I've directed that

should not be an excuse for releasing somebody. We should find the space. This is a problem I recognize exists, and I'm interested in promoting public safety and that's why I've directed these changes, sir.

Senator CRUZ. Thank you, Mr. Secretary. I'll follow-up with a written request for the information I asked for.

Secretary JOHNSON. Thank you.

Senator CRUZ. Thank you.

Chairman GRASSLEY. Senator Franken.

Senator FRANKEN. Thank you, Mr. Chairman. Before I begin this morning, I think it's important to acknowledge the events taking place in Baltimore right now. My heart goes out to the family of Freddie Gray and to the city of Baltimore.

I understand that the events surrounding the death of Mr. Gray are now the subject of an independent investigation and I believe that a full and thorough accounting of the facts is a necessary first step in helping to restore trust between police officers and the community.

As we wait for the results of that investigation, as we all work together to secure justice for Mr. Gray and his family, I join Mr. Gray's family in urging all the protestors, or those who do protest, to do so peacefully.

Secretary Johnson, cooperation between law enforcement officers and the communities they serve remains the focus of national attention. It seems that everyone agrees that racial and ethnic profiling undermines trust in the authorities. That causes resentment among the targeted groups.

I was pleased to see former Attorney General Holder's—I've got to start saying that now—revisit DOJ's policies on profiling and extend the ban on profiling to cover gender, religion, sexual orientation, and gender identity.

I think this is a step in the right direction, but these new guidelines do not apply to the TSA, Customs and Border Protection, which are DHS agencies. These agencies are still permitted to use profiling when screening airline passengers and individuals crossing borders.

I understand that it is challenging to ensure public safety while simultaneously building trust with communities who have experienced profiling. Minnesota, as you know, has a large community of Somali Minnesotans, Somali-Americans, for example, and I want to thank you for traveling to Minneapolis last year and meeting with members of the Cedar Riverside community to hear their concerns.

I continue to hear from members of the community who report that they experience profiling, who are singled out for additional screening and questioning at the Minneapolis-St. Paul Airport so routinely that they prefer to drive to Chicago, over 400 miles away, rather than fly out of their hometown. Instead of fostering respect and cooperation, I worry that our current practices are nurturing fear and resentment.

I'd like to know what steps, in your view, DHS can take to ensure that we do a better job of protecting our security while simultaneously respecting the dignities of those that are new to our communities.

Secretary JOHNSON. Thank you for that question, Senator. First of all, we looked pretty hard at whether we could sign on to the DOJ non-profiling policy last year, or earlier this year. We found that, given our different missions, that policy, which was intended for law enforcement, didn't quite fit as we have, as you pointed out, aviation security, border security.

Senator FRANKEN. I understand.

Secretary JOHNSON. Administration of our immigration laws. There is a general rule that we should not engage in racial profiling. That is still the case. That was the case before, that's the case now. Nationality, given the nature of our mission, is taken into account, for example.

I've heard, just as you have heard from the Somali community in Minneapolis, that because of the profiling that they perceive occurs at the Minneapolis Airport, they prefer to go to Chicago. I've heard the exact same thing. I asked TSA to undertake an evaluation and a study of that. They have come back to those in the community to address the concerns. I think it, frankly, continues to be a work in progress. TSA knows my view, that we should not profile at airports and we should not make it the case that somebody would prefer to go to Chicago versus Minneapolis, their own airport.

We've had, I think, some productive conversations with the community along these lines, but I think it also probably continues to be a work in progress and it's something that's on my radar personally.

Senator FRANKEN. Thank you for that response.

I understand that last night a court issued a decision that needs to be evaluated regarding families in immigration detention facilities, but I'd like to talk about that issue, nonetheless.

In the past few years, the Department of Homeland Security has significantly increased its use of family detention centers, at an annual cost of nearly \$2 billion. Family detention centers often separate parents from their children. Their recent expansion has led to complaints of poor conditions, inadequate services, and physical dangers for those detained.

Such allegations would suggest that family detention centers pose long-term developmental challenges for immigrant children and families. What is your view of the current family detention system? Should the use of family detention facilities be expanded or reduced in the future?

Secretary JOHNSON. Before we encountered the situation we had in the Rio Grande Valley last summer, we had, among the 34,000 beds for immigration detention, only 95 for family units, for members of families. In the face of what we were dealing with last summer, which included a lot of families, we expanded our detention space beyond 95 and we've opened several new facilities which I believe are important to maintain.

I have personally visited several of them to ensure myself that the conditions of confinement are appropriate. I know that the very purpose of family unit space is to keep families together so that you're not sending the parent in one direction and a child in another. The very purpose of it is to keep the families together. As

you point out, there's a case or two involving family detention, one in California and one in Washington, DC.

As recently as yesterday and Friday, I have—and I continue to evaluate whether our current policy is the appropriate one for family units. I'm hearing a fair amount about issues with family detention, and so I'm currently evaluating whether the current policy is the best one. I'm pleased that the numbers of family units crossing our border illegally is down considerably from last year, and I want to continue to evaluate it and make sure we're getting it right because I hear the issues being raised by a number of people.

Senator FRANKEN. Thank you. I'll ask further questions for the record, or I'll submit them, rather.

Chairman GRASSLEY. Senator Cornyn.

Senator CORNYN. Good morning, Secretary Johnson. The Chairman said you have a very difficult job, and I think that's an understatement. Notwithstanding the difficulties of the job either that you have or that we have, all of us must be held accountable for the way we discharge our responsibilities. That's what this hearing is about.

It's particularly difficult to be effective when the administration continues to sabotage its own efforts by embracing unconstitutional policies like the President's executive action. Twenty-two times, the President of the United States said he didn't have the authority to do what he did, and now we have, of course, as you know, an injunction, a preliminary injunction in place, issued by a Federal District judge in Brownsville. Obviously the stay is on appeal to the Fifth Circuit.

I'd like to just refresh your memory, and ours, what the court said when it issued the preliminary injunction. It said, "This court finds that DAPA"—that's the name given to the program, the executive action. "The court finds that DAPA does not simply constitute inadequate enforcement, it is an announced program of non-enforcement of the laws that contradicts Congress's statutory goals. DAPA does not represent mere inadequacy, it is complete abdication."

The Department of Homeland Security has discretion in the manner in which it chooses to fulfill the expressed will of Congress. It cannot, however, enact a program whereby it not only ignores the dictates of Congress, but actually acts to thwart them."

The court went on further and said, "The Department of Homeland Security Secretary is not rewriting the laws, he is creating them from scratch."

Finally, Judge Hanen said, "The Department of Homeland Security does not seek compliance with Federal law in any form, but instead establishes a pathway for non-compliance and completely abandons entire sections of this country's immigration law." Close quote.

I know you disagree with Judge Hanen, and the courts will finally decide the propriety of his judgment. And of course, this is going to take some time, I would imagine, given the fact that he's only issued a preliminary injunction and the trial on the merits still remains. This could go back and forth to the U.S. Supreme Court a couple of times before it's over with.

But to me, beyond the unconstitutional act by the administration in issuing this executive action, I agree with Judge Hanen's characterization, that won't surprise you. I think perhaps the larger tragedy is that the President has poisoned the well in Congress and destroyed any trust whatsoever between the executive branch and the Congress when it comes to fixing our broken immigration system.

I know our friends who were on the Gang of 8, Senator Schumer, Senator Durbin, said they have an answer. If the House would simply just swallow whole hog the Gang of 8 bill, all the problems would go away. The Constitution gives the House authority to agree or not agree.

One thing I think we should have learned from this whole exercise is that comprehensive immigration reform does not work. That's what I've learned in the last 10 years, working to try to fix our broken immigration system. We need to do what we can where we can, and I still have not given up hope that we can do that.

I will say the President's executive action poisoned the well and made the congressional branch, the legislative branch, so distrustful of the President's actions that it's going to be very, very hard—much harder—than if the President had not undertaken this action.

I'd like to ask you, do you regret the actions that you and the administration have taken that have gotten us to this point?

Secretary JOHNSON. No, I do not, Senator. I believe that the undocumented population in this country, which at least half of which has been here more than 10 years, has to be reckoned with. We know they're here and they are not priorities for removal.

I would note that in two places, Judge Hanen's opinion refers to the fact that the Secretary has—he acknowledges—has the authority and the discretion to engage in prosecutorial discretion, prioritize who we should remove and who we should not.

There are millions of people in this country who are not priorities for removal. There are dozens of States that allow them to have driver's licenses. There's one State that says that an undocumented immigrant has the right to practice law. In my judgment we have to deal with this population. You refer to the fact that the President supposedly poisoned the well. We took the action we took after waiting literally for years for Congress to act. So—

Senator CORNYN. Do you think it's an excuse for the President to act unconstitutional because the Congress doesn't act quickly enough to suit him?

Secretary JOHNSON. I have what is in my judgment as a lawyer a very, very thoughtful opinion from the Office of Legal Counsel that we have the legal discretion to do what we did. Unfortunately, Judge Hanen disagrees, but the case is on appeal now.

Senator CORNYN. My guess is that it's going to take literally long past the time that President Obama leaves office before this matter is finally resolved by the courts, which means that not only has the President poisoned the well for any meaningful reform of our broken immigration laws during the duration of his presidency, but it also will endure beyond his presidency.

I'd like to ask you, in the short time remaining, you have said on numerous occasions that we have good results in terms of the number of people being detained at the border, last year, 479,000.

Don't you think it's a little premature to be declaring victory when it comes to border security?

Let me ask you as well, I've always found it strange that we count success when the number of people actually detained goes down because it strikes me that it's an equal inference that you may be doing a better job. The truth is, you may not be doing as good a job and fewer people are being detained, yet you believe that that represents a victory and the problem's taken care of.

Secretary JOHNSON. Senator—Senator, I'm very definitely not declaring victory when it comes to border security. In virtually every statement I issue, like the one last week, I say, here are the numbers, but we are not declaring mission accomplished. I refer to what more I believe we can do to strengthen border security, and that is reflected in our FY16 budget submission.

Senator CORNYN. Mr. Chairman, if I could just close on this. We didn't have the time yet, but 57 percent of the children who were—came across in the wave—the humanitarian crisis last year were issued orders of removal in absentia, which means they did not show up for their court hearings, which to me means that they basically successfully navigated our broken immigration system and they're going to stay here. That's a problem we still haven't fixed and we still need to address. Thank you.

Chairman GRASSLEY. Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman, and thank you for having this hearing. Thank you for your service to our Nation, Mr. Secretary.

I am very pleased to learn that the Department is reevaluating its family detention policy. As you well know, Judge Boseburg's opinion, in my view at least, requires it. Also, many have objected to family detention policies, including myself.

I'd like to work with you in devising and implementing better policies. I think that these policies cannot only provide for more humane and productive treatment of young people when they come here, but also continue to have the effect of perhaps providing for fewer people actually crossing the borders and that's been the result, I think, of some of the conscious decisionmaking and policy-making that the policy—that the Department has adopted.

I'd like to ask you, what specific measures and steps you contemplate in revising the family detention policies?

Secretary JOHNSON. The family detention issue is under review in litigation in Washington, DC. There was an injunction issued there with respect to a class of people who have made credible fear claims. The issue in the case is whether somebody can be held as a deterrent to mass migration. We're looking at that case. We have a pending Motion for Reconsideration in the case, but I'm continually evaluating whether such a policy is necessary in the current climate.

There is another case in California right now where the judge has given us 30 days to try to find an appropriate settlement, and so I'm working with the lawyers beginning this week on responding to the judge's request.

Overall, I think it's important for people to know that I'm sensitive to family detention. I have personally visited Artesia and Dilley, to satisfy myself that what we're doing is the appropriate

course. I believe that our expanded detention capability, in the face of last year's situation, was the right thing to do and I believe that it had an influence on our overall efforts.

I think that overall we need to maintain this capability, but I want—I want to continually evaluate and reevaluate the policy because I hear the concerns raised by you and others, sir.

Senator BLUMENTHAL. Maintaining the capability is expensive, isn't it?

Secretary JOHNSON. Yes, it is.

Senator BLUMENTHAL. Detaining whole families can be a lot less humane and productive than adopting other policies. Am I right?

Secretary JOHNSON. Detaining whole families is indeed expensive. It is a notable item in our FY16 budget request and it can be a challenge. I believe that the capability is important to our overall border security efforts, but I want to make sure we have the policy right.

Senator BLUMENTHAL. Let me ask you about access to legal services. Is it the policy of the Department to permit and enable lawyers to visit those facilities where folks are detained?

Secretary JOHNSON. Yes. Yes.

Senator BLUMENTHAL. In terms of providing counsel where private attorneys can't do so, has the Department provided that kind of resource?

Secretary JOHNSON. We do not, in immigration cases of this nature, provide—provide counsel if one cannot be provided. We do not guarantee counsel. We do promote access to counsel and we do a number of things to put people in touch with lawyers locally or those who are interested in representing individuals, and I know we have made improvements in those efforts since we began opening our family unit detention capability last summer.

Senator BLUMENTHAL. I know that it may not be the sole responsibility of the Department of Homeland Security, but the processing of visas in Central American countries, the screening of people who want to come here, has begun. Is there anything that can be done to expedite that effort? Because I think it represents a real hope for stopping the flow of unaccompanied minors and others who may come to this country and then have to be sent back.

Secretary JOHNSON. A piece of advice that I received last summer from the U.S. Conference of Catholic Bishops is in-country screening. In other words, you can't lock the door and not provide a legal safe pathway at the same time. That's what we've done in the three Central American countries.

I'm disappointed that not more people are utilizing this, and I believe that we need to promote the new program better. I think this is a joint effort by us and the State Department and the governments in the Central American countries. I've been disappointed that not more parents in the U.S. are utilizing this program to petition to get their kids here. So—

Senator BLUMENTHAL. I would agree very wholeheartedly. I was surprised at a hearing that was held here just last Thursday, literally, to learn that only a small number of parents so far are taking advantage of this program. In effect, to use the rules that are available to them, they're the same rules that would apply if their children came here but they can use them in the country of origin.

Secretary JOHNSON. Right.

Senator BLUMENTHAL. I hope that the Department will make efforts, and the State Department obviously also has a role, to spread awareness about this program.

Secretary JOHNSON. Thank you. Yes.

Senator BLUMENTHAL. Thank you.

Thank you, Mr. Chairman. My time has expired. Thank you, Mr. Secretary, for your service and for the service of the many men and women who serve in the Department of Homeland Security in this very diverse and difficult task that you have. Thank you.

Chairman GRASSLEY. Senator Tillis.

Senator TILLIS. Thank you, Mr. Chair. Welcome, Secretary Johnson. Thank you for being here and for your service.

I know that Senator Grassley, Chair Grassley, asked questions about the Rangel-Hernandez case, so I will go back to the record to see some of the specifics. I think that in your answer you did mention that there have been some retraining, revising the protocol—reviewing the protocol, revising it and retraining so that we can avoid future instances of this, what on its surface looks like negligent decisionmaking.

The question I had for you—or I have two questions. One, I believe that Mr. Rangel-Hernandez's deferred status has been rescinded a month or so ago. My question is, how many other instances that have been identified in the audit or the review that were similar to Mr. Rangel-Hernandez's, and what is the current status of that review and the potential that others' deferred status will also be rescinded in their disposition after that?

Secretary JOHNSON. I know that there have been a handful of others who have been identified in the same category. I do not know the status of whether they have been rescinded or not, but we can get that information to you, sir.

Senator TILLIS. Yes. I would like to get that, and if possible, and to the extent that the information is available geographically, what we're talking about. If I have any other instances in North Carolina, I'd like to know about it, but I'm sure the other members would like to, would be interested as well in each of their States.

I would like that, and particularly as we go through this process, for those who were granted deferred status, if there is a decision either because they've come up in the audit to continue to allow them to have the deferred status or that it's been rescinded, I'd like to get the information on both of those.

Secretary JOHNSON. OK. We will look at that.

Chairman GRASSLEY. Let me interrupt a second. Is there any reason why you can't say, as I said in my opening statement, that there's been 282 rescinded?

Secretary JOHNSON. Thank you for refreshing my recollection. I believe that that is the correct number, yes.

Chairman GRASSLEY. OK.

Secretary JOHNSON. I think that that is the correct number.

Chairman GRASSLEY. I don't want to take time.

Secretary JOHNSON. I apologize for not being very good with numbers.

Senator TILLIS. Chairman, I'm glad you brought that up. The question I'd have, does that mean it's an exhaustive list and, in the

opinion of the Department, there is no longer any need for further review or are there other cases that are being reviewed that may add to that 280 or so rescinded?

In other words, are there more or we've gone back and identified potentially 280 that looked similar or had—had characteristics similar to Mr. Hernandez's that warranted rescinding their deferred status? Is that done? Are we done, or are there more to look at?

Secretary JOHNSON. I believe that the review has been completed. I could be wrong about that, but I believe the review has been completed.

Senator TILLIS. That would just lead to my next question before I want to get on to the H2-B visa, a couple of questions that I have. I asked the same question of representatives that came to us from U.S. CIS and the State Department last week, and that's why I think going back and confirming that these 280 are it. I'm looking to—I'm going to ask the same question of you that I asked of the other two panelists last week.

Can you confidently and unequivocally say that in the future the Agency will not make the same errors that were made with Rangel-Hernandez, and that there were not any that should be subject to rescinding, that the queue has been drained and that the mistake that was made that allowed these folks to get deferred action will not be repeated?

Secretary JOHNSON. I am confident that we have improved our process so that if somebody with suspected criminal gang membership is identified in the process, it's going to be flagged and it's going to be given a lot of attention as a result of this case.

Senator TILLIS. It may or may not, affiliation with gang membership, necessarily constitute a definitive reason for rescinding their deferred status?

Secretary JOHNSON. Known membership in a criminal gang should constitute a disqualifier.

Senator TILLIS. OK. OK.

I'm going to move on to the H2-B program. Mr. Secretary, I think that the *Perez v. Perez* case caused a little bit of a problem, kind of a 2-week blip that for some reason adversely affected my State, it may have affected others, particularly in the seafood processing industry.

I guess the question I have for you really relates to just—I want to go on the record—I have some things that are North Carolina specific, so I don't necessarily want to tie up the Committee time—with a couple of things. One would be, are there any potentially unused visas that could potentially solve some of the problem, the negative impact that's occurred in North Carolina?

If the Department has any ideas on anything else that we may be able to do to relieve them, it looks like this was largely just the result of that 2-week period where visa applications were not submitted. If you're prepared to speak on it, I would appreciate to be enlightened.

Secretary JOHNSON. Yes, Senator. I have received a lot of inquiries from Congress on H2-B visas from both sides of the aisle. After the court's injunction we issued, on a temporary basis, H2-B visas.

The court and the litigants agreed to a stay of the injunction so that we could do that.

My understanding is that when we did that we—we quickly exhausted the number. Going forward, we have just issued a new rule jointly by DHS and the Department of Labor that I believe addresses this issue and addresses the lawsuit so that we can continue going forward to issue H2-B visas.

Senator TILLIS. Now, Mr. Secretary, that would apply going into next year because it's my understanding we've already hit the cap on H2-B visas for this year. So my other—

Secretary JOHNSON. Yes.

Senator TILLIS. My other question: are there any other things that we could do, given the unique circumstances of the blip with *Perez v. Perez*? Are there any things that we may be able to do to provide temporary relief until we move into next year? I mean, some have talked about the potential for temporarily increasing the cap or something else that may still—for some of these seasonal industries, still provide some relief. Has there been any discussion or anything you'd be open to?

Secretary JOHNSON. I'd be open to a discussion about what we can do temporarily to deal with this issue. I am interested in having a more comprehensive discussion with Congress about lifting a number of caps on green cards and addressing in a more comprehensive way a number of things in which I think our immigration system needs to be fixed through legislation, and this very well could be one of them. I think that going forward we have addressed the H2-B problem in a pretty aggressive, vigorous way.

Senator TILLIS. Thank you. My time has expired. I would just like to state for the record, we're going to be calling you all again because there—I'm going to be meeting with some of the seafood processors this week. They're going to be coming up from North Carolina.

I think it's the industry that's primarily been hit by the H2-B program, in North Carolina, anyway, and I'd like to speak with you all about anything that we can do to provide temporary relief and hopefully avoid it going into the out years for the program. Thank you.

Thank you, Mr. Chair.

Chairman GRASSLEY. Senator Schumer, then Senator Flake.

Senator SCHUMER. Thank you, Mr. Chairman. Thank you, Secretary.

Secretary, I was shocked and appalled—we've talked about it on the phone—by the gun smuggling ring that operated out of Atlanta, Georgia, in which criminals routinely abused loopholes in the TSA system to bring loaded weapons right onto airplanes.

I know you shared my outrage when it was unveiled by our DA in Brooklyn, Ken Thompson, and I applaud you for quickly acting following the incident and ordering a top-to-bottom review.

Can you provide an update on security at our Nation's airports, particularly the recent recommendations regarding TSA activities? What changes can we expect, how long will it take? Question one. I have a bunch of questions so I'm trying to move through these quickly. How will you ensure that the new, as-yet-unannounced

TSA administrator is held accountable for security at the Nation's airports?

Secretary JOHNSON. Good question. Senator, you said you appreciated my candor at these hearings, so I have made a public fact of the record number of firearms seized by TSA last year. At screening points in carry-on luggage, you can imagine my reaction when I found out that somebody's bringing loaded weapons into the overhead compartments of commercial airplanes.

I was, to use your words, shocked and appalled, upset, and I directed our TSA to work with the airline industry and to work with airport security authorities to tighten up our system. Our advisory committee came back with some recommendations. I have endorsed them.

They include random, continuous, unpredictable screening of airline and airport security airport employees at the sterile checkpoints. If an airline or airport employee is going to fly, they have to go through the TSA checkpoint. Continuous back—criminal history background checks, and reducing the number of access points. There were a number of recommendations made that I have embraced.

Those are, in my judgment, the big four. I believe that our nominee for TSA administrator is an excellent choice and I believe that he will be very focused on aviation airport security. I also believe his name will be announced sometime this afternoon.

Senator SCHUMER. Oh. You don't want to let us in on the secret? OK.

Just one question in regard to that quick answer. Wouldn't it make sense that, wherever it's feasible—in some airports it may not be—that whenever possible these employees go through a screening the way the pilots do and the flight attendants do?

Secretary JOHNSON. You know, I asked myself that question and I think that a one-size-fits-all approach to every airport in this country is not—

Senator SCHUMER. I said wherever feasible, I didn't say all.

Secretary JOHNSON. Atlanta is not Martha's Vineyard.

Senator SCHUMER. Right.

Secretary JOHNSON. There are 63,000 employees at the Maynard-Jackson Airport in Atlanta. That's a small city. I think that the appropriate, balanced way to go is random, unpredictable, continuous screening of employees when they show up.

The way it works in Atlanta, is there's a guardhouse at the parking lot and you show an ID and then you drive on through. I think that some form of continuous, random screening of those people is the appropriate way to go.

Senator SCHUMER. Right. OK.

I have two questions on the northern border, separate, but I'll ask you both so I can get them in before my time runs out. One, is the Peace Bridge, another issue we've talked about regularly. At my urging, Customs and Border Protection instituted pilot projects. Your predecessor was very active in helping that happen, as were you. We were thrilled to hear the results last week. The pilot projects passed CBP's test with flying colors.

They said that pre-inspection on the Canadian side will reduce times and waits for commercial vehicles by as much as 75 percent.

Will you commit to implementing the recommendations of this report and starting talks with Canada to establish permanent pre-inspection at the Peace Bridge? That's on that one.

Then on the other end of our northern border up by Plattsburgh, today I'm asking Customs and Border Patrol to start a French-speaking program for officers at the Quebec border. These officers are tasked with processing millions of French-speaking visitors. They come to New York, they spend their money, we love having them here.

Because we're hampered in French speaking, it slows the border down and we get fewer visitors. Will you commit to carefully considering my request for a task-based French-language program for northern border agents, similar to the Spanish program we have over on the southern border that Jeff Flake is very familiar with? Those two questions.

Secretary JOHNSON. Last question first.

Senator SCHUMER. Yep. Sure.

Secretary JOHNSON. Last question first. I—I am not very familiar with the Plattsburgh situation and I will look into that, Senator, and I'm sure we will have a follow-up discussion on it. I—I fully support Commissioner Kerlikowske's efforts to restore and maintain pre-inspection on the Canadian side of the Peace Bridge.

As you know, infrastructure—building the right infrastructure for this is probably the biggest issue, and I understand that we may have a resolution to that issue which I think is very good.

Senator SCHUMER. Yes. The Peace Bridge is willing to put in the \$44 million to do it.

Secretary JOHNSON. Money talks, yes. I also believe that privileges and immunities, as you and I have discussed, is crucial. That is something that is important for the agreement we signed for pre-clearance with the Canadians, but I also believe legislation to implement that can be useful in the pre-inspection context as well.

Senator SCHUMER. We just need you to get an MOU moving on pre-inspection. Can you commit to getting that done as quickly as possible?

Secretary JOHNSON. I will—

Senator SCHUMER. I know you need the Canadians to dance with you, but they seem to be all right given how well you did on pre-clearance.

Secretary JOHNSON. Whatever—whatever Commissioner Kerlikowski and you have discussed and agreed to, I fully support, sir.

Senator SCHUMER. Excellent. OK. Well, merci beaucoup. [Laughter.]

Senator SESSIONS. Tres bien.

Senator SCHUMER. I actually had another question, but I was so eager to say merci beaucoup I cut myself off. [Laughter.] I'll add that question to the record, if there's no objection, Mr. Chairman.

Senator SESSIONS. You can be sure there's no objection on this side.

Senator SESSIONS. Senators Flake, Whitehouse, and Perdue.

Senator FLAKE. Thank you. Tough act to follow, let me tell you.

I have made my concerns regarding Operation Streamline known to the Department and to the Department of Justice. As you're

aware, Operation Streamline has been a very successful zero tolerance policy that we have had on the border, particularly in the Yuma sector. It's most in that sector a tribute to the success at bringing that portion of the border under control to Operation Streamline.

Yet, the U.S. Attorney's Office for Arizona has ordered kind of a pull-back on that policy. I just toured the border, toured Yuma and all along the border a couple of weeks ago and there is a lot of concern there that, as word filters back, that we don't have a zero tolerance policy anymore, that we're going to start to see movement again.

There's a lot of concern in those communities along the border that we're going to see an uptick. It won't take much. As you know, word travels fast, as we learned in spades with the unaccompanied minor issue that we had.

What can you tell me—let me just ask you, do you believe that the program like Operation Streamline is an effective deterrent to border crossing?

Secretary JOHNSON. I certainly believe that law enforcement in general is an effective deterrent to illegal border crossings. I've heard the same thing in Arizona about Operation Streamline. As you know, Senator, I've visited with a number of your constituents on the border.

In my judgment, what matters when it comes to illegal migration on the southern border is that we cracked down on the smugglers. With the Department of Justice, we ratcheted up our efforts when it comes to prosecuting the coyotes last summer because of the misinformation that they were putting out, and with the Department of Justice we've made considerable headway in the prosecution of the smuggling organizations.

I believe that has contributed to our overall efforts on the southern border. I do note that the numbers overall of apprehensions are down considerably on the southern border, including in each of the—the Arizona sectors. That continues to be a good thing, but I also believe that we need to continue our efforts. I think that law enforcement in general is an important part of that.

Whether that should include prosecuting the illegal migrants, I think, should be made on a case-by-case basis. You can't federally prosecute every single illegal migrant for a felony prosecution. I think that those judgments have to be made carefully and they ought to be made wisely because it's a use of DOJ's resources.

Senator FLAKE. When you talk about going after the smugglers, this—the effectiveness of that program, I would submit, and those who are on the border would submit, is that it does go after the smugglers because if smugglers lose those who are in their charge for a week of detention, that's a big deal and it makes them rethink and makes them direct their focus elsewhere. That's been the history and that's why there's such concern, that as word filters down that these prosecutions aren't going to happen, then we're going to lose control again. We can't afford to do that.

Are you aware of specifics of the Operation Streamline changes? Is that what it is, just case-by-case basis, no overriding policy of zero tolerance?

Secretary JOHNSON. I do know, from people in Arizona, that they think very highly of Operation Streamline and they believe that it contributed to overall border security in Arizona. That's what they have told me.

I have to assume that the U.S. Attorney in Arizona is continuing to prosecute, in certain cases, cases of illegal entry or illegal re-entry, but I don't know firsthand what the U.S. Attorney's current policy is there.

Senator FLAKE. I would just note that Operation Streamline was included in the 2012 to 2016 Border Patrol strategic plan, so it's part of your Department's plan. I would hope that we're working closely with Department of Justice to make sure that their actions are in line with that plan, because like I said, in certain sectors it's had great effect and we don't want to lose that.

Let me turn, quickly, to an issue that Senator Grassley raised, the so-called Quick Trip Murder detention of Mr. Alamarano. This is a man who was charged with murder. We've not yet received a response on this. As you know, he was charged—I'm sorry, he was released, ICE failed to remove him. ICE said that he was eligible for bond at \$10,000, which he posted.

While out on bond, he reportedly had two injunctions issued against him for complaints of harassment. One woman feared for her life because he threatened to kill her "plenty of times" and pointed a gun at her boyfriend. Two years after his release, 3 days after the second injunction was issued, he was alleged to have committed this murder. Was ICE aware of these civil injunctions against this man?

Secretary JOHNSON. I don't know whether officials at ICE were aware of the civil injunctions, but as I said earlier, Senator, that case is definitely a tragedy and that individual should not have received DACA. He should not have been in the DACA program. As a result of this case, we have retrained the force, we've conducted a retroactive review. I don't know the answer to your specific question.

Senator FLAKE. Excuse me. He wasn't in DACA. This wasn't part of DACA, he was just slated for removal and then posted bond.

Secretary JOHNSON. Sorry. OK.

Senator FLAKE. Is that correct?

Secretary JOHNSON. I'm sorry, Senator. I have my cases confused.

Senator FLAKE. Right.

Secretary JOHNSON. I thought you were referring to another individual.

Senator FLAKE. Yes.

Secretary JOHNSON. I don't know the answer to your specific question.

Senator FLAKE. Is there—Do you have a policy where you work with local law enforcement to find out if there are any civil injunctions against individuals like this that post bond that are out?

Secretary JOHNSON. I do know that those in removal proceedings, when they're being evaluated for release, there ought to be a background check conducted. There ought to be, and there should be—and I believe there is—an evaluation of risk of danger to the community, just like in the criminal justice system.

Senator FLAKE. If there is some kind of procedure like that, it failed miserably this time and I would just ask if ICE had been aware that there were two injunctions against an individual like this, would ICE have taken against him to remove that?

Secretary JOHNSON. I don't know the answer to your specific question, sir, but we will get you that.

Senator FLAKE. I'd like to find out if there is a policy where there's some communication between local law enforcement and ICE here with regard to civil injunctions against individuals like this. Can you make me aware of that, and if not, advise some kind of remedy for that?

Secretary JOHNSON. Yes. Yes.

Senator FLAKE. Thank you. I see my time is expired. I'd just mention one thing, quickly: ports of entry staffing. That's when we've committed to 2,000 new agents at the border, Customs and Border Protection, CBP, the blue uniforms. CBP officers. We've got to make sure that they're hiring.

I hear that that's going more slowly than we thought that it should. Is there any plan to speed that up to make sure that we have the staffing? We've got better infrastructure there now. We've just got to make sure the staffing levels are there.

Secretary JOHNSON. The answer to your question is yes, there is a plan to speed it up.

Senator FLAKE. Thank you. Thank you.

Chairman SESSIONS. [Presiding] Senator Whitehouse.

Senator WHITEHOUSE. Thank you, Chairman.

Welcome, Secretary Johnson. Good to see you. First of all, let me thank you for your work on immigration enforcement and express my regret that we could not pass the bipartisan immigration reform bill through Congress entirely that would have, I think, made your job a lot clearer and simpler and significant responsibility for the immigration mess that we're in now lies with Congress, not with you, and with Congress for failing to pass the Senate's bipartisan bill, which I was a strong supporter of.

I would like to talk with you about cyber security. The Majority Leader has announced that he's going to try to have cyber week here on the Senate floor at some point. There's a lot of activity in the House. We have bipartisan bills that are pending on information sharing between Federal agencies and the big communications providers, on agency public reporting of the cyber threat, to increase public awareness, of coordinating national notification when companies have data breaches, and on updating some of the criminal penalties.

When we first were working on comprehensive cyber security legislation, another main piece of this effort was on the critical infrastructure piece. What I hear quite widely is that the DHS-led framework process that has pulled together a great number of critical infrastructure industry sectors is going very well and that as a result of that there is no immediate pressure for legislation in that area.

There may not be an immediate need for legislation in that area, but of all the different areas that I mentioned where there will be legislation, protecting our privately owned critical infrastructure is probably the most significant national security element.

I'm interested in getting your assessment of how that framework process is going and when you think it might be appropriate for Congress to begin looking at legislating in that area. I expect that the executive process will yield recommendations as to what should be done next, and I don't know what timeframe you feel you are on toward that goal.

Secretary JOHNSON. Senator, as I'm sure you know, the framework process was in lieu of any effort to legislate. I share your assessment on what you're hearing, that the framework process has been going well. It's been well received in the private sector and it seems to be working pretty well. I also want to applaud those in Congress who were active in cyber security legislation.

I am largely very supportive of the bill that passed the House last week, sponsored by Chairman McCaul and others. I think that, frankly, some legislation is better than no legislation and I think that information sharing between the private sector and the government is crucial. Any efforts by the Congress to promote and endorse that is crucial.

I also believe that a form of immunity limitations from civil and criminal liability for those who share cyber threat indicators with the Department is crucial, and I believe that a national data breach notification requirement is also very important. I'm pleased that we are active legislatively in those areas. In terms of the—

Senator WHITEHOUSE. That leaves us with critical infrastructure.

Secretary JOHNSON. In terms of your precise question, I haven't thought about it the way you've asked it. I'd want to—I think it's a thoughtful question worth—worth—worthy of a thoughtful answer. Let me consult. I'd like to consult my—my NPPD community and get to a thoughtful answer to that.

Senator WHITEHOUSE. OK. I do think that there is a bipartisan sense that the framework process run by DHS has been effective, has achieved significant national security goals, and has enjoyed the support and cooperation of the private sector. All of that is the good news part.

The question is, is it enough and is there a time when really implementing on it will require action from Congress, and how far out you see that coming, because obviously when it's as important as a protection of critical infrastructure, we want to be able to act pretty rapidly.

Being prepared if it's going to be next year, there's a lot of conversation that has to take place on this issue. Again, very strong bipartisan support, but it's not an easy one. A preview of coming attractions would be very good.

My second question is in the same area. I'd like to ask you, and maybe even urge you, to consider what the structure in the executive branch for addressing our cyber security concerns looks like. There's an awful lot of division and sequestration in the old sense, not the budget sense, of effort within the Department of Justice. It's divided into two separate sections, criminal and national security. On the investigative side, it's divided between FBI and Secret Service, with other agencies having even smaller pieces.

If you look at the data, you have the NCCK, which is a very well-regarded facility. The FBI has the NCIJTF. The administration has just announced its, what are they calling it, Cyber Threat Intel-

ligence Integration Center. From the—from our side of the legislative-executive divide, this looks a lot like multiplicity and confusion.

When you consider the scope of the cyber threat, the fact that we have an agency like DEA that is dedicated exclusively to narcotics trafficking, and we have an agency like ATF that is dedicated exclusively to alcohol, tobacco, firearms, and bombs, and no specific dedication of a single agency to this rapidly emerging and very persistent and dangerous cyber threat, I just think we have more work to do to set up the administrative structure that's going to allow us to be most effective at doing this.

I'd urge you to consider that and to work with OMB and DOJ to try to think 5 years ahead. Every 6 months, Mr. Secretary, there's a new wrinkle in the administrative process for doing this and some new announcement is being made about some new agency or some new feature, and I think we need a long-term strategy and I don't think we have it.

Chairman SESSIONS. Thank you, Senator Whitehouse. I would share that concern. I know, as you know, the Defense Department is conducting a major review of their cyber security vulnerabilities. We're going to have to spend a lot of money on that, but it goes throughout the entire government. The more we coordinate our effort to learn how to technologically protect our systems, I think we save money and make America a safer place. Thank you for raising that.

Senator WHITEHOUSE. Mr. Chairman, to echo your point, I mean, on the military side they have Cyber Command and they really have set up, you know, with two four-stars on the top of it, a very coherent administrative structure for taking the cyber issue and making sure that it's addressed in a direct and comprehensive way.

If you take that clarity of structure in the military side and you move it over and try to apply it to law enforcement, it's very scattered. I know there are lots of turf issues and all that kind of stuff, but it just doesn't look like we've got it right yet. Thank you, Chairman.

Chairman SESSIONS. Thank you.

Secretary JOHNSON. Chairman, may I—may I comment, please?

Chairman SESSIONS. Yes, briefly. Then we'll go to Senator Perdue.

Secretary JOHNSON. I understand.

Chairman SESSIONS. Yes.

Secretary JOHNSON. I'm looking forward to the Senator's questions.

Chairman SESSIONS. All right.

Secretary JOHNSON. As the former lawyer for the United States military, I think that it's the first time I've ever heard anyone referred to the DOD structure as having clarity of structure. That's—that's pretty good news.

Senator WHITEHOUSE. On cyber, it does.

Secretary JOHNSON. Senator, I look at it this way. The Department of Homeland Security, and specifically our NCCK, is intended to be the interface—the primary interface of the Federal Government with the private sector.

We have, as I think your question implies, a number of different law enforcement agencies involved in investigating cyber crime and a number of different agencies, including DOD, NSA, Cyber Command, dealing with cyber security generally, offensively and defensively.

I came in the office and I looked at all of that much the same way you look at it and what I have committed to do with my cyber security counterparts is—and I know them well. I've known Jim Comey for 26 years. I know Mike Rogers because he used to be my client. I know Jack Lew. The Commerce Department wants a piece of this, too.

I have committed to my workforce and to them that we're going to meet regularly, we're going to work together because we don't want turf wars. Turf wars are counterproductive and they don't serve anybody's interests, most of all the American public's.

I believe that we can, and we should, and we are working more effectively, better, and without the turf battles. A lot of it, frankly, is due to personalities. If you have people at the top of these agencies who know each other and trust each other and work well together, we can minimize the confusion and the inconsistency. I do recognize that there are a lot of agencies involved in cyber security.

Chairman SESSIONS. Thank you. Senator Perdue.

Senator PERDUE. Thank you, Mr. Chairman.

Mr. Secretary, I just want to say for the record how much I appreciate your forbearance and courtesy earlier in our private meetings and for your public service. It is a very difficult mission you've been given.

In the spirit of oversight, I'd just like to ask a couple of questions. Your predecessor, Secretary Napolitano, in 1913, talked about visa overstays. A big part of—or a large percentage of illegal immigrants in this country came in this country legally and just overstayed their visa.

Can you give us an update on that report? I think you mentioned something about this about a year ago as well. Can you just give us an update on that report?

Secretary JOHNSON. I saw a preliminary report a while ago, which in my judgment lacked fidelity, to be quite honest. I told my people I wanted them to go back and look hard at this issue and, even if it means consulting people on the outside, let's give our best estimate at visa overstays. The work I've seen so far has not been satisfactory, such that I am prepared to give it to the Congress or to give it to the American public as something I'm prepared to stand behind.

Senator PERDUE. OK.

Secretary JOHNSON. Unfortunately, and I know this has taken some time, it continues to be a work in progress, but I do want to get to the right answer.

Senator PERDUE. I appreciate that. Do you have—can you give us a sense of when we might expect to see that?

Secretary JOHNSON. I ask that exact same question of my people routinely and I'm told that we're getting closer.

Senator PERDUE. I'll take that to be months and not years. Is that reasonable?

Secretary JOHNSON. Yes, sir.

Senator PERDUE. Thank you.

Without getting into politics, and again, in the spirit of oversight, going back to this case in Texas on the immigration issue, the executive amnesty issue, there's a conflict between the injunction that the judge put on that and the actions of the DHS and mainly the comments of the President.

Can you comment, given that the President seemed to indicate that he was interested in being prepared and that there were some 100,000 renewals done, I think, in the first 3 weeks. That upset the judge, he made a comment. The President responded. Can you just give us some clarity about what exactly the DHS is doing now in relation to that case and being prepared for the outcome?

Secretary JOHNSON. In reaction to the injunction, which has not been stayed, we have shut down our implementation of the DAPA program and the expanded DACA program. We did that very, very soon after the injunction became known to us, so we're in compliance with the court order.

The things that we were trying to put in place, that we were putting in place, will either be discontinued or they will be diverted to some other use that we have, principally within CIS. We're complying with the court's injunction because we have to. There's no stay.

Senator PERDUE. There's no—there's no ongoing preparation for what you were doing originally or what were planning to do originally under the original guidance?

Secretary JOHNSON. No. The—we—the implementation of the program, which had begun after November 20, we've had to suspend.

Senator PERDUE. I see.

Let me go back to the gang member issue. I just want to ask about a recent decision of the Fourth Circuit that involved removing gang members under—under the INA. I'm sure that—well, in that case, individual gang membership may constitute a protected characteristic that can title—that can entitle the individual to relief from removal or entitle them to asylum.

Basically, the rationale is like, if you're in MS-13, for example, you might be in danger in your home country if you claim that you renounce your gang membership, you turn State's evidence, and now you can't go back. I think it's pretty obvious that—that we could be set up for significant fraud there. How do you interpret, you know, that ruling by the Fourth Circuit and has it changed any of the procedures ongoing in DHS?

Secretary JOHNSON. Senator, I have to confess, I'm not familiar with that Fourth Circuit decision.

Senator PERDUE. OK.

Secretary JOHNSON. Let me—if you don't mind, let me take that question for the record for you.

Senator PERDUE. Sure. That'll be great. We'll submit it in writing. That would be great. I would appreciate that.

Last, can you give us an idea of how you go about estimating the number of people that cross our southern border.? I mean, I know that's—there is no accurate number, and I know it was asked earlier today, but is there an attempt—I know we have this—this big

number called illegal immigrants that we're monitoring, we've got this study you're working on visa overstays.

In terms of the people that come in illegally, what are we doing in DHS to sort of quantify that so you know how to deploy resources? This is, again, just an oversight, not a political question.

Secretary JOHNSON. We have apprehensions which, in the judgment of the professionals, is an indicator of total attempts to cross the border, and so the report I issued last week talked about apprehensions. There is an attempt also to measure what the Border Patrol calls turn-backs and get-aways. That number is one that I think we can do a better job of trying to quantify so that we get to total attempts to cross the border.

I'm interested in getting to that number and so I've consulted with outside experts, I've consulted with my own people, about arriving at a way to measure total attempts. There are various ideas out there, some of which are published. The Council on Foreign Relations has done some good work in this area, which includes surveys of people south of the border and what their behavior might be.

I'm interested in more transparency in this and more clarity when it comes to total attempts to cross the border. It is—it is not an easy exercise and there is a certain unknown factor when it comes to people who evade capture, who evade apprehension, and so I'm interested in getting to a better, clearer measurement of that. I agree with the sentiment of your question.

Senator PERDUE. When you get that information——

Secretary JOHNSON. In the absence of that, total apprehensions I take as an indicator of total attempts to cross the border. So that's something——

Senator PERDUE. I appreciate your approach. I appreciate your quantitative approach. When you get that information would you share it with us at the appropriate time? We'll put that in a written record question as well.

Senator PERDUE. Again, thank you for your service.

Mr. Chairman, that's all I have.

Chairman SESSIONS. Thank you. Senator Perdue, here's an article on March from, I believe, the Washington Times. Maybe not. It said, talking about a House hearing on this question, a Border Patrol agent, while testifying before—actually it was a Homeland Security panel, Senator Johnson's committee—and indicated that nearly 6 out of every 10 aliens who attempt to infiltrate the United States through the U.S.—Mexico border are not apprehended. That's his estimate.

He went on to say, ask any line agent in the field and he or she will tell you, at best, we apprehend 35 to 40 percent of the illegal immigrants coming, attempting to cross. This number is even lower for drug smugglers who are much more adept at eluding capture.

He said, quote "Agents who repeatedly report groups larger than 20 face retribution. Management will either take them out of the field and assign them to processing detainees at the station or assign them to a fixed position in low-volume areas as punishment", Cerverra told the lawmakers. Needless to say, agents got the message and now stay below this 20-person threshold no matter the actual size of the group."

Mr. Johnson, you're the head person of this entity. Have you investigated this charge about agents being told not to have more than 20, to report more than 20 if they see more than 20?

Secretary JOHNSON. I've heard of that allegation. I've heard of that charge. I've looked into it. I don't have a specific answer to that suggestion. I will say this, Senator. I think that 6 out of 10 is too high an estimate, and I base that on my own conversations with Border Patrol experts.

I will also tell you this, sir. I spend a lot of time myself on the southern border with our men and women in uniform in the Border Patrol because I want to hear directly from them what they say is happening on the southern border. I'm not interested in intermediaries.

Chairman SESSIONS. Have you met with Chris Crane, the head of the ICE association?

Secretary JOHNSON. I've met with Mr. Crane, too.

Chairman SESSIONS. How many times?

Secretary JOHNSON. At least once in my headquarters office. I invited him to come in and I believe there was probably at least one other time as well.

Chairman SESSIONS. What about Mr. Palinkas on the U.S. CIS, have you met with him?

Secretary JOHNSON. I don't recall that name but it's entirely possible.

Chairman SESSIONS. The association. These are the top people. You've got the lowest morale in the government in your agency and the reason is because they know you're not serious about supporting them in the mission that they've been given. They filed a lawsuit against Secretary Napolitano, asserting that they're being required not to follow the law.

Look, we've got a problem. I know—I'd like to have a nice conversation here, but this administration has been systematically seeking not to see the laws enforced. They're focusing more and more on ameliorating the concerns of people who enter the country illegally than they people—are that come lawfully.

He also said this, Mr. Caveria did in his testimony: "I want to be crystal clear, the border is not secure. How can this enormous gap exist between what you, DHS, tells you here in Washington and what our agents know to be the truth in the field? Frankly, it is how you manipulate statistics." Close quote.

I think statistics are manipulated. You're saying we have more removals, a big increase in removals, but you started counting, I believe, before you took office. Ms. Napolitano started counting the turn-arounds at the border as removals. They had never been considered that before. Without those, you haven't had an increase in removals.

In fact, you have a significant decline. I think you've acknowledged, have you not, that those—that counting is a new system of accounting that counts the apprehensions at the border as removals. Answer—you admitted that or acknowledged that to Mr. Culverson, the House member, in a House committee meeting.

Secretary JOHNSON. I'm not sure what you're referring to, sir, but I—

Chairman SESSIONS. He asked you this: “More than half of those removals”—I’m quoting Representative Culverson—“that are attributed to ICE are actually a result of Border Patrol arrests that wouldn’t have been counted in prior administrations.” Mr. Johnson: ‘Correct’”.

Secretary JOHNSON. Sir, I have learned from 30 years of cross-examining witnesses that if I am to answer such a question I think I’d want to see the Q&A before and after if you don’t mind, sir. [Laughter.]

Chairman SESSIONS. Look. Isn’t it the truth? Haven’t you all— isn’t there a new thing under the—in recent years to start counting both, or you don’t know?

Secretary JOHNSON. Sir, I do know this.

Chairman SESSIONS. You’re the Secretary. You should know. Did you change the standards? I’ve got a chart here somewhere that show the actual numbers. Actual removals on the ICE chart show Border Patrol numbers along with ICE. That increases the numbers. It’s about 300,000. Only 100,000 are what were classically called removals previously.

Secretary JOHNSON. May I read you something?

Chairman SESSIONS. Yes.

Secretary JOHNSON. This is one of my—this is one of my directives from November 20th. If you’ll just bear with me a second.

Chairman SESSIONS. The chart I just looked at was an ICE chart in 2014, September 20, 2014, when you were in office.

Secretary JOHNSON. I’ve heard the suggestion of double counting, and if there’s double counting that obviously should not happen. One of my directives from November 20 is I am directing the Office of Immigration Statistics to create the capability to collect, maintain, and report to the Secretary data reflecting the numbers of those apprehended, removed, returned, or otherwise repatriated by any component of DHS and to report that data in accordance with the priorities set forth above. I want our components to cooperate with this effort. I intend for this data to be part of the package of data released by DHS to the public annually. So I’m interested in getting this—

Chairman SESSIONS. OK. I appreciate that, but let me tell you what is happening. You can call this double counting or not. Border Patrol apprehends people at the border and they’re sent back and they count those as their numbers. ICE used to only count what they did from the interior. They count that, plus the Border Patrol. That’s the fact. Without those additional numbers, they don’t show the improvement the Department has been declaring.

With regard to Streamline that you were asking about, this is really important, Mr. Secretary. Secretary of Homeland Security Janet Napolitano said, “Operation Streamline has proven effective”. It’s a program where people, when they’re caught at the border, are actually prosecuted for the offense of entering the country. They are convicted of misdemeanors.

They aren’t kept in jail a long time, but they have a conviction on their record. That was a belief that it might deter more people from coming and it was the right thing to do since it violates the law.

In the Dell Rio sector, after this was done, overall apprehensions declined from 42,000 to 17,000. In 2008, Attorney General Michael Mukasey said, "The program has an unbelievable return effect in the Yuma sector. From October through December 2008, the Department of Justice prosecuted over 1,200 cases.

As a consequence, apprehension rates dropped nearly 70 percent. What we see both statistically and anecdotally is that when people who cross the border illegally are brought to face the reality that they are committing a crime, even if it's just a misdemeanor, that has a huge impact on their willingness to try again and on the willingness of others to break the law coming across the borders.

In Fiscal Year 2007, former Homeland Security Secretary Chertoff noted that apprehension rates in Yuma dropped nearly 70 percent after Operation Streamline. Recently, the president of the Border Patrol union for the Yuma sector, Brent Orsoncroft, said, quote "Operation Streamline is one of the last strongholds we have as a deterrent."

Have you talked to the Department of Justice to attempt to restore this and actually expand it? If the number of people who are coming has reduced, it would be even more effective and more practical to initiate these kind of prosecutions. Now, you have to defend your agents. These are crimes. I think you should demand Department of Justice prosecute them.

Secretary JOHNSON. Senator, I speak to the Department of Justice all the time about how we are enforcing our immigration laws. I do know that our apprehension numbers are down this year in every sector, including Arizona, including Texas.

In my view, that's a good thing and I think it's a good thing as a result of a number of different efforts, including our law enforcement efforts and our additional resources on the southern border, our efforts at public messaging, the good help we've received from the Central American governments, and from the Government of Mexico. In fact, our apprehension numbers are down.

Chairman SESSIONS. Why don't you continue this program that everybody has bragged on so consistently as having a real impact, as much as 50 percent reduction in attempts, in the sectors where Streamline is utilized? Why don't you do that?

Secretary JOHNSON. Because I don't—

Chairman SESSIONS. Is there some reason you don't want to do that?

Secretary JOHNSON. I don't know—

Chairman SESSIONS. It used to be done.

Secretary JOHNSON. I don't know that prosecuting every mom with a young woman—with a young child crossing the border for a Federal crime is the way to go. I do believe that the more effective way to go is to focus on the smugglers, focus on the coyotes who are bringing these people across. Nobody freelances.

Chairman SESSIONS. Right.

Secretary JOHNSON. They're all brought at the hands of a criminal smuggling organization. I want to get at the source, and that's what we're doing.

Chairman SESSIONS. Secretary Chertoff said it dropped nearly 70 percent, others have said high numbers. Even Secretary Napolitano has bragged on the program. Senator Flake, on the border, and his

predecessor Senator Kyl thought this was one of the most effective things that's ever been done on the border, and you've allowed it to stop. I guess you could blame Attorney General Holder, but if you haven't complained about it I don't see how you can blame him.

I'm sorry. Senator Coons, you've arrived. Thank you. I will yield to you. Maybe the Secretary could respond if he's like to. I don't mean to cut you off.

Secretary JOHNSON. My point is this, Senator. We work with the Department of Justice all the time on the most effective and efficient way to enforce our immigration laws. What we determined to do last summer was to go after the smugglers. Everybody who crosses is paying these smugglers thousands of dollars per person to do this. They don't freelance. We've determined to go after the coyotes, go after the smugglers, and I think that that has made a difference, sir.

Chairman SESSIONS. I have no doubt. I don't know why you waited so long. Secretary Coons.

Senator COONS. Thank you, Senator Sessions, and thank you, Secretary Johnson, for your service and for your testimony today, for the chance to continue our conversation on a number of issues.

Let me first start with cyber security, as legislation is being considered. The administration, if I understand correctly, has issued a statement of policy supporting the goals of cyber information legislation, but warning that more needs to be done to protect the privacy of Americans so that the current cyber security bill does not become a foreign surveillance and intelligence bill.

Can you expand on that and talk a little bit about how you view the Department of Homeland Security's proper role in preventing personal user information from being shared with the NSA or CIA?

Secretary JOHNSON. Through the proper—this is a balance. Through the proper screening of PII, of cyber—

Senator COONS. Personally identifying information?

Secretary JOHNSON. Yes. Sorry. I don't normally use acronyms. The proper screening of them, but in as near real-time as possible because we also need speed. The inter-agency wants and needs speed and we're developing systems now that can screen out the personal identifiers, while getting the information our inter-agency partners need.

I also know that cyber threat indicators, which is what we're most interested in, rarely have what we would—what you and I would consider personal identifiers in them, but if they do, they should be screened out.

We're working on getting both the speed and limiting the dissemination of personal identifiers from the agencies that should—should not get them, and so that's a project that I'm focused on, irrespective of whether or not Congress acts on legislation, but I really hope that you do.

Senator COONS. Does the Agency currently have the resources to do both of those, to screen out all the personally identifying information and share appropriately—

Secretary JOHNSON. We're on a project right now at the NCK—

Senator COONS. Right.

Secretary JOHNSON [continuing]. to promote exactly that and get us in a better place on exactly that.

Senator COONS. That's encouraging, and I appreciate your ongoing focus. Privacy is a critical component of our security.

When you were last before our Committee June of last year we discussed three topics specific to immigration and due process, where I would like an update on where we are so far.

First, you recognized the legitimate law enforcement concerns around enforcement actions happening near courthouses. Immigration enforcement at or near a courthouse undermines public safety and impedes access to justice by sending the message that going to court is dangerous for those who might be here in an undocumented status because it can lead to deportation.

Has the Department clarified its procedures on courthouse enforcement?

Secretary JOHNSON. Yes, we have a policy. I confess, I haven't looked at it in a while but I know that ICE considers a courthouse to be—and I'm not going to get the words exactly right—protected space, or a special place. There are, and I believe there should be, exceptions for genuine public safety threats, but we do have a policy.

Senator COONST1. We also discussed——

Secretary JOHNSON. I can get you the exact policy, but we do have a policy.

Senator COONS. I would appreciate——

Secretary JOHNSON. Yes.

Senator COONS [continuing]. some follow-up on that if we could, Mr. Secretary.

We also discussed nighttime and lateral repatriation and you said you were working with the Mexican government on this, and acknowledged the DHS policy since 2004 has been against the needless separation of families. I wondered if DHS had ceased the practices of lateral and nighttime deportations and repatriation.

Secretary JOHNSON. As a result of discussions that I had with the Mexican government last year, we now have a steering committee in place between the U.S. and the Mexican governments to better coordinate repatriations to designated places at designated hours. We do not have a policy of separating families. I don't think that's a good idea. I want to discourage that. We do not have—that is not part of our policy.

Can I envision an exception or two for logistics reasons? Yes. Since last year we have moved away from night repatriations and we're working now with the Mexican government much more effectively at identifying for them when we return people, logistically working with them to do so in a more controlled way.

Senator COONS. Thank you.

A third area on this general topic, we discussed previously providing what are called the A files to immigrants facing deportation so they don't have to spend time going through the FOIA process.

You said you would look into that and I didn't know whether DHS had begun to routinely provide A files to aliens in deportation proceedings, something that we had agreed in that previous exchange about it would be, frankly, in the interest of justice and reduce the time and cost of deportation proceedings.

Secretary JOHNSON. I do know—I do know we now have a—I do know we now have a policy on that. We also have a policy concerning congressional requests for A files. Sitting here, I—maybe this is because it's—I've been here a while. But sitting here—

Senator COONS. I recognize I am the last questioner, Mr. Secretary.

Secretary JOHNSON [continuing]. I can't remember exactly what the policy is, so let me get you that for the record.

Senator COONS. Please do. I'd appreciate both follow-up and some clarity about what the Department needs to get us to a place where you're following what I think is the appropriate process here.

Secretary JOHNSON. OK.

Senator COONS. Let me move to *U.S. v. Texas* and the executive actions. I'd like to get your response to some of the factual—

Secretary JOHNSON. That one, I haven't forgotten about.

Senator COONS. I suspect you haven't. You may have had some vigorous exchanges on that. I just wanted your response to the factual findings and legal conclusions the Texas judge made in blocking temporarily your efforts to use prosecutorial discretion to enforce our law more sensibly, efficiently, and justly.

The court ruled your directives would have foreclosed DHS discretion to adjudicate each case on its merits. Did your directives actually foreclose your discretion, and what about that of DHS employees?

Secretary JOHNSON. As I noted earlier, in at least two places Judge Hanen said in his opinion that the discretion of the Secretary to decide how to devote his resources, where to focus his resources, should be unquestioned. He did say that. As part of—and the district judge seems to feel that the—seems to believe that the policy is an across-the-board hands-off for a whole class of people.

The way the new policy is set up and the way it's written—and I wrote it—it's to be a case-by-case assessment of whether somebody represents a threat to public safety, border security, national security, and in fact there is written into the policy something that did not exist in the old policy, the DACA policy.

Among the criteria for consideration by an examining officer is, in addition to has this person been in the country 5 years, do they have a child who's a citizen or lawful permanent resident, does the applicant present any other factors that, in the exercise of discretion, makes the grant of deferred action inappropriate? That's an additional factor.

I want to encourage a case-by-case assessment of each applicant to see whether or not they are appropriate for prosecutorial discretion. I know that there's a lot of disagreement in Congress, on this Committee, about the appropriateness of deferred action.

I think back to when I was a prosecutor. We used to enter into deferred prosecution agreements with individuals based on a case-by-case assessment, and so I think this is an extension of that. Is it a large extension? Yes. Is it a potentially large pool of people? Yes. It is intended to be a case-by-case judgment, and I think that that's part of the inherent authority of the Secretary, of the executive branch and the enforcement of our immigration laws.

Senator COONS. The court also ruled that the government would not suffer any significant harm through delay, through the impact

of a temporary delay in your efforts. I just, if I might, Mr. Chairman, would be interested in your answer to what impact this delay is having on the government, on individuals who would otherwise be qualified for deferred action, on our economy, any observations you'd care to make about the impact of delay.

Secretary JOHNSON. I know that there is a tremendous level of disappointment in the community. There was a lot of enthusiasm for the new program in the community; I saw it myself personally in places like Chicago, Los Angeles.

The injunction requires us to turn on a dime and shut down all of our implementation efforts which we have done, and I believe that this period while the program is enjoined could have a lasting impact on the overall success of the program because the community is confused, there's uncertainty, there's probably anxiety about going forward with something that's an item in litigation.

I think it has created significant—a significant—significant setback to the overall success of the program and it's, as long as the injunction's in place, a—a huge uncertainty overhanging CIS's operations and ability to function. The stay application is, I believe, last time I looked, still pending with the Fifth Circuit, and we'll see how they rule.

Senator COONS. Would the Chairman suffer through one more quick question?

Chairman GRASSLEY. OK.

Senator COONS. As we have discussed before, DHS assistance to State and local law enforcement is critical to our work together to combat terrorism and extremism to keep our communities safe.

Secretary JOHNSON. Yes.

Senator COONS. I just wondered if you thought there were any areas where you believed DHS assistance and support to State and local law enforcement was deserving of our particular attention, and I want to thank the Chairman for his indulgence of my last question.

Secretary JOHNSON. I think that cooperation, information sharing with State and local law enforcement, given how the global terrorist threat is evolving, is becoming more and more important. I mean, I think it's key that because of the threat of the independent actor, the so-called lone wolf who is not somebody that our intelligence community will necessarily detect overseas, it's crucial that cops on the ground and local law enforcement see what we see in terms of potential terrorist threats to our country. We issued—we issue, almost on a weekly basis now, joint intelligence bulletins to local law enforcement. We issued a pretty significant one last week. I was just with the Commissioner of Police of the city of Boston yesterday talking about this exact issue, and I think it's got to be the wave of the future in terms of working with—partnering with State and local police, law enforcement.

Senator COONS. I appreciate your attention to that. I thank you for your answer, and I thank the Chairman's forbearance for that question. Thank you, Mr. Secretary.

Chairman GRASSLEY. Senator Sessions.

Senator SESSIONS. Senator Coons, the 9/11 Commission issued a number of recommendations, after that terrible day, when they did their report. One of them was that we have a biometric entry/exit

system. We've had that in law for—since 2002. It is not in effect today. We—you know if you do an i-Pad or i-Phone, you just put your fingerprint on it and it reads it.

It's very practical for a person coming in an airport to put their finger on. They have a visa for a certain number of days, and when they exit they should go out and put their hand on it and clock out. The exit visa has never been done.

Just last—and the 9/11 Commission says there's no way you can have control over visas if you don't do that, which is plainly true. So we've discussed it for years. It's a requirement of law and it can be done. When can we expect it to be done, Mr. Secretary?

Secretary JOHNSON. I'm sure you know, Senator, we have biometric entrance—entry now for large classes of travelers. I'd like to see us have biometric exit because I agree with you, I think it promotes security. I think it is a good thing to have. I know it's a 9/11 Commission recommendation. It also involves a huge commitment in terms of resources to have this.

Senator SESSIONS. Let me ask you, so the 9/11 follow-up—Commission follow-up report criticized the government. One of the most severe criticisms was not implementing what they recommended a decade ago.

Have you asked the Congress for any money? Have you laid out a plan on what it would take to have an exit system and asked for the resources to get it done?

Secretary JOHNSON. I believe that we have at some point, and it's something that I would like to see get done.

Senator SESSIONS. I would hope you would send that. We'll review the record and I definitely think so, that we should do that, and I'm glad you would agree.

With regard to the sanctuary city problem, we've got major cities—Los Angeles, Chicago—refusing to honor Federal detainers on people who are in the country unlawfully, just saying we don't apparently have any desire whatsoever to support the government in having an effective immigration system, and in fact we're going to sabotage it. Do you think that—would you support legislation that would clarify ICE detainers and make them mandatory?

Secretary JOHNSON. I don't believe that a Federal requirement that the local sheriff or police chief respond affirmatively to a detainer from the Federal Government is the appropriate way to go. I do agree with the spirit of your question, and that is why we have undertaken a very aggressive effort to work with Los Angeles, Chicago, Philadelphia, New York, San Francisco where I was last week, the State of California where I was last week, on this exact issue because one of the reasons I think that we are having difficulty getting at the criminals is because of a lot of jurisdictions who are putting barriers on their ability to cooperate with us. I would agree with that.

Senator SESSIONS. I agree. I think it's an unbelievable affront to law. It's an actual assertion that they are going to sabotage law enforcement in their cities, and not only do they have a different view about immigration, they're going to sabotage the enforcement of plain law.

Your ICE director, a former prosecutor, Sarah Saldana, when asked about the same question I asked you, if they shouldn't be

made mandatory on these cities, and she replied, thank you, amen, yes. I understand after that she was apparently counseled and she issued a retraction of that. Was that your discussion with her? Did you direct that she should back off that position?

Secretary JOHNSON. No, I wouldn't characterize it that way. She did issue a written statement the next day correcting her statement, which I believe accurately and honestly reflects her own views. I do know Ms. Saldana well enough to know that I'm not going to be able to get her to say something she doesn't believe.

Senator SESSIONS. She works for you.

Secretary JOHNSON. Yes.

Senator SESSIONS. Agents are saying what and doing what you tell them to do, even if it's in violation of the law.

What about this problem of countries that won't accept repatriation or return of people who came illegally? Senator Specter had legislation on that. His basic view was, which I think you have the power to do now but would be mandatory, was if a country does not take back people who entered into the United States unlawfully, that they don't get to have any more admissions. That'll send them a message and that'll end it. We have been dealing with China, I think is our number-one problem, the biggest problem.

Secretary JOHNSON. That was my exact conversation with the Chinese 3 weeks ago.

Senator SESSIONS. I know that, and I know you perhaps made a little progress. The Memorandum of Understanding, even with China, seems to do little to actually fix this problem. It essentially only provides two individuals from the Chinese government to assist with repatriation efforts that involve tens of thousands of Chinese nationals.

Congress has provided a mechanism already in law, Section 243(d) of the Immigration and Nationality Act, that permits you to notify the Secretary of State of China or other countries—and there are others—and in turn requires that the Secretary of State of the United States to stop granting visas to citizens and nationals of such countries.

Have you made any notification to any country that you intend to execute such a plan if they don't accept back the individuals who are to be deported?

Secretary JOHNSON. I do believe that we and the State Department need to get with these countries and point out to them that they're slow in taking back the people we need to repatriate to them, and we have undertaken a campaign to do exactly that. I don't necessarily believe that we ought to suspend immigration travel from any of these countries because of this particular issue. I think that that is probably not the best way to go. I have had—

Senator SESSIONS. Why won't they take them back, Mr. Secretary?

Secretary JOHNSON. Senator, I have had some very blunt conversations with my Chinese counterparts about this exact issue in Beijing when I was there 3 weeks ago, for example.

Senator SESSIONS. Forgive me if I don't think you're going to have a big progress with China. I hope I'm wrong. It's happening and it's been going on for a decade or more, and people sitting in your chair have failed to execute and use the powers they have.

All you have to do is tell China, if you want further immigration to America you're going to have to take back these individuals because it costs us a lot of money either to keep them in detention, keep them taken care of, their medical needs, or we released them on bail and they disappear into the country and nobody's able to find them or deport them. It's just an unacceptable thing. It's just a part of international immigration policy that if an individual from a country comes to the United States unlawfully, they should be able to be deported.

With regard to the 287G program, it trains local law enforcement to determine whether an individual they come up against, maybe within the prison system is what Alabama did, to find out if they're here unlawfully, to do it in a legal and constitutional way, to be cooperative with the Federal Government. It was a good program. It was expanded and executed.

ICE touted it as a big success, but they're removed this language from their website. Since January 2006, the 287G program is credited with identifying more than 304,000 potentially removable aliens, mostly at local jails. ICE has trained and certified more than 1,300 State and local law officers to help enforce immigration law.

Last October, an ICE spokesman said this, that the 287G program expand ICE's ability to initiate immigration enforcement actions against criminal aliens and those who fall within the ICE, civil immigration enforcement priorities.

As such, the program acts as a force multiplier for the agency, it enhances public safety in participating jurisdictions by identifying potentially dangerous criminal aliens and ensuring they are removed from the United States and not released back into their communities.

By the way, there was just a news report from Madison County, Huntsville area, Prosecutor Bresard. An illegal alien had been convicted of murdering a police officer. He was on the ground, helpless, pleading for his life and he murdered him. He committed suicide in prison. I just would say we've got to be—if we really want to reduce those kind of incidents from happening then we've got to use the tools that we have.

This administration, nevertheless, has systematically dismantled the 287G program, canceling agreements for law enforcement and slashing funding for the program, largely because the amnesty advocates oppose it. They don't like it.

We have far too much action on behalf of this President and the Secretary of Homeland Security responding to advocates for illegal immigration than serving the lawful interests of the people of the United States. It just is. Today, only 35 programs are existing. That's less than half of what it was. It should have been expanded.

Tell me, do you believe it's a good program? Should it be expanded or do you want to continue to see it wither on the vine?

Secretary JOHNSON. I believe the 280C—287G program is a good program in many respects. The biggest problem we have, Senator, in terms of our ability to work with local law enforcement in removing criminal immigrants was the Secure Communities program. Two hundred thirty-nine jurisdictions—I think I got that

number right—were refusing to work with us or were imposing limitations on the ability to work with us. That's a big problem.

We ended the Secure Communities program and we replaced it with a new program that I believe resolves the political and legal controversy and it takes two to dance, so I'm now out there, meeting with a lot of sheriffs, a lot of police chiefs, a lot of Governors, and a lot of mayors to introduce them to the new programs so that they will work with us again on immigration enforcement.

Senator SESSIONS. I just talked to some sheriffs and they're very willing to help. They're very critical of Homeland Security and the Federal Government for not protecting their communities. Even though some cities may refuse, others no doubt would be willing to participate, and sheriff's departments would.

Mr. Secretary, just the whole tenor of this, if anybody understands what's happening, indicates that you're not demonstrating a will to see the law be enforced.

Secretary JOHNSON. I disagree.

Senator SESSIONS. If you will do that effectively and if you'll send a clear message and utilize the tools that you have instead of undermining the tools that you have, I believe we could have a dramatic improvement in the amount of the number of people who attempt to enter unlawfully.

We could reduce dramatically visa overstays at very little cost. Once the message gets out that you're not going to be able to come to the United States unlawfully, fewer and fewer people will attempt to come. I want—

Secretary JOHNSON. That's in fact what's happening, sir.

Senator SESSIONS. You are having a reduction, it appears, at the border. We don't know how much. This agent says that for every one apprehended, more than that gets by, particularly the drug smugglers. So be it. We're going to have another surge, according to your own agents, this summer from Central America, it appears.

I would like to see—I don't think I'm being unfair about this. I've watched this for a long time and I don't think I'm being unfair. This President has been focused on reducing the activities and the lawful jurisdiction of your agents. Their morale is in the tank. They are not happy with what's going on and the American people shouldn't either.

I think we should be stronger on Secure Communities. I believe, Mr. Secretary, you are right, that's a good program. I don't understand. It's almost, to me, like they don't understand it or just refuse to participate in it.

To take a fingerprint from somebody who's in the country unlawfully and send it to Homeland Security, maybe you would identify someone who has a particularly violent history or maybe you'll identify where they are in the future, if they're arrested again at the border you'd have information and that data. We do it for normal criminals. I support you on that. I think you should not have backed down on it. I think it's a very reasonable thing.

I'll let you wrap up in any way you would like, and the record will remain open for 1 week for additional questions.

Secretary JOHNSON. Thank you, Senator. I do want to say something in conclusion. I have discovered that as the leader of an organization of 225,000 people, one of the ways to ensure that we con-

tinue low morale is to continue to say publicly to my workforce, you have low morale.

The other week there was a subcommittee on the House side that wanted to have another hearing on low morale within DHS, and they called one of my people as a witness and they got a visit from me. I said, please stop telling my workforce you have low morale. I don't believe that.

I think that there are a lot of good people in DHS that are very dedicated to their mission at the airports, at the ports, at the border. I've seen it myself. They work overtime for public safety, for border security, for aviation security.

I visited with a woman in New Orleans who was almost killed by a deranged man, who was shot in the arm and came to work the next day. That's the level of her dedication in our Department.

We are on an aggressive campaign to improve the experience of people in my workforce, more transparency in hiring, promotions, mentoring experiences. I am thanking people for their work. We brought back our Secretary's Awards ceremony.

Those who keep telling my workforce that you have low morale are not helping, frankly, and I want to improve things within the Department. I want to make it a better, more efficient, effective place. I know you share that view, Senator. I'm on an aggressive campaign to improve how our workforce thinks about their very, very important mission, and I'm hoping I get the support of Congress in that.

Senator SESSIONS. I don't think it's—

Secretary JOHNSON. One of the things we're doing, for example, is pay reform for immigration enforcement personnel. That's something I need Congress's help on, because one of the things I hear from them is we're capped at GS-9, we need a pay raise. I want to get them a pay raise. We've reformed pay for overtime for our Border Patrol agents, and we want to do more of that. So I'm looking for the support of Congress on that.

Senator SESSIONS. Look, it was before your time. I raised the question with Secretary Napolitano over a series of years. I asked her, for example, had she even met with Chris Crane, the head of the Immigration/Customs Enforcement Officers Association. She'd never met with him. I asked her every time she came before the Committee and she refused to meet with him. Their problem has not been pay, although I'm sure they'd like to have more pay.

Their fundamental problem has been they're not being supported. If they actually enforce the law and do what the law says, they are told by their supervisors not to do so. You've got this officer under oath before a committee recently in the Senate saying that they're told not to report groups of 20 or more people. That's the kind of—I've been hearing for years, before you came.

I suggest that you need to be listening to the agents and get on their side and try to help them fulfill their legal obligation and your obligation. Instead, we're being led by a President who is unlawfully giving amnesty to people who entered the country by the millions, entered it illegally.

That's where we are. Thank you for your testimony.

Secretary JOHNSON. Senator, I met with—

Senator SESSIONS. I'll let you reply again.

Secretary JOHNSON. I've met with Chris Crane, but more importantly I've met with hundreds of people that he represents who are on the border, who work for me. I consider that to be a fundamental part of my job as the leader of this organization.

Senator SESSIONS. I indicated to you when you came it was going to be a difficult job. I believe what I shared with you was, you're not going to be allowed to do what you're supposed to do if you take this job. This President does not want to see the immigration laws enforced. That's what's happened. The officers know it. Everybody that studies it realizes that you're not moving aggressively to help them end the illegal immigration, and as a result we've got this difficult problem out there.

You're a good man. You've got good abilities. I do believe you care about your officers and you are right, we have a lot of fine, talented people. There's just a level of frustration out there that I hope you'll spend some time listening to and see if you can't respond to.

Thank you very much.

Secretary JOHNSON. Thank you, sir.

Senator SESSIONS. Take care. We'll dismiss.

[Whereupon, at 12:55 p.m. the hearing was concluded.]

A P P E N D I X

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

Witness List

Hearing before the
Senate Committee on the Judiciary

On

“Oversight of the Department of Homeland Security”

Tuesday, April 28, 2015
Dirksen Senate Office Building, Room 226
10:00 a.m.

The Honorable Jeh Johnson
Secretary
United States Department of Homeland Security
Washington, D.C.



The Honorable Jeh Charles Johnson, Secretary

U.S. Department of Homeland Security

testifying before the

Committee on the Judiciary

United States Senate

“Oversight of the Department of Homeland Security”

Tuesday, April 28, 2015 – 10:00 a.m.

226 Dirksen Senate Office Building

Washington DC 20510

Prepared Testimony**Secretary of Homeland Security Jeh Charles Johnson****United States Senate Committee on the Judiciary****April 28, 2015**

Chairman Grassley, Ranking Member Leahy, and distinguished members of the Committee, thank you for the opportunity to address you today.

Counterterrorism is the cornerstone of our homeland security mission. Thirteen and a half years after 9/11, it's still a dangerous world. And in 2015, we must recognize that we have evolved to a new phase. Today, the terrorist threat is more decentralized, more diffuse, and more complex.

We are concerned about the foreign fighter who leaves his home country, travels to another country to take up the fight there, links up with terrorist extremists, and may return home – whether it's this country or one of our allies – with a terrorist purpose.

We are concerned about terrorist organizations' new, slick and skilled use of the Internet to publicly recruit individuals to conduct attacks within their own homelands. Al Qaeda in the Arabian Peninsula (AQAP) no longer builds bombs in secret; it publicizes its instruction manual, and urges people to use it.

We are concerned about the domestic-based terrorist threat that may lurk in our midst – the so-called “lone wolf” – who may become inspired by extremist propaganda on the Internet, and who could strike with little or no notice.

So what are we doing about this in 2015? We tailor and enhance our security through every appropriate method.

Much of countering terrorism requires securing our aviation system. Terrorists are always looking for ways to circumvent airport security. But we are continuously evaluating, modifying and enhancing our aviation security measures to stop them. Last summer, for example, DHS started requiring enhanced screening at select overseas airports with direct flights to the United States. Weeks later, we added other airports. The United Kingdom

and other countries followed suit with similar enhancements. Then in January, the Transportation Security Administration (TSA) increased the number of random searches of passengers and carry-on luggage at U.S. airports.

A DHS priority in 2015 is the expansion of preclearance operations at foreign airports with flights to the United States. I view this as an important piece of our aviation security and our counterterrorism mission.

In the current threat environment, countering violent extremism is an indispensable part of our homeland security mission. And that must include public engagement. DHS is building partnerships with state and local law enforcement, community leaders, and institutions that are in a position to deter those who may be turning to violence. In 2014, DHS held over 70 meetings, roundtables and other events in 14 cities. I have personally participated in these efforts. I have met with community leaders and other critical stakeholders in Chicago, Columbus, Minneapolis, Los Angeles and Boston. And I have more of these meetings in Houston and New York. Last February, I was also part of the CVE Summit at the White House and the Global Counterterrorism Workshop at the State Department. These events focused on how American communities and our allies abroad can develop specific programs to address these issues. The lone wolf is not confined to one community or even one country.

Violent extremists are also traveling abroad. So we're taking steps to ensure that they are not able to return to the United States unnoticed. Since January 2009, the Electronic System for Travel Authorization (ESTA) has provided DHS key biographic information about Visa Waiver Program travelers before they board an aircraft bound for the United States. In 2014, we strengthened the Visa Waiver Program's security by requiring additional information for the Electronic System for Travel Authorization. Now we know even more about those who travel to the United States and are able to conduct even more effective security screening. We offer the Visa Waiver Program to 38 countries. It is a valuable tool for international commerce and travel and encourages Visa Waiver partner countries to engage in more effective security and law enforcement cooperation with the United States. The program must continue in a secure manner. DHS is considering additional ways to make the Visa Waiver Program even more secure, including watchlisting, information-sharing, collection and analysis of travel data and cooperation with INTERPOL. We also are sharing our aviation screening expertise with our allies to help them identify illicit travel while also protecting the privacy and civil liberties of all travelers.

Similarly, we cooperate here at home with state and local officials, particularly in sharing threat information with our state, local, tribal, and territorial partners. With the FBI, we routinely prepare and release Joint Information Bulletins (JIBs) nationally, including some specifically tailored to topics like ISIL recruitment and the recent spate of arrests by the FBI. Last September, DHS released a guide to help retail businesses identify suspicious purchases of explosive precursors. We and the FBI are also working with the International Association of Chiefs of Police and other partners to produce awareness training videos tailored to the foreign fighter threat.

At DHS, we are always concerned about possible vulnerabilities and working to ensure that our nation is safe.

An incident last December at Hartsfield-Jackson Atlanta International Airport raised such a concern – specifically, about whether aviation workers with airport identification badges could bypass security and smuggle weapons or explosives into an operations area or even onto an aircraft. I asked the Aviation Security Advisory Committee (ASAC) to review and make recommendations to address these concerns. And this month, in response to the ASAC's report, I directed the TSA to take several immediate actions, including "real-time recurrent" criminal history background checks, reducing the number of access points to secured areas, and a program to encourage airport workers to report suspicious activity. TSA is looking for any additional measures we can take.

As I said earlier, counterterrorism is our cornerstone mission, the reason DHS was created in 2002. But the reality is that in 2015, cybersecurity has become a mission of equal importance. So DHS is building an agile and responsive cybersecurity capability.

Part of doing that means we must work closer with our most innovative companies to develop and field security technologies and to strengthen our critical relationships with the technology community. We have long recognized that the government cannot fully address the cyber threat alone – we must have strong partnerships with industry. Therefore, we are finalizing plans to open a satellite office in Silicon Valley that will serve to strengthen our critical relationships there and improve our ability to manage our shared risk to cyberspace.

I also intend to hire a new director for the National Cybersecurity and Communications Integration Center (NCCIC). I want a recognized all-star. My goal is to make the NCCIC

a 24/7 cybersecurity operations center that brings together government and business, working side by side to assess and reduce the risks to America's cyber systems.

We're looking to Congress for help in strengthening our national cybersecurity posture with legislation that will provide appropriate protection from civil and criminal liability to companies for providing cyber threat indicators to the NCCIC. We are also looking for Congress' help in supporting the President's FY 2016 request for funding to build the Cybersecurity Campus, to be the focal point for engagement among Federal cyber missions, including DHS and FBI, and private sector partners. In addition, President Obama has proposed a national data breach reporting standard, in lieu of the existing patchwork of state laws on the subject. And he has proposed enhanced criminal penalties for cybercrime.

Securing the border is another core mission of DHS.

As such, the Department has deployed historic levels of front-line personnel, technology, and infrastructure to the border to reduce the flow of illegal immigrants and illicit contraband while, at the same time, fostering legal trade and travel. These investments have yielded good results.

And to secure our borders even more effectively, DHS took several additional major steps last November. We established new Department-wide enforcement priorities that focused on recent border crossers, convicted criminals and threats to national security. We dedicated unprecedented resources to secure the southwest border. We implemented a new risk-based U.S. Southern Border and Approaches Campaign. And we increased cooperation with foreign governments.

The result of all these efforts has been a significant reduction in apprehensions of illegal migrants along the southwest border, a strong indicator that there are fewer attempts to cross the border illegally.

During the first six months of Fiscal Year 2015, the number of total apprehensions along the southwest border was 151,805, down nearly 60,000 (or 28 percent) compared to the same period in Fiscal Year 2014. It appears that April 2015 will follow the same reduced trend. Border apprehensions in the first six months of Fiscal Year 2015 were a fraction of where they were 15 years ago, when they totaled 1.6 million. Apprehensions of unaccompanied children across the southwest are down significantly as well. During the first six months of Fiscal Year 2015, apprehensions of unaccompanied children along the

southwest border were 15,627, a 45 percent decrease when compared to the same period during last year's surge.

We're not declaring total victory. But we are sending a strong message – backed by strong action – that this country is not open to illegal migration.

In Fiscal Year 2015, our strategy to fundamentally alter the way we secure our southern border has moved from concept to reality. On February 6, our three new Joint Tasks Forces became operational. We are now employing DHS assets—CBP, Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services, U.S. Coast Guard, and others—in a strategic way. The strategy integrates DHS operations against pre-identified, Secretary-approved, outcomes and targets for the range of threats and challenges, including illegal migration, illegal drug, human and arms trafficking, the illicit financing of all these operations, and the terrorist threat.

The President and I support comprehensive immigration reform. But in the meantime, we are taking steps to fix as much of our broken immigration system as we can, within our existing legal authorities.

In addition to the border security actions outlined above, our executive actions prioritize the removal of felons over families, include measures to further secure the border, discontinue the Secure Communities program and create a new approach focused on working collaboratively with state and local law enforcement to remove convicted criminals while respecting critical local community policing efforts, streamline legal immigration to boost the economy and promote naturalization, support military families, and enhance options for foreign-born high-skilled workers, entrepreneurs and businesses.

As a part of our executive actions, we announced a new program of deferred action for undocumented adults. Those who have committed no serious crimes, have been in this country since January 1, 2010, and have children here who are citizens or lawful permanent residents, would be eligible to be considered for this program. The reality is that these individuals are not enforcement priorities. Therefore, we want to encourage them to come out of the shadows, be accountable, pay taxes, and get on the books, so we know who they are.

The Supreme Court and Congress have made clear that the federal government can set priorities and exercise prosecutorial discretion when enforcing our immigration laws—which is exactly what we did when the President announced commonsense policies to help fix our broken immigration system.

As the Congress is aware, implementation of this policy and the expansion of an existing policy to provide temporary relief to undocumented individuals who can to the U.S. as children (or “DACA”) are on hold given a federal court preliminary injunction in Texas. We continue to abide by that injunction. We are also vigorously defending our actions in that litigation.

A critical part of our enforcement efforts is PEP, which stands for the Priority Enforcement Program. PEP replaces the controversial Secure Communities program, which was supposed to deport criminals convicted of serious crimes but too often led to the removal of those charged with minor offenses, even before their conviction.

PEP will focus our resources on convicted criminals rather than undocumented immigrants who have, in effect, become valued members of the community.

We need state and local law enforcement to work with us to make PEP a success. So we are reaching out to state and local governments to gain their cooperation in ensuring that dangerous criminals are transferred to ICE custody instead of released to the streets. I hope this Committee and all of Congress will also support our efforts in this regard.

Moving forward, I remain firmly committed to enforcing our immigration laws effectively and sensibly, in line with our Nation’s values, and in a way that addresses as many problems as possible and makes national security our top priority.

Now, I would like to take a moment and speak with you regarding the EB-5 Immigrant Investor Program (the “EB-5 Program”), which as you know is up for reauthorization this year.

Despite its popularity in Congress and elsewhere, I have ongoing concerns about the EB-5 Program.

Over the last several years, USCIS has taken important steps to improve the program, with fraud detection and national security personnel working alongside adjudication officers and, in fraud and abuse cases, with federal law enforcement.

Notwithstanding our progress, we need to do more, and we need Congress to help. I believe that any reauthorization needs to include reforms that strengthen DHS’s ability to protect the integrity and viability of the program and address fraud and national security concerns.

I have outlined my proposals in a letter to Chairman Grassley and Ranking Member Leahy, and I would be happy to arrange a briefing for any additional members who want to hear more about them.

I also I want to ensure that the EB-5 Program is free from the reality or perception of improper outside influence. So in addition to these legislative reforms, I am putting in place new protocols to ensure that adjudication is fair, transparent, and without improper influence.

Since taking office in December 2013, I have made management reform a top priority in the Department. Improving the effectiveness and efficiency by which we pursue our mission is itself a homeland security imperative.

Over the last 16 months, we have filled almost all the senior-level vacancies in the Department.

Our Unity of Effort initiative has now been in effect for a year, and it has brought a more centralized process for making decisions concerning budget requests, acquisition, strategy, and other Department functions. Growing out of this initiative, we also have realigned major DHS headquarters activities to consolidate like functions and promote efficiency.

And we are on a path to get off the Government Accountability Office's so-called "High Risk List." In its latest report, GAO says DHS is a "model" for how federal agencies can work to address GAO's "high risk" designation.

Before concluding, I want to stress that maintaining the security of our homeland is made possible through the dedicated work of the nearly quarter million men and women who comprise DHS. I visit as many of them as I can, as often as possible, where they work – on the front lines.

Just a few weeks ago, I visited our Transportation Security Administration (TSA) personnel in New Orleans, including three who were at the scene of an attack by a deranged man with a machete and other dangerous items.

One of our TSA officers, supervisor Carol Richel, was wounded in the attack. Yet her first instinct was to secure her post without even realizing she had been shot through the arm. And by the way, she came to work the next day.

There's a lot of talk about morale problems at DHS and how it is one of the so-called "worst places" to work in the federal government. But at DHS, we are no longer "studying" the issue of morale. We are doing something about it. Our focus is on action. We are addressing fairness and transparency in hiring, promotion and training opportunities. We are sharing employee ideas. And we are recognizing our people for their good work. The results are clear – the men and women all across the Department of Homeland Security are upbeat, dedicated, and patriotic – people like Carol Richel.

In conclusion, I want to say I am pleased to provide the Committee with this overview of the progress we are making at DHS. You have my commitment to work with each member of the Committee to build on our momentum on behalf of the American people.

I look forward to your questions.

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

I. Current State of U.S.-Mexico Border Fence Construction

- Your Department has sole responsibility for the northern, southern, and maritime border security of the United States. Congress has, in the past, specifically mandated in statute that your Department undertake to complete U.S.-Mexico border fence construction or otherwise improve or enhance the quality of U.S.-Mexico border fencing in order to reduce the flow of illegal aliens into the United States. It is Congress’s understanding, however, that, despite these instructions, large swaths of the U.S.-Mexico border remain unsecured, because of either the failure to construct required fencing or the failure to replace inadequate or damaged fencing with better fencing.
1. How many miles of the 1,954-mile border shared by the United States and Mexico:
 - a. Have no barriers or fencing at all?
 - b. Have vehicle barriers only (designed to halt vehicle traffic but not pedestrian traffic)?
 - c. Have single-layer fencing only (designed to stop pedestrian traffic)?
 - d. Have double-layer fencing (designed to stop pedestrian traffic)?

Please provide answers in both number of miles and as a percentage of the entire U.S.-Mexico border.

2. With respect to the portions of the U.S.-Mexico border that currently feature only vehicle barriers:
 - a. Are any of these vehicle barriers being replaced with single-layer fencing?
 - b. Are any of these vehicle barriers being replaced with double-layer fencing?
3. With respect to the unfenced portions of the U.S.-Mexico border:
 - a. Is any single-layer fencing being constructed along these portions at this time?
 - b. Is any double-layer fencing being constructed along these portions at this time?

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

4. Please explain in detail how your Department is using funding that has been set aside by Congress for border fence construction if it is not using such funding for fence construction, with specific information regarding:
 - a. When border fence construction funding was spent (broken down by fiscal year).
 - b. How border fence construction funding was spent.
 - c. Whether any of the border fence construction went toward non-border fence construction contractor services.

II. Indications of International Terrorists or Terrorist Presence Near U.S. Borders

- Federal Bureau of Investigation (FBI) Director James Comey recently rejected claims that the Islamic State of Iraq and Syria (ISIS) has been detected in Mexico in close proximity to El Paso, Texas, and was using its presence there as a base of operations for sending ISIS members into the United States to attack domestic targets.¹ Director Comey’s assertions may have been in response to a recent Judicial Watch article that stated, with some degree of specificity, that Mexican authorities had confirmed the presence of an ISIS camp within only a few miles of El Paso.²
5. Can you corroborate FBI Director Comey’s comments that ISIS does not have a base of operations or any other physical presence in the vicinity of the U.S.-Mexico border?
 6. Does your Department have any reason to believe that ISIS may be collaborating with any Mexican, Central American, or South American cartel(s), transnational criminal organization(s), or drug trafficking organization(s)?
 7. Please provide the following:
 - a. All unclassified information about any foreign or international terrorist organizations that have been detected in any part of Mexico or any Central or South American country.

¹ See KRGV.COM, *Head of FBI: No Indication Terrorists Crossing Southwest Border* (Apr. 30, 2015) (citing Comey as saying that there is zero evidence of any camps connected to any terror groups on either side of the Texas-Mexico border).

² See JUDICIAL WATCH CORRUPTION CHRONICLES, *ISIS Camp a Few Miles from Texas, Mexican Authorities Confirm* (Apr. 14, 2015) (claiming the presence of an ISIS camp in Anapra, just west of Ciudad Juarez, and that ISIS has used that location as a base of operations for funneling ISIS members into the United States).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

- b. All unclassified information about any foreign or international terrorist organizations that have attempted entry into the United States at any point along either the U.S.-Mexico or U.S.-Canada land borders or U.S. maritime borders.
8. If the information requested in the above question is only available in classified form, please inform the Committee accordingly (so that we can make arrangements for a classified briefing on the subject).
9. Please provide the number of:
 - a. U.S. citizens who have been detained at or near the U.S.-Mexico border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
 - b. Foreign nationals who have been detained at or near the U.S.-Mexico border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
 - c. U.S. citizens who have been detained at or near the U.S.-Canada border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
 - d. Foreign nationals who have been detained at or near the U.S.-Canada border who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
 - e. U.S. citizens who have been detained in U.S. coastal waters who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
 - f. Foreign nationals who have been detained in U.S. coastal waters who you know or suspect are members of any foreign or international terrorist organization as of April 30, 2015.
10. Has your Department made any attempts to contact Mexico’s federal government or State of Chihuahua government officials in order to verify the allegations made in the Judicial Watch story?

III. ISIS and Iran Recruiting Efforts in the Americas

- United States Marine Corps General John F. Kelly recently told the Senate Armed Services Committee that ISIS and Iran are actively recruiting individuals from Caribbean

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

and South American countries for overseas fighting. General Kelly specifically identified Jamaica, Trinidad and Tobago, Surinam, and Venezuela as countries where these recruiting efforts are currently taking place, and noted that these countries’ proximities to the United States increase the likelihood of radicalized nationals from these countries entering the United States.³ While foreign nationals from some countries may have a difficult time entering the United States (legally or otherwise), foreign nationals from Barbados, Grenada, Jamaica, or Trinidad and Tobago may enter the United States without visas if they are seeking to enter the United States as agricultural workers.⁴

- 11. Was your Department aware of this significant, national security-threatening regulatory loophole?**
- 12. Whether or not your Department was previously aware of this loophole, it is aware of it now. Please tell the Committee what steps your Department is taking or will take to close the regulatory loophole.**

IV. Incentivization of Central American Migration

- This Administration has repeatedly asserted that the main catalyst of the influx of aliens from Mexico, El Salvador, Guatemala, and Honduras over the last few years is an increase in gang-related violence in these countries. This claim, however, is undercut by an unclassified intelligence document produced by the United States government. Specifically, the federal El Paso Intelligence Center produced an intelligence assessment in July 2014 entitled “Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge” (EPIC report) that demonstrates clear federal awareness, based on interviews of illegal aliens who had entered the United States during the influx, that it was the perception abroad of the Administration’s amnesty policies rather than any sort of massive swell of violence that was driving the influx.⁵

- 13. When did you first receive or have the chance to view the EPIC report?**
- 14. Do you dispute the contents of the EPIC report? If you do dispute the contents of the EPIC report, please provide a detailed explanation as to why.**

³ See generally U.S. Senate, Committee on Armed Services, *Hearing: U.S. Northern Command and U.S. Southern Command* (Mar. 12, 2015); see also Dan Lamothe, *Islamic State could infiltrate U.S. through Caribbean and South America, general says*, WASH. POST (Mar. 12, 2015).

⁴ See 8 C.F.R. 212.1(b)(1)(i) (stating that a visa is not required of a national from Barbados, Grenada, Jamaica, or Trinidad and Tobago if such national “is proceeding to the United States as an agricultural worker”).

⁵ See generally EPIC Intelligence Assessment, *Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge* (Jul. 7, 2014); see also Brandon Darby, *Leaked Border Crisis Intel Shreds Narrative from Media and Obama Admin*, BREITBART.COM (Jul. 14, 2014).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

15. Given that you and other Department officials have been the main purveyors of the claim that increases in violence have been the primary driver of the influx of illegal aliens from Mexico, El Salvador, Guatemala, and Honduras over the last few years, how do you reconcile data that show declining violence in El Salvador, Guatemala, and Honduras with the Administration’s claim that increasing violence is driving the influx?
16. What role, if any, did your Department have in producing the EPIC report? As part of this answer, please specifically indicate:
 - a. How much Department funding has been provided to support EPIC since October 1, 2009 (broken down by fiscal year).
 - b. The names of senior Department officials who contributed to this report in any way.
17. What role, if any, did your Department have in preventing the EPIC report from being publicly released (given that the report is unclassified)?

V. DHS Assistance to State and Local Law Enforcement on U.S.-Mexico Border

- Chief Deputy Sheriff Benny Martinez of the Brooks County Sheriff’s Office recently told the Senate Homeland Security and Governmental Affairs Committee that this Administration’s pro-amnesty policies have resulted in the discovery of literally hundreds of dead bodies on private parcels of land throughout Brooks County since 2008. Chief Deputy Martinez indicated that, despite the federal role in fueling the flow of illegal immigration into the United States, the cost of body removal and disposal has fallen to Brooks County in the amount of \$700,000 since 2008,⁶ despite the United States government’s frequent assertions that the United States government is solely responsible for immigration enforcement.
18. Please explain why your Department should not be responsible for reimbursing Brooks County (and similar situated counties throughout the United States) for the costs associated with illegal alien body removal and burial?
 19. Does any component of your Department currently have a mechanism for reimbursing state or local agencies for covering the cost of this immigration-related function?

⁶ See Testimony of Benny Martinez, U.S. Senate, Committee on Homeland Security and Government Affairs, *Hearing: Securing the Border: Assessing the Impact of Transnational Crime* (Mar. 24, 2015).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

VI. Central American Minors Refugee/Parole Program

- The recent Senate Judiciary subcommittee hearing on the Central American Minors Refugee/Parole Program (CAM Program), which uses taxpayer dollars to bring the spouses and children of illegal aliens to the United States, has revealed significant concern about the legality, wisdom, and cost of the program.⁷
- 20. Please cite the statutory basis for the creation and implementation of the CAM Program.**
- 21. Please provide both the current and projected costs of the CAM Program.**
- 22. Does your Department generate any revenue from the CAM Program?**
- During the above-mentioned subcommittee hearing, Senator Sessions asked questions regarding the in-country circumstances that would permit a foreign national to claim refugee status. Different scenarios were discussed, based on internal agency documentation addressing the CAM Program, that raised questions about exactly what conditions would allow the extension of refugee status to a foreign national, and whether current Administration interpretations are in accord with statutory language.
- 23. Is it your Department’s official position that the following conditions justify extension of refugee status to a foreign national:**
- a. Poor economic conditions within that foreign national’s country?
 - b. That foreign national’s individual impoverished condition or status?
 - c. That foreign national’s gender, by itself?
 - d. That foreign national’s status as a female head of household?
 - e. That foreign national’s involvement as a victim in any crime?

If the answer is yes to any of the above, please provide additional information about the justification for each policy position, including internal agency documentation demonstrating the development or evolution of this position, and the statutory basis for each policy position.

⁷ See generally Senate Judiciary Committee, Subcommittee on Immigration and the National Interest, Hearing: *Eroding the Law and Diverting Taxpayer Resources: An Examination of the Administration’s Central American Minors Refugee/Parole Program* (Apr. 23, 2015).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
"Oversight of the Department of Homeland Security"
Tuesday, April 28, 2015

24. In the event a foreign national is seeking entry into the United States pursuant to the CAM Program but is unable to provide sufficient documentation demonstrating identity or background, is that foreign national:

- a. Automatically rejected from the CAM Program?
- b. Ineligible to reapply?

VII. UAC Removals and Prosecutions to Date

- Despite the fact that the Department of Health and Human Services (HHS) is currently responsible for handling the housing and placement of unaccompanied alien children (UAC) upon their entry into the United States, these UAC nevertheless remain in the United States temporarily, and it remains your Department's responsibility to ensure that they are handled in accordance with federal statute.
25. Please explain what your Department is doing to handle the removals of UAC that have entered the United States, and been subsequently housed and/or placed by HHS in private homes throughout the United States, to their respective home countries.
26. Is HHS providing your Department with the identities and whereabouts of, and other relevant information about, the UAC that HHS is placing in private homes throughout the United States?
27. Does your Department have total awareness of the whereabouts of all UAC throughout the United States that HHS has placed in private homes?
28. How many UAC has your Department removed to their home countries as of April 30, 2015?
29. How many UAC has your Department prosecuted for illegal re-entry into the United States as of April 30, 2015?

VIII. DHS Referrals to the Department of Justice

- On March 31, 2015, I sent a letter to Secretary of Health and Human Services Sylvia Mathews Burwell about information indicating that the Department of Health and Human Services (HHS) was seriously mishandling the unaccompanied alien children (UAC) in its custody.⁸ One of several concerns stated in the letter is that HHS may not be properly

⁸ This letter is available at http://www.cruz.senate.gov/files/documents/Letters/20150331_Burwell_Letter.pdf.

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

referring child abuse incidents occurring within facilities to the FBI or relevant law enforcement agencies, as is required by current federal law.⁹

30. Has your Department recorded or documented any instances of child abuse, including sexual abuse, of any UAC that were in your Department’s custody at any point since January 2011? If the answer is yes, please provide the following additional information:

- a. The number of recorded or documented instances of non-sexual child abuse (broken down by fiscal year).
- b. The number of these instances of non-sexual child abuse that have been reported to the FBI.
- c. If none of these instances of non-sexual child abuse were reported to the FBI, an explanation as to why none of them was reported as required under federal law.
- d. The number of recorded or documented instances of sexual child abuse (broken down by fiscal year).
- e. The number of these instances of sexual child abuse that have been reported to the FBI.
- f. If none of these instances of sexual child abuse were reported to the FBI, an explanation as to why none of them was reported as required under federal law.

IX. Recent Assaults of Border Patrol Agents by Mexican Nationals

- On April 19, 2015, at least two U.S. Border Patrol agents were injured on the Rio Grande River in the vicinity of Anzalduas Park near McAllen, Texas. Initial reports indicated that these two Border Patrol agents were attacked with stones and rocks from the Mexican side of the Rio Grande River after their boat capsized, and that one of those Border Patrol agents suffered injuries that required hospitalization.¹⁰

⁹ Current federal law and supporting regulations require that instances of child abuse, including sexual abuse, must be reported to either the FBI or other designated agency. *See generally, e.g.*, 42 U.S.C. § 13031 (detailing the requirements for referring known or suspected cases of child abuse, including sexual abuse, to relevant authorities); 28 C.F.R. § 81.2 (requiring that reports of child abuse mandated under 42 U.S.C. § 13031 can be made to a local law enforcement agency or local child protective services agency pursuant to a written agreement authorizing a non-federal agency to be the responsible agency); 28 C.F.R. § 81.3 (stating that, in the absence of a written agreement designating a non-federal agency to be the responsible agency, the FBI is responsible for receiving these reports of child abuse).

¹⁰ *See KRGV.COM, Rocks Thrown at Agents in the Water* (Apr. 21, 2015).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

31. Please provide an update about this assault, including the current medical status of the two Border Patrol agents.
32. What steps has your Department taken to alert federal and/or local Mexican law enforcement officials to the incident and help them pursue arrest and prosecution of the offenders?
33. If your Department has taken steps to alert federal and/or local Mexican law enforcement officials about the incident, please indicate progress to date on the part of Mexican officials to track down the perpetrators of the assault.
34. Does the Department have any reason to believe that cartel or gang members were the perpetrators of the assault?

X. President Obama’s Threat of “Consequences” for ICE Officers

- On February 25, 2015, President Obama stated during a televised MSNBC/Telemundo town hall discussion that Immigration and Customs Enforcement (ICE) employees who did not disobey their statutory obligations to enforce federal immigration law to follow the President’s amnesty instructions would face “consequences.”¹¹
35. Please explain what President Obama meant by his February statement that there would be “consequences” for ICE employees who followed current federal immigration law.
 36. Has President Obama given you or any other employees within your Department any specific instructions or directives regarding what sort of consequences should follow for ICE employees who continue to follow current federal immigration law?
 37. Have any disciplinary measures been instituted against any ICE employees since President Obama’s comments for their roles in detaining illegal aliens or otherwise commencing removal proceedings for illegal aliens?

XI. USCIS Legal Immigrant Processing Capacity

- Congress is concerned that U.S. Citizenship and Immigration Services (USCIS) may not be adhering to its specific mission to provide for legal and orderly immigration and the administration of related benefits. This failure of mission has manifested itself in the

¹¹ Daniel Halper, *Obama: ‘Consequences’ for ICE Officials Who Don’t Follow Executive Amnesty*, THE WEEKLY STANDARD (Feb. 25, 2015).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

form of application backlogs, processing delays, inadequate modernization of agency recordkeeping and information sharing tools (despite generous congressional funding over the years), and a more general failure to provide our national security apparatus with the information it needs to protect the American people. This slide in performance coincides with USCIS's access to an ever-increasing amount of revenue derived from the application fees charged to legal immigrants (although serious questions exist regarding whether USCIS is using its fee revenue for activities not sanctioned by Congress).

38. How much fee-based revenue has USCIS received since October 1, 2009? Please provide this information broken down by fiscal year.

39. For each of these fiscal years, please indicate (in both raw dollars and as a percentage of that fiscal year's fee-based revenue) how much of USCIS's fee-based revenue was spent on:

- a. USCIS headquarters office functions.
- b. USCIS field office functions (by office or facility).
- c. Overseas office functions (by office or facility).
- d. Each region of USCIS's Field Office Directorate.
- e. The National Benefit Center.
- f. The various nationwide service centers.
- g. The Fraud Detection and National Security Directorate (FDNS).
- h. The Administrative Site Visit Verification Program (ASVVP).
- i. Asylum-related services (including asylum application processing).
- j. Refugee-related services (including refugee application processing).
- k. Information technology infrastructure upgrades and repairs.
- l. Contractor services (and information indicating which component of USCIS issued and funded those contractor services).

40. Please indicate the following:

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

- a. Past filing trends, by form type, for all forms and other instruments the agency deems to not be a form, since October 1, 2009 (including DACA applications and any other congressionally unsanctioned applications).
 - b. Projections of filing trends, by form type, for all forms and other instruments the agency deems to not be a form, through September 30, 2020 (including DACA applications and any other congressionally unsanctioned applications).
 - c. A breakdown of past filing trends, by form type, for all forms and other instruments the agency deems to not be a form across all service centers since October 1, 2009.
 - d. A projection of future filing trends, by form type, for all forms and other instruments the agency deems to not be a form across all service centers through September 30, 2020.
- In previous feedback to the Judiciary Committee, USCIS leadership, including USCIS Chief Financial Officer (CFO) Joseph Moore, has indicated that the mobilization of the Crystal City facility was not solely geared toward supporting the Administration’s illegal DACA and DAPA programs, but had the potential to support USCIS’s need for additional processing capacity for sanctioned adjudications.¹²
41. Has your Department assisted USCIS to determine its future processing capacity?
42. Are you aware of whether USCIS has independently determined its future processing capacity?
43. Arlington County, Virginia, is an incredibly expensive real estate market with relatively low unemployment (due to the heavy federal subsidization of the region). Working under the assumption that additional service centers are needed to handle anticipated future processing, are there other potential sites along the eastern seaboard for a new USCIS processing center that would both cost less and provide job opportunities for local residents?
44. What else can Congress do to assist USCIS in the processing of its legal immigrant applications?

¹² See, e.g., USCIS Responses to Questions in the January 22, 2015 Letter from Senators Grassley, Johnson, and Sessions (Feb. 26, 2015) (stating that “USCIS is expanding space requirements in several locations around the country to support its normal operations that are unrelated and independent of the requirements associated with implementing DAPA and expanded DACA”).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

XII. Personnel Concerns

- On Tuesday, March 24, 2015, your Department’s Office of Inspector General (OIG) released a memorandum summarizing its investigation into employee complaints about management of the EB-5 program. The OIG memorandum concluded that current Deputy Secretary Alejandro Mayorkas, who generally avoided involvement in EB-5 program adjudications, “communicated with [EB-5 program] stakeholders on substantive issues, outside of the normal adjudicatory process, and intervened with the career USCIS staff in ways that benefited the stakeholders.” The OIG memorandum went on to state that “Mr. Mayorkas’ communication with external stakeholders on specific matters outside the normal procedures, coupled with favorable action that deviated from the regulatory scheme designed to ensure fairness and evenhandedness in adjudicating benefits, created an appearance of favoritism and special access” for those stakeholders.¹³ Despite this revelation of apparent inappropriate behavior on the part of Mr. Mayorkas, you oppose removing Mr. Mayorkas from his post.¹⁴
- 45. Do you have any reason to believe the results of your Department’s OIG investigation of Mr. Mayorkas are incomplete or inaccurate?**
- 46. Given the findings of your Department’s OIG investigation of Mr. Mayorkas, please explain why you favor retaining him in the role of Deputy Secretary.**
- 47. Do you believe your support for Mr. Mayorkas might send the signal to Department employees that there are no consequences for the appearance of impropriety?**
- 48. Do you believe it is appropriate or acceptable for a political appointee to interfere with the implementation of an immigration program?**
- Immigration and Customs Enforcement recently announced that Gwendolyn Keyes-Fleming, who has served as chief of staff to Administrator Gina McCarthy at the Environmental Protection Agency (EPA), is leaving EPA to serve as ICE’s Principal Legal Advisor. Bluntly stated, Ms. Keyes-Fleming appears to have zero experience with immigration law or issues.¹⁵ Beyond her notable lack of relevant experience, EPA’s

¹³ Department of Homeland Security, Office of Inspector General, *Investigation into Employee Complaints about Management of U.S. Citizenship and Immigration Services’ EB-5 Program* (Mar. 24, 2015). See also John R. Emshwiller and Andrew Grossman, *Homeland Security Watchdog Cites Favoritism in EB-5 Visa Program*, WALL STREET JOURNAL (Mar. 24, 2015) (discussing how Mr. Mayorkas intervened in several specific instances involving high-profile political figures, including current Virginia Gov. Terry McAuliffe and Anthony Rodham, brother of former Secretary of State Hillary Clinton).

¹⁴ See Stephen Dinan, *DHS secretary says Mayorkas will keep his job amid immigration flap*, WASH. TIMES (Mar. 26, 2015).

¹⁵ See Rachel Stoltzfoos, *ICE Hires EPA Chief of Staff As Top Legal Adviser*, DAILY CALLER (Apr. 29, 2014); Dan Cadman, *The Blind Will Be Leading the Blind at ICE*, CENTER FOR IMMIGRATION STUDIES (May 4, 2015).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

Office of Inspector General also recently released a report (EPA OIG report) in which it specifically identified Ms. Keyes-Fleming as one of several senior officials at EPA who took no action to address inappropriate sexual harassment by senior EPA official Peter Jutro. The OIG report contains information indicating that Ms. Keyes-Fleming specifically did not act on knowledge of Mr. Jutro’s sexual harassment when she became aware of such conduct, which allowed the conduct to continue, to the detriment of several other victims.¹⁶ (Mr. Jutro was apparently later permitted to retire from EPA with full benefits but without any consequences for his conduct.) Ms. Keyes-Fleming may have also played an instrumental role in protecting other problematic EPA employees and, in at least one instance, interfering with an EPA OIG investigation.¹⁷

49. Were you involved in any way in the recruiting or hiring of Ms. Keyes-Fleming?
50. Do you know if any career ICE attorneys were under consideration for this position?
51. Do you believe it is wise for an agency that is tasked with immigration enforcement to have a chief legal advisor who has zero experience handling that agency’s subject matter?
52. Please explain, in your view, what qualifies Ms. Keyes-Fleming to handle her impending role, in light of her total lack of immigration experience.
53. Was Ms. Keyes-Fleming’s below conduct known before she was hired by ICE:
 - a. Her failure to act with regard to Mr. Jutro’s sexual harassment conduct at EPA?
 - b. Her use of OHS to block OIG investigations, including investigations into abusive or illegal EPA employee conduct?

¹⁶ See generally U.S. Environmental Protection Agency, Office of the Inspector General, *Closing Report of Investigation Concerning Jutro, Peter, SES, Acting Associate Administrator, EPA Office of Homeland Security* (OI-HQ-2014-ADM-0109) (Apr. 24, 2015).

¹⁷ See, e.g., Michael Bastasch, *EPA Employees Not Fired For Watching Pornography, Stealing Money*, DAILY CALLER (May 7, 2014) (noting how EPA’s Office of Homeland Security (OHS) “is overseen by EPA administrator Gina McCarthy’s own chief of staff [Ms. Keyes-Fleming] and has hindered inspector general inquiries into ‘employee misconduct, computer security and external threats, including compelling employees involved in cases to sign non-disclosure agreements’”); see also Statement of Patrick Sullivan, Assistant Inspector General for Investigations, Office of Inspector General, U.S. Environmental Protection Agency, *How the EPA’s Office of Homeland Security Impedes the Investigations of the EPA’s Office of Inspector General* (May 7, 2014) (specifically citing Ms. Keyes-Fleming as overseeing OHS, and how, under her oversight, OHS blocked several high-level investigations and refused to share information that had the potential to impact the safety of EPA employees).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

- On March 3, 2015, USCIS CFO Joseph Moore, Associate Director of USCIS Field Operations Directorate Daniel Renaud, and Associate Director of USCIS Service Center Operations Directorate Don Neufeld testified before this Committee’s Subcommittee on Immigration and the National Interest at a hearing entitled “Oversight of U.S. Citizenship and Immigration Services: Ensuring Agency Priorities Comply with the Law.” Other senators and I submitted a combined package of questions for the record for Messrs. Moore, Renaud, and Neufeld, but have to date still not received answers to those questions.

54. Please provide an update with respect to the questions for the record that were asked of Messrs. Moore, Renaud, and Neufeld subsequent to the March 3 hearing.

XIII. Information and Network Security

- Reports over the last few years have indicated that high-level Administration officials, including cabinet-level officials, have used personnel e-mail accounts and other personal means of communication to conduct official business. Such conduct, except under narrow circumstances, is illegal under federal law. Part of the reason for stringent federal recordkeeping requirements has to do with being able to assure the proper level of security for the use and transfer of sensitive information. Unauthorized use of personal e-mail accounts or other personal means of communication runs the risk of exposing sensitive federal information systems to intrusion or damage, sometimes by foreign actors.
- 55. Has your Department experienced any information technology breach or damage incidents as the result of your or another employee’s use of personal e-mail accounts and other personal means of communication to conduct official business? If the answer is yes, please provide additional information about these incidents, including the dates, circumstances, and responses.**
- 56. Does your Department block its employees from accessing the Internet or external, non-federal networks from agency computers? If the answer is yes, please justify this policy (given the sensitivity of information handled by your Department).**

XIV. Status of DHS Headquarters Consolidation Effort

- Your Department has done a poor job consolidating its different components into a single headquarters facility in Washington, D.C. Specifically, your Department’s efforts to bring most or all of its disparate components, many of which had been independent agencies or part of other agencies prior to the creation of the Department of Homeland Security in 2003, together in the new St. Elizabeths headquarters facility in Anacostia

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

have encountered substantial delays, massive cost overruns, and internal resistance from components that refuse to work with headquarters.¹⁸

57. Please provide an update on the consolidation effort, specifically addressing the following issues:

- a. The current estimated date of completion of the St. Elizabeth’s facility.
- b. The current estimated total cost for the construction of the St. Elizabeth’s facility.
- c. The current status of components’ relocation efforts.
- d. With respect to any components that continue to resist the consolidation, an update as to each, including their justifications for resisting the consolidation.
- e. Any plans you have to expand parking capacity at the St. Elizabeth’s facility (which may be a factor motivating some components to resist consolidation).

XV. Federal Law Enforcement Training Center

- Your Department’s Federal Law Enforcement Training Center (FLETC) currently provides law enforcement and related training for dozens of federal and non-federal partners, including most federal law enforcement agencies (excluding the FBI and Drug Enforcement Administration, which train out of their own dedicated facilities in Quantico, Virginia). FLETC has an established multi-facility infrastructure and has invested substantial resources in the development of its training capacity. It is my understanding that the State Department is currently attempting to build its own, expensive, stand-alone training facility in Blackstone, Virginia, which it has dubbed the Foreign Affairs Security Training Center (FASTC), to train its diplomatic security personnel, and that the State Department has refused to cooperate with your Department in order to prevent your Department from fully assessing the State Department’s training needs and FLETC’s ability to meet those needs.

58. Do you believe FLETC has the requisite infrastructure, capacity, and experience to train the State Department’s diplomatic security personnel?

¹⁸ See generally Kelly Riddell, *DHS comes under fire as St. Elizabeths plan over budget, woefully behind*, WASH. TIMES (Mar. 23, 2014); Charles S. Clark, *Will Congress Pull the Plug on Homeland Security’s Move to St. Elizabeths?*, GOVERNMENT EXECUTIVE (Sep. 19, 2014); see also U.S. House of Representatives, Committee on Homeland Security, *Reality Check Needed: Rising Costs and Delays in Construction of New DHS Headquarters at St. Elizabeths* (January 2014).

Senator Cruz Questions for the Record for
Jeh Johnson, Secretary, U.S. Department of Homeland Security
Full Committee
“Oversight of the Department of Homeland Security”
Tuesday, April 28, 2015

59. What, if any, additional financial or other investment would FLETC have to make in order to ensure that it has adequate capacity to train the State Department’s diplomatic security personnel?
60. Do you have any information regarding how much the State Department’s proposed FASTC would cost?
61. Please provide any additional information you have regarding the State Department’s proposed FASTC that you think would be important for the Committee to consider, including:
 - a. Any information you have about the parcel(s) of land that the State Department hopes to use for the proposed FASTC, including geographical, geological, or environmental concerns.
 - b. Any information you have any the proposed designs of the proposed FASTC.
62. Do you believe FLETC can train the State Department’s diplomatic security personnel for less funding than it would take to assist the State Department to construct a brand-new training facility?
63. It is my understanding that the Office of Management and Budget (OMB) has conducted its own analysis of the cost differential between FLETC and the State Department’s proposed FASTC, and determined that upgrades to FLETC are far more economical than the construction of a brand new FASTC. It is also my understanding, however, that that internal review has been suppressed by the Administration to conceal the cost-related obstacles of FASTC construction.
 - a. Does anyone in your Department possess this OMB cost analysis? If the answer is yes, please provide a copy of this cost analysis.
 - b. Has anyone in your Department seen this OMB cost analysis? If the answer is yes, please discuss your understanding of the findings of this cost analysis.
 - c. If FLETC personnel or anyone else in your Department supplied information or material to OMB to help OMB conduct its cost analysis, please supply the names of the individuals at OMB with whom your Department coordinated.

Tuesday, March 24, 2015, at 10:00 a.m., Senate Homeland Security and Governmental Affairs Committee

Testimony for the hearing on **the Border: Assessing the Impact of Transnational Crime**

Chairman Johnson, Ranking Member Carper, and Members of the Committee, good morning and thank you for your invitation for me to speak to you today on this very important issue.

My name is Benny Martinez. I'm the chief deputy sheriff of Brooks County in South Texas. The Brooks County sheriff's department, with five deputies and the sheriff, is responsible for maintaining law and order within a rural region of 943 square miles that encompasses the county seat of Falfurrias. Outside of the city of Falfurrias, the county consists primarily of privately owned ranchland. The sandy terrain is mostly vegetated with mesquite trees, scrub oaks, and prickly pear cactus. The county's total population is about 8,500.

Brooks County has a U.S. Border Patrol checkpoint, known as the Falfurrias checkpoint that is approximately 70 miles north of the U.S./Mexico border on U.S. Highway 281. U.S. Highway 281 is a major north/south artery from the Rio Grande Valley area that leads to Houston, San Antonio, Austin and Dallas and other destinations throughout the interior of the United States.

Highway 281 is part of the Gulf Coast corridor, which is one of the most active drug and human smuggling corridors in the United States. The Falfurrias checkpoint was the busiest checkpoint in the country in regards to undocumented crosser apprehensions (until the surge of unaccompanied minors last summer) and narcotic seizures. The current checkpoint facility will soon be replaced by a new one that will increase the number of inspection lanes from three to eight.

Because of Brooks County's geographical location and the Border Patrol checkpoint, it has its own very unique challenges. In most cases, smugglers/coyotes drop off undocumented crossers and drug smuggling backpackers on the south side of the Falfurrias checkpoint. They are led by the smugglers and made to walk east and west of Highway 281, moving north through private ranch lands, to then get picked up on Texas Highway 285 by other smugglers who will then transport them on the Gulf Coast corridor to cities north. In other cases local gang members or others seeking monetary gain, who live in the county, drive their human and drug loads through private property by having access to keys to locked property gates.

The sad reality is that many of those who are being led through the brush by the smugglers do not survive their demanding journey. In the past six and a half years, the county has recovered 443 bodies of undocumented crossers. We estimate that we recover less than half of all those who perish. From 2008 to 2014 the Brooks County has spent almost \$700,000 for body recoveries.

The Mexican cartels and the transnational and statewide gangs continue to increase the level of organized criminal activity in the Rio Grande Valley and throughout the state. We, who live in and near border communities where cartel drug and human smuggling operations are prevalent, face additional public safety issues such as home invasions; felony vehicle evasions; pseudo police stops; extortion, kidnappings, sexual

assaults of illegal aliens, and the recruitment of Texas children to transport drugs, people, and stolen vehicles across the border. The gangs and cartels have been responsible for shootings at law enforcement officers patrolling the Rio Grande River and they've contributed to the deaths of undocumented crossers on Texas ranches and farms.

Violent transnational gangs such as MS-13 gang members are in Texas and elsewhere. MS-13 was recently linked in two separate murders of school-age children in the Houston area, one of which was ordered from El Salvador. Nearly all of the subjects had illegally crossed into the United States at the Texas border.

Since 2011, the number of MS-13 members encountered by U. S. Border Patrol in the Rio Grande Valley sector has increased each year, accelerating in 2014. This coincides with increased illegal migration from Central America during the same time period. In Fiscal Year 2014, MS-13 represented 43 percent of all gang encounters within the Rio Grande Valley sector, and approximately 11 percent of MS-13 members encountered were juveniles. In addition, there are at least three major Mexican/American gangs that are known to be active in our communities and throughout Texas, if not the country.

There was one particular case that affected me and one of my deputies personally. You will note the unsealed indictment that is included with my written testimony. In this case a smuggler from Falfurrias with a history of smuggling marijuana north and bringing cash back south, stated to an informant that two Zeta members were upset that they lost a load of 1100 lbs. of marijuana in December of 2010 because of Brooks County law enforcement. They heard that Benny Martinez was in charge of law enforcement in the county and the Zeta members wanted to know where Benny and one of his deputies lived so that they could make Benny "talk".

Also of great concern to Brooks County is the known apprehension of undocumented crossers from special interest countries with confirmed ties to terrorist groups.

I would like to emphasize that Brooks County law enforcement has a very close working relationship with state and federal law enforcement partners. Without their help, I can't imagine how we would have fared. The Texas Lieutenant Governor's office stepped up to the plate two years ago when no one else would and directed \$150,000 to the county to help with our depleted budget.

I would also like to recognize those who have come to Brooks County's aid and to the aid of the family members of the 443 deceased victims found in the county. Dr. Kate Bradley, from Texas State University; Dr. Lori Baker, from Baylor University; Dr. Krista Latham, from Indianapolis University; and Dr. Harrell Gill-King, from North Texas State University have all helped in identifying the victims so that their families could be notified.

In closing, while we are faced with many difficult security challenges, we also have to remind ourselves that South Texas is the epicenter of legitimate trade and travel for the country. Therefore, it is incumbent upon local, state and federal law enforcement agencies to ensure our communities remain safe -- and with the help of this committee -- I am confident the safety, economic vitality and prosperity of our region will continue to prevail.

Again, Mr. Chairman, Ranking Member and Committee Members, thank you for the opportunity to share Brooks County's challenges and those of the nation's concerning the dangerous affliction of transnational crime. I would be pleased to answer any questions that you may have.

Closing statement:

Until the United States is serious about securing the border, the transnational criminal organizations will continue to operate on the border, within small rural communities, and throughout all major cities of this nation. I hope and pray that this committee will recommend strong measures be taken and acted upon to do just that. I also hope that you would seriously consider recommending that Brooks County be added to the existing list of border counties because of the overwhelming financial burden it receives due to its geographical location.

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE



EPIC
EL PASO
INTELLIGENCE CENTER

EPIC INTELLIGENCE ASSESSMENT

STRATEGIC

The EPIC Intelligence Assessment provides comprehensive analysis of a body of reporting to address a threat or an intelligence question.

(U) Misperceptions of U.S. Policy Key Driver in Central American Migrant Surge

July 07, 2014
02901-14

(U) LAW ENFORCEMENT SENSITIVE: The information marked (U//LES) in this document is the property of the El Paso Intelligence Center (EPIC) and may be distributed within the Federal Government (and its contractors), US intelligence, law enforcement, public safety or protection officials, and individuals with a need to know. Distribution beyond these entities without EPIC authorization is prohibited. Precautions should be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the LES caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked LES on a Web site or an unclassified network.

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

(U) The recent surge of Central American children to the U.S. Southwest border prompted EPIC to examine the probable drivers influencing the rise in Other Than Mexican (OTM) migrants currently overwhelming law enforcement resources.

(U//LES) The El Paso Intelligence Center (EPIC) assesses the significant increase in Central American migrants arriving at the border since mid-2013 is most likely driven by traditional migration factors exacerbated by misperceptions of recent U.S. immigration policies among migrants. These misperceptions are likely fueled by human smugglers and Central American media—providing deliberate, errant, or unwitting reporting to migrants on the Deferred Action for Childhood Arrivals (DACA) memorandum and comprehensive U.S. immigration reform.

- (U//LES) In late May, the U.S. Border Patrol interviewed unaccompanied children (UAC) and migrant families apprehended in the Rio Grande Valley. Of the 230 total migrants interviewed, 219 cited the primary reason for migrating to the United States was the perception of U.S. immigration laws granting free passes or *permisos*¹ to UAC and adult female OTMs traveling with minors. Migrants indicated that knowledge of *permisos* was widespread across Central America due to word of mouth, local, and international media messaging—prompting many to depart for the United States within 30 days of becoming aware of these perceived benefits, according to the same reporting.¹
- (U//LES) U.S. Customs and Border Protection (CBP) also notes that a large number of migrants interviewed claimed family members in the United States encouraged their travel because the U.S. government would cease issuing *permisos* after June 2014. Migrants cited Univision, Primer Impacto, Al Rojo Vivo and several Honduran television news outlets for helping shape their perception of U.S. immigration policy.²

- (U) Although EPIC lacks reliable reporting of Central American newspapers broadcasting the perceived benefits of U.S. immigration policies, several U.S. media outlets since June 2014 have identified Central American newspapers that have enticed minors to travel to the United States. For example, Honduran and El Salvadoran press have reportedly advertised the DACA policy, accommodations for detained UAC, and the promise of reunification with family members in the United States.³

(U) DACA only applies to those meeting the following conditions:

- (U) Under the age of 31 as of June 15, 2012;
- (U) Came to the United States before reaching their 16th birthday;
- (U) Have continuously resided in the United States since June 15, 2007, up to the present time;
- (U) Were physically present in the United States on June 15, 2012;
- (U) Are currently in school, have graduated or obtained a certificate of completion from high school, have obtained a general education development (GED) certificate, or are an honorably discharged veteran of the Coast Guard or Armed Forces of the United States;
- (U) Have not been convicted of a felony, significant misdemeanor, or three or more other misdemeanors, and do not otherwise pose a threat to national security or public safety.

(U) Source: U.S. Citizenship and Immigration Services (USCIS)

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

"Permisos" are the Notice to Appear documents issued to undocumented aliens, when they are released on their own recognizance, pending a hearing before a U.S. immigration judge.

(U) Homicide Rates Suggest Violence Compounding the Surge But Likely Not the Primary Factor

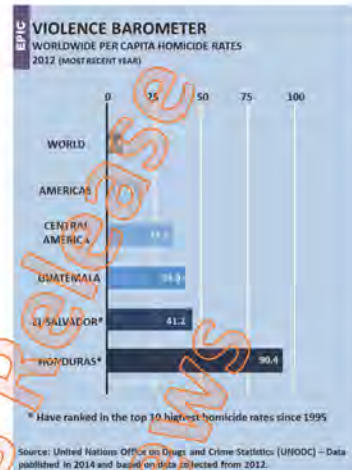


(U//LES) EPIC assesses homicide trends and migrant interviews suggest violence is likely not the principal factor driving the increase in UAC migration. While CBP data from early fiscal year 2011 indicates a steady increase in OTM and UAC migration, United Nations Office on Drugs and Crime (UNODC) statistics— within this same timeframe— show a decline in per capita homicide rates in these three countries; El Salvador saw the sharpest decline, followed by Honduras and Guatemala, respectively.

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

- (U//FOUO) El Salvador's decline in homicides from 2011 through 2012 most likely is attributable to a truce between the government and the country's dominant gangs (MS-13 and Calle 18). Criminal activity in Honduras and Guatemala, unlike El Salvador, is not controlled by dominant gangs but by networks of street gangs lacking centralized leadership, making it difficult to target individual gang members, according to a Brookings report.⁴



- (U) The United Nations High Commission for Refugees (UNHCR) and a U.S. based international humanitarian agency note that in Honduras, Guatemala, and El Salvador children as young as 10 years of age are targeted to join gangs.⁵ A U.S. based public policy research and advocacy organization concluded that violence in Central America is driven by 900 gangs comprised of roughly 70,000 members.⁷
- (U) UNODC has consistently ranked Honduras, Guatemala, and El Salvador among the world's most violent countries for the last several decades.^{8,9}

(U) Alien Smugglers Likely Encouraging Misinformation

(U//LES) EPIC judges that alien smuggling organizations and individual smugglers are likely responsible for perpetuating rumors encouraging the Central American migration surge to increase their financial gain. Honduran and Guatemalan immigration officials attribute the UAC surge to alien smugglers, or *coyotes*, preying on mothers and children by motivating them with false U.S. amnesty or asylum rumors, according to Costa Rican press reporting.¹⁰

- (U//LES) U.S. Border Patrol officials report that the majority of migrants interviewed in late May indicated that they made arrangements with smugglers in their respective countries through the assistance of family members and friends in the United States.¹¹
- (U//LES) A majority of migrants interviewed also noted that they had encountered family units, consisting of a mother and child under the age of 18 during their journey to the United States and that the families had indicated they planned to surrender to U.S. authorities because they were informed that they would likely be released.¹²
- (U//LES) According to a body of U.S. and international press reporting, coyotes have dispensed misinformation to convince migrants that they have a clear path to U.S. citizenship if they make it into the United States.^{13,14,15,16,17,18}

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

(U) Traditional Migration Drivers Remain Significant

(U//LES) EPIC assesses that family reunification, rampant gang violence, and poor economic conditions remain traditional migration drivers for Central Americans en route to the United States, based on academic studies and migrant interviews.^{19 20 21 22 23}

- (U//LES) Studies and multiple interviews of migrants conducted by the UNHCR in 2013 and US Border Patrol in 2014, noted hopes of reunification with family present in the United States as a principal reason for UAC migration.²⁴
- (U) In May 2013, UNHCR conducted interviews on 302 unaccompanied minors from Honduras, Guatemala, and El Salvador. Of the aggregate, 43% indicated violence from gangs or organized crime as a factor for leaving their home country; 22% indicated abuse at home as a factor; while 44% did not cite fear of serious harm as a deciding factor for leaving. Individual country results, however, do indicate societal violence is a predominate factor affecting UAC from El Salvador.²⁵
- (U//LES) U.S. Border Patrol Officials in Rio Grande Valley Sector interviewed 195 Central American migrants in February 2014; responses indicated that economic conditions, such as inability to secure employment and insufficient wages, were significant migration drivers to the United States.²⁶

(U) Outlook: Near-Term Migration Slowdown Unlikely

(U//FOUO) EPIC assesses that UAC flow to the border will remain elevated until migrants' misperceptions about US immigration benefits are changed. We further judge that this process could take the remainder of 2014 given the time needed for bi-lateral coordination efforts—such as information and enforcement campaigns in Mexico and Central America—to take hold. Nonetheless, traditional underlying immigration factors, such as family reunification and poor socioeconomic conditions, will continue to drive alien flow—including minors—from Honduras, Guatemala, and El Salvador.

(U) Intelligence Gaps

- (U) EPIC lacks robust law enforcement reporting on alien smuggling networks, drug trafficking organizations, and transnational criminal organizations' involvement in UAC and accompanied minor smuggling operations.
- (U) EPIC lacks detailed insights into factors contributing to the sudden and significant decline in adult OTM apprehensions for Guatemalan and El Salvadoran migrants in mid-2013 and the continued increase in Honduran OTM and UAC numbers.
- (U) EPIC lacks detailed reporting on the extent Central American media outlets have reportedly misrepresented U.S. immigration policies, contributing to the UAC surge.

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

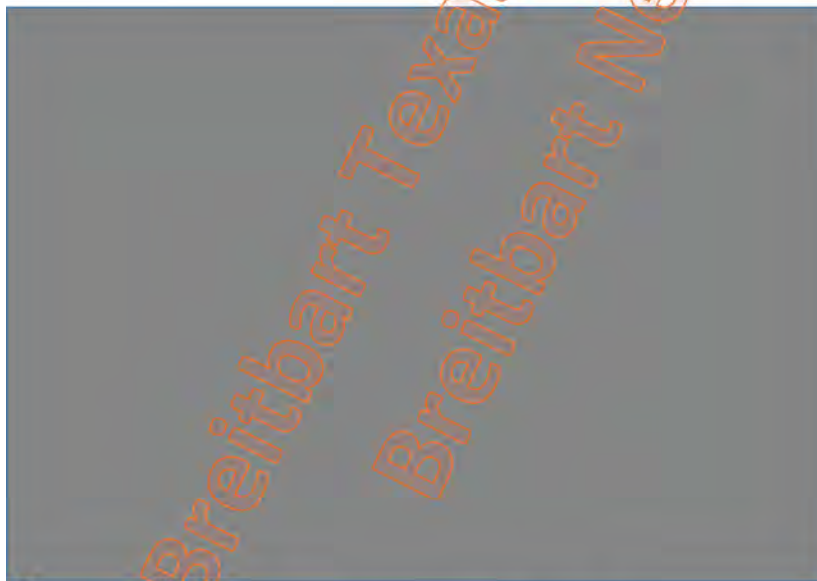
UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

(U) Contact Information

(U) This product was prepared by the Criminal Threats Unit, Strategic Analysis Section, El Paso Intelligence Center. Questions or comments may be directed to the Unit Chief [REDACTED] or [REDACTED].

(U) Approved By

//signed//
[REDACTED], Director, EPIC

(U) Endnotes

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE



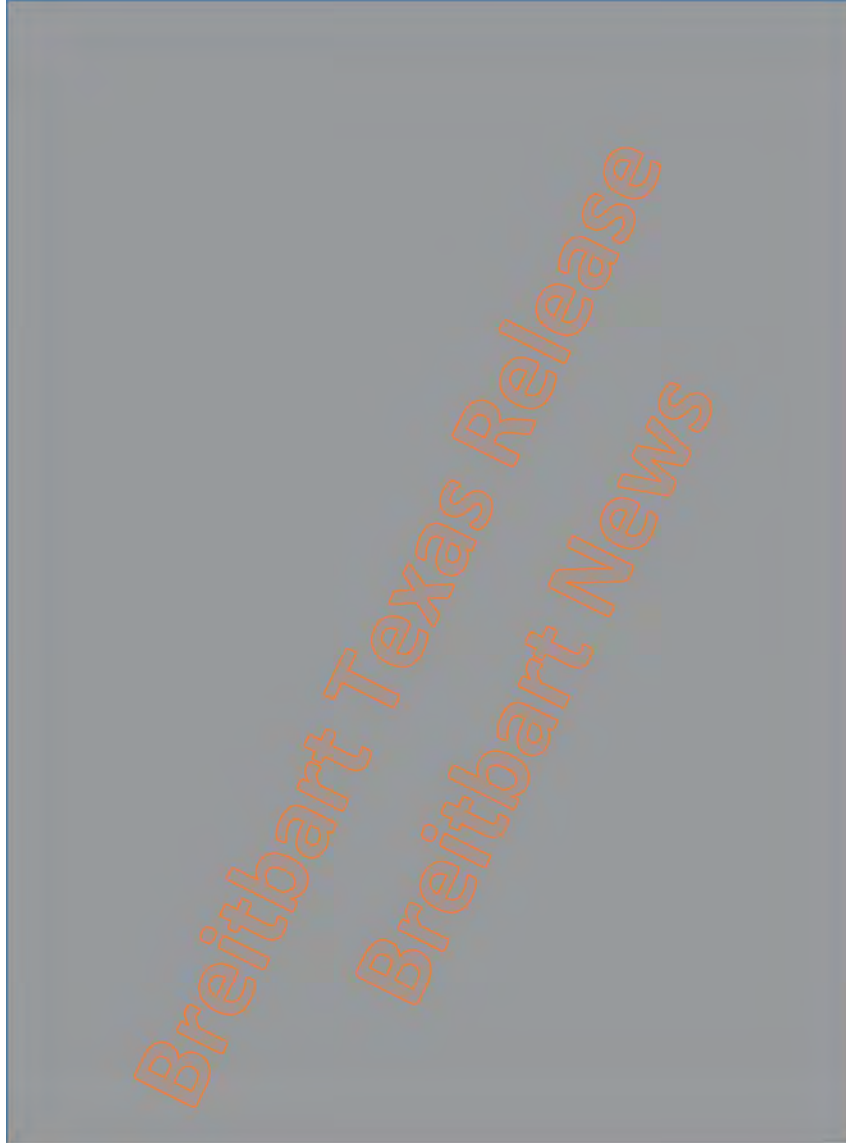
UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

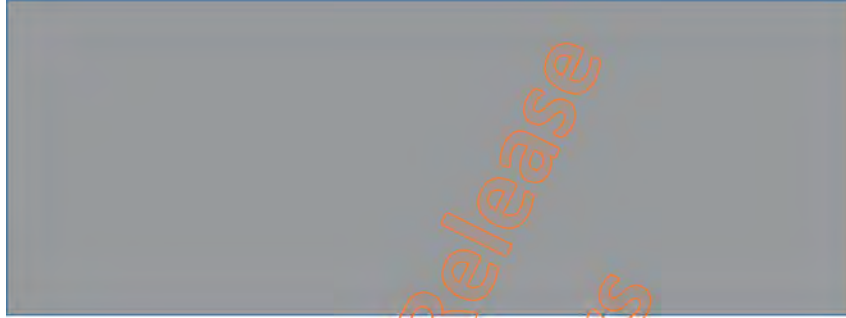
UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE

(U) Distribution List



UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE





Breitbart Texas Release
Breitbart News

**Questions for the Record from Senator Dianne Feinstein
For “Oversight of the Department of Homeland Security,”
Senate Committee on the Judiciary
May 5, 2014**

Visa Waiver Program, Biometric Entry/Exit System, and Overstay Report

I view the Visa Waiver Program as the Achilles heel of our immigration laws and our nation’s security system, which has permitted dangerous individuals, such as Richard Reid, the Shoe Bomber, and Zacarias Moussaoui, to easily enter the U.S. on a visa waiver.

Between 2005 and 2010, more than 98 million people traveled to the U.S. through the Visa Waiver Program, and about 36 million people secured visas for travel, business, tourism, and other temporary purposes to the U.S. Meanwhile, according to INTERPOL, close to 45 million passports, including blank passports, and other travel documents, have been reported lost or stolen within the past 10 years. Such documentation could be used by dangerous individuals to fraudulently enter the United States and do us harm.

- *What steps are being taken by the Department of Homeland Security to prevent against dangerous individuals from being able to board planes and ships to the U.S. with fraudulent documentation, and to prevent them from entering the United States through our ports of entry?*
- *What steps are being taken to prevent against foreign fighters with valid passports from countries that are designated Visa Waiver Program countries from boarding planes and ships to the U.S. and from entering the U.S. through our ports of entry?*

We also know that much of the current undocumented population, as much as 40 percent, is from foreign nationals who overstay their visas or their visa waivers. We need to better track who is leaving our country so that we know who is in our country, as well as who should be prevented from returning to our country.

- *What progress has been made in developing an operational biometric exit program at U.S. land, sea, and air ports of entry?*
- *Assistant Secretary Heyman promised me in 2013 that an overstay rate per country report would be provided, but I have yet to see this report.*

- *When will DHS be able to provide the overstay rates per country report?*
- *If there are issues preventing the release of this report, please explain the problem in detail.*

Family Detention

Governmental agencies and non-governmental organizations report that many of the women and children fleeing to the United States from El Salvador, Guatemala, and Honduras over the past few years are refugees seeking protection from increased violence by organized armed criminal actors in their home countries. In fact, the U.S. Citizenship and Immigration Service (USCIS) recently reported that 70 percent of such families have established a credible fear of persecution” if returned to their country of residence.

Nonetheless, I continue to learn about stories of mothers and their children being detained in family detention facilities for prolonged periods of time—even those who have established a credible fear of persecution and have viable claims to asylum. I understand that their bonds for release are being set at either \$7,500 or \$10,000, and sometimes even higher, that there are issues with detainees accessing legal counsel, and that requests for release on one’s own recognizance are most often denied.

- *Would you consider employing alternatives to detention for at least those who have established a credible fear of persecution so that mothers and their children may pursue their immigration claims outside of detention?*
- *What would the costs and benefits be for DHS to partner with community organizations that have offered to provide comprehensive case management, housing, and access to counsel, in lieu of detaining mothers and their children?*
- *Will you work to ensure that women and children in family detention have access to legal counsel?*

Humane Treatment of Immigrants Removed from the US

I have received several reports of Mexican nationals being repatriated to Mexico in the middle of the night, especially at certain sectors. It has been reported that buses of Mexican citizens removed from the U.S. have been arriving between 2 a.m. and

4.a.m. with more frequency especially in Nogales, Sonora State, and Reynosa and Matamoros, Tamaulipas State Sonora.

I understand that such practices can have dangerous consequences for those individuals removed. According to reports from shelters in Reynosa, there are increasing incidents being reported by those removed after dark who have become victims of kidnapping and extortion. Reports also indicate that Mexican citizens are often repatriated without being provided with their personal belongings, such as wallets, cell phones, and identification.

- *According to a 2013 University of Arizona survey, 18 percent of migrants reported being deported between 10 p.m. and 5 a.m. How many and what percentage of individuals have been repatriated at night thus far in Fiscal Year 2015?*
- *How does DHS plan to ensure full implementation of the July 2014 U.S.-Mexico Executive Repatriation Policy Steering Group agreement to only carry out nighttime deportations in exceptional circumstances?*
- *Will you ensure that the repatriation agreements are fully implemented across all sectors?*

Flood Risk Management Standards

State and local agencies have expressed concerns about how the Federal Emergency Management Agency (FEMA) will manage the implementation on new flood risk management standards currently being developed. I previously wrote a letter to FEMA requesting an extension of the comment period for this process.

- *How will the Federal Emergency Management Agency ensure that the Federal Flood Risk Management Standard is implemented in a way that addresses the views and concerns of California state and local agencies responsible for emergency management and flood control?*

Border Tunnels

Since 2001, U.S. Customs and Border Patrol has discovered 170 tunnels along the Southwest Border, which originate in Mexico and end on the U.S. side of the Border, predominantly in California and Arizona. In the last two months alone, U.S. Customs and Border Patrol discovered three tunnels leading from Mexico to Calexico and San Diego.

These tunnels often are very elaborate, with lighting, ventilation, and elevators, and can be used to smuggle narcotics and people. Two bills that I authored were signed into law in 2006 and 2012 and provide law enforcement and prosecutors with additional tools to investigate illegal tunnel activity and prosecute those responsible, including landowners who allow others to construct illegal tunnels on their land.

- *Do you think that law enforcement and the judicial system now has the tools it needs to fully address the problem of cross-border smuggling tunnels as a result of this legislation? Are there any changes that should or could be made to strengthen this legislation to more effectively address this issue?*
- *Despite this legislation, it is my understanding that the US Attorneys' offices are not bringing charges against individuals under the tunnel statute because they are having difficulty proving that the property owner knew about the tunnel.*
 - *In your experience, are the property owners or renters on the U.S. side of the border typically involved in the criminal enterprise?*
 - *If so, based on how CBP and ICE agents discover these tunnels, do you have any suggestions for ways to hold these individuals accountable for the tunnels?*

Written Questions of Senator Jeff Flake
U.S. Senate Committee on the Judiciary
Oversight of the Department of Homeland Security
May 5, 2015

1. At the hearing, I mentioned my concerns regarding the U.S. Attorney's Office for Arizona's order that pulls back on Operation Streamline's successful "zero tolerance" policy.
 - a. In response to a question on the current Operation Streamline policy, you stated that people in Arizona think highly of Operation Streamline and that it "contributed to overall border security in Arizona."
 - i. Do you agree with this analysis that Operation Streamline contributed to overall border security in Arizona?
 - b. What do you believe will be the consequence of it becoming widely known that certain categories of offenders, such as first time border crossers without criminal histories, are not being prosecuted?
 - c. Is the Department of Homeland Security maintaining and analyzing data related to Operation Streamline such as number of prosecutions, as well as declinations to prosecute, the number of convictions and average sentences?
 - i. If so, can you make this information available to me?
 - ii. If this information is not being maintained and analyzed, why not? And how are you determining whether any change in policy is effective in reducing deterrence?
2. At the hearing, I also noted the murder charges against Apolinar Altamirano for murdering Grant Ronnebeck, a convenience store clerk in Mesa, Arizona. According to reports in the Arizona Republic, Mr. Altamirano pled guilty in Maricopa County Superior Court in 2012 to facilitation to commit burglary and was placed on supervised probation for two years. After his guilty plea, ICE took custody of Mr. Altamirano and began removal proceedings. However, ICE failed to remove Mr. Altamirano from the country and instead determined he was eligible for bond of \$10,000, which he posted. While out on bond, Mr. Altamirano reportedly had two injunctions issued against him for complaints of harassment. One woman feared for her life because he had threatened to kill her "plenty of times" and pointed a gun at her boyfriend. Two years after his release, and three days after the second injunction was issued, Mr. Altamirano is alleged to have committed murder.

- a. Was ICE aware of these civil injunctions against Mr. Altamirano?
 - b. Is there any process in place for ICE to be informed of civil injunctions against individuals that have been released from ICE custody either on their own recognizance or on bond?
 - i. If not, what is ICE doing to remedy this obvious gap in information sharing?
 - c. Assuming ICE had been aware of these two injunctions against Mr. Altamirano, what action would ICE have taken against him?
 - i. If they would have taken no action, what would it have taken for ICE to revoke bond in this case?
 - d. Did ICE notify Arizona state and local authorities that Mr. Altamirano would be released or was released on bond?
 - i. If so, how?
 - ii. If not, why not?
3. The fiscal year 2014 consolidated appropriations legislation (P.L. 113-76) provided funding to hire a minimum of 2,000 new Customs and Border Protection (CBP) officers by the end of fiscal year 2015. According to the Arizona-Mexico Commission, Arizona's ports of entry serve as gateways for \$41.6 billion in U.S.-Mexican trade annually, of which nearly \$16 billion is attributed to Arizona's bilateral trade with Mexico. Given the importance of cross border trade to Arizona's economy, adequate staffing at our ports of entry is critical. It is my understanding that, despite the Department's recruitment practices already in place, the hiring process has been moving forward at a pace slower than anticipated with challenges related to the administration of polygraph tests and background checks.
- a. Specifically, what is the Department doing to make certain that the critical staffing needs of our ports of entry are being met?
 - b. Will you state clearly that you will meet the 2,000 hiring goal by the end of this fiscal year?

4. The Secure the Border First Act of 2015 (S. 208) was recently introduced. It seeks to ensure that the Department of Homeland Security's efforts towards finally securing the southwestern border would do just that: lead to a secure border. When a companion bill was reported out of committee in the House of Representatives you suggested that it was "not a serious effort" and you went so far as to suggest that it would somehow "leave the border less secure." You also suggested that the bill would set "mandatory and highly prescriptive standards."
 - a. If the bill's standards are too prescriptive, what would you suggest as standards that would describe border security? What metrics would you employ and at what level would you consider your work successful?
 - b. Apprehensions in the Tucson Sector reached nearly 88,000 last year. Clearly there is much more work that needs to be done. What is your plan to gain control of the Tucson Sector?
5. According to a recent article in the *Arizona Republic*, "so far this year, 45 percent fewer unaccompanied children and 30 percent fewer families from Central America have been apprehended at the U.S. compared with last year." Some attribute that decrease to increased efforts by Mexican authorities to interdict those headed north.
 - a. How has the working relationship between Mexican authorities and the Department been with respect to dealing with preventing the illegal entry of unaccompanied minors?
 - b. While the numbers appear to be down, we can still expect tens of thousands of unaccompanied alien children to cross into the U.S. illegally this year and some officials have suggested that a higher incidence of those crossings are occurring in the Tucson Sector. Do you agree with that assessment?
 - c. Do you believe the executive action on immigration that was announced by President Obama in November 2014 will increase or decrease the likelihood of Central American illegal migration abating?
 - d. There had been some discussion of necessary legislative changes to expeditiously return unaccompanied children with no colorable claim to stay in the U.S. to their home countries. Do you continue to believe legislative changes would be helpful?
6. Gaining access to the border can be a significant challenge in Arizona. In some areas, Border Patrol agents are using existing county and private roads for patrolling the border. This creates tremendous maintenance issues for the owners and users of these roads. In other, more remote, areas there are often no roads leading to the border at

all. These large stretches of land are accessible only by foot or horse patrol and I'm told it often takes several hours for agents to get to some areas along the border. It's difficult to imagine being able to effectively control our border when agents can't even get to some parts of it in Arizona.

- a. Does DHS recognize the need for more border roads and a robust program for road maintenance of existing roads?
 - b. What percentage of the southern border can agents access by vehicle because there are roads within a couple miles of the international boundary?
 - c. What is the Department's capacity to assist with maintenance issues that arise on private roads or those maintained by local governments that are utilized?
7. On April 9th, the Office of Inspector General for the Department of Homeland Security released a report of ICE Air transportation of detainees. The report concluded that while "ICE Air met its mission by transporting 930,435 detainees over a 3 ½ year period, it could have used its resources more effectively."

Among the report's findings was:

- There were 23,597 detainees listed as being "picked up" or "dropped off" at locations not on the charter flight route.
 - In one instance, there were 54 detainees recorded as removed to Nicaragua for one mission that included stops in only Louisiana, Texas and Guatemala.
 - The "Status" field, which provides information regarding the purpose for a detainee's transport, such as bond hearing, consular interview, and medical transfer, was blank for 31,209 detainees.
 - Even though ICE takes fingerprints for all detainees, the Alien Repatriation Tracking System did not contain an identification number for fingerprints belonging to 190,243 transported detainees.
- a. What are you, as well as those at ICE, doing to ensure that these, as well as other issues identified in the OIG report, are being rectified?

**Hearing before the Senate Committee on the Judiciary
 “Oversight of the Department of Homeland Security”
Questions for the Record Submitted by Senator Al Franken**

1. In September 2013, U.S. Immigration and Customs Enforcement (ICE) issued a policy directive on the use of “segregated housing”—also known as solitary confinement—in immigration detention facilities. The directive created a framework for monitoring the use of solitary confinement in the more than 250 detention facilities ICE operates and, importantly, set limits on its use—most notably for vulnerable populations, such as individuals with mental illness. Research shows that individuals held in isolation or subjected to solitary confinement experience negative psychiatric and physiological effects, including depression and suicidal thoughts, the impact of which is more acute for detainees already suffering from mental illness. The policy directive was issued after the release of federal data showed that approximately 300 individuals in immigration detention facilities were held in isolation on any given day, often for 22 to 23 hours per day.

Following the implementation of the 2013 policy directive, what is ICE’s current practice with regard to the use of “segregated housing” in immigration detention facilities? What is ICE’s current practice with regard to the use of “segregated housing” for detainees with special vulnerabilities, including, but not limited to, those known to be suffering from mental illness? How many individuals with mental illness or mental health conditions are held in “segregated housing” annually, and for how many days?

2. An important part of DHS’s mission is the safeguarding and securing of cyberspace. The agency’s National Cybersecurity and Communications Integration Center (NCCIC) currently serves as the federal government’s main hub for cybersecurity information sharing between the private sector and the government. Indeed, Congress has codified that role by passing the National Cybersecurity Protection Act.

I recognize that the sharing of cyber threat indicators between and among private and public entities is crucial to the work that DHS does, in coordination and collaboration with other federal agencies—and thus is critical to our nation’s overall cybersecurity. But it is also critical that any legislation Congress enacts to promote increased information sharing does so in a manner that adequately protects the privacy and civil liberties of Americans, and does not create uncalled for system-wide inefficiencies, redundancies, or likelihoods of distributing erroneous information.

In March, the Senate Intelligence Committee introduced the Cybersecurity Information Sharing Act of 2015, which aims to promote increased information sharing. Among other things, the bill overrides existing state and federal law to authorize companies to share “cyber threat indicators” and “defensive measures” with one another and with the federal government for cybersecurity purposes and a number of non-cybersecurity purposes. Notably, that legal authorization for sharing is not limited to sharing with DHS, but extends to sharing with any federal agency.

- a. What kinds of concerns does it raise, in your view, to have legislation that newly authorizes the sharing of cyber threat indicators and defensive measures, “notwithstanding any other provision of law,” directly with other agencies—and not through the NCCIC? To what extent do other agencies’ representatives already participate in the monitoring and review of cyber threat information received by DHS at the NCCIC?
- b. I am concerned that the Cybersecurity Information Sharing Act of 2015 fails to adequately address privacy and civil liberty concerns. I do not believe it imposes a sufficiently stringent standard for the removal of irrelevant personally identifiable information, and seems to fall short of the privacy-protective standards DHS has set for itself. Moreover, I am concerned that the bill’s requirement that DHS share the cyber threat information it receives through a designated electronic capability with other agencies in “real time” and without being “subject to any ... modification” is at odds with DHS’s ability to continue to carry out its current, privacy-protective protocols or to fully comply with privacy guidelines imposed under the bill. Please address the importance of DHS’s current policies and protocols for the removal and minimization of PII in cyber threat information that the agency collects or receives from private entities.
- c. Please describe any other concerns that the bill, as introduced in the Senate, raises in DHS’s view. What changes would you propose be made to improve the bill?

Senator Charles E. Grassley
Questions for the Record to Secretary Jeh Johnson
"Oversight of the Department of Homeland Security"

Visa Overstay Report

1. For several years your Department has been working on a report of per-country visa overstay rates based principally on biographic data from flight manifests. Secretary Napolitano committed to share that report with the House Committee on Homeland Security by the end of 2013, but failed to do so. On February 26, 2014 you told the House Committee on Homeland Security that you had "seen a draft of the report" but that "it needed further work"¹. That was over a year ago. You stated at the hearing on April 28 that the report was still not ready for release. The information in this report is critical to any attempt Congress may make to improve the Visa Waiver Program and strengthen visa program security. Can you commit to sending this Committee a copy of the overstay report, including whatever caveats you deem appropriate, by June 1?

Foreign Fighters

2. I discussed in my opening statement the recent reporting concerning ISIS and the threat it presents to the country. FBI Director Comey has stated that there are investigations into suspected ISIS sympathizers underway in all 50 states.
 - a. Can you describe and evaluate the current threat that ISIS poses to the U.S. homeland? Would you describe it as the same or worse than the threat posed by Al Qaeda immediately after 9/11?
 - b. Can you outline the steps DHS has taken to protect the homeland from this threat since the rise of ISIS?
 - c. Last September, Canada announced that it will invalidate the travel documents of any citizen who travels overseas with the intention of joining an extremist group. Has the Department ever recommended to the Department of State that the Department of State use its statutory authority to revoke a passport for someone believed to be departing the U.S., or who has already departed the U.S., with the intention of joining an extremist group?

Syria

3. Has DHS at any time considered, or is it currently considering, a parole program for Syrians with approved immigrant petitions similar to the Haitian Family Reunification Parole Program?
4. On December 9, 2014, Anne C. Richard, Assistant Secretary for the Bureau of Population, Refugees, and Migration, said that the State Department is "reviewing some 9,000 recent [United Nations High Commissioner for Refugees] referrals from Syria. We are receiving roughly a thousand new ones each month, and we expect admissions from Syria to surge in 2015 and beyond." How many total refugees does DHS anticipate admitting from Syria?
5. At a February 11, 2015, hearing before the House Committee on Homeland Security, FBI Assistant Director Michael Steinbach expressed significant concerns with admitting Syrian refugees to the United States, stating: "I'm concerned. We'll have to take a look at those lists and go through all of the intelligence holdings and be very careful to try and identify connections to foreign terrorist groups." He also said that the FBI's databases do not have "information on those individuals, and that's the concern."

¹ The Secretary's Vision for the Future – Challenges and Priorities, House Committee on Homeland Security, Feb. 26, 2014. Transcript available at <http://www.cq.com/doc/congressionaltranscripts-442914773>.

- a. Please explain in detail what security and background checks will be performed on potential Syrian refugees.
- b. Please explain how the government intends to address the concerns identified in Mr. Steinbach's testimony regarding the limitations of FBI databases.

Unaccompanied Alien Children

6. Already 15,647 minors have been detained this fiscal year, and it is projected that the numbers will surpass last year's count. What can you tell us about the number of unaccompanied alien children in fiscal year 2015? Will there be a surge and will you be prepared this time?

Employee Retaliation

7. When questioned by Congressman Young of Iowa on April 15, Director Saldana made it clear that she believes law enforcement officers should follow policy directives, even if those directives instruct ICE personnel to perform a duty or function that is contrary to the statute.
 - a. Do you agree with Director Saldana that agents should follow policy directives even if they are contrary to the letter of the law?
 - b. If agents instead decide to follow the law, will the Department, under your leadership, respect their decision to do so without fear of retaliation?

DACA

8. In a January 22, 2015, letter, Chairman Grassley, Chairman Sessions, and Chairman Johnson requested answers to a number of questions relating to DACA and DAPA/expanded DACA implementation. The February 26, 2015, response from USCIS Director Leon Rodriguez did not provide complete responses to the below questions, which were asked again following the March 3 USCIS oversight hearing and to which we still have received no reply:
 - a. How many USCIS personnel were transferred from adjudications work on existing legal visa programs to administer DACA? According to the March 3 hearing testimony, "the initial stand up for [DACA, USCIS] took on with the existing workforce that [USCIS] had." In light of that testimony, is it USCIS's position that none of USCIS's existing workforce was diverted from its regular duties to handle DACA adjudications? Please explain your answer.
 - b. What is the actual cost of adjudicating the I-821D for Deferred Action for Childhood Arrivals (DACA), including direct costs for adjudication, management costs, and support and overhead, not the cost of taking the biometrics or adjudicating the application for an employment authorization document (EAD)? Please provide the exact dollar cost of adjudicating the I-821D only.
 - c. What are the actual costs of creating and adjudicating EAD applications? If there are "excess fees" collected in the \$380 fee set by rule in September 2010, what are they? If the cost of the EAD application exceeds actual costs, why was an extra amount added to the fee in the first place? What was the extra amount intended to cover?
 - d. What are the actual costs of collecting biometric information? If there are "excess fees" collected in the \$85 fee set by rule in September 2010, how much are they? If the biometric fee exceeds actual costs, why was such an extra amount added to the fee in the first place? What was the extra amount intended to cover? Please provide the exact dollar cost of collecting biometric information.
9. According to a recent press report, 11,028 DACA recipients have had their employment authorization lapse because USCIS wasn't able to adjudicate the renewal application for employment authorization

document (EAD) in time.² The article quotes a USCIS spokesperson saying that the agency “has heard concerns about delays in adjudicating some of these cases and is looking into measures to address the issue without compromising the integrity of the adjudication process.” Please explain what “measures” are being considered.

10. Section 212(d)(5)(A) of the Immigration and Nationality Act provides that the Secretary of Homeland Security may “in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.” The current guidelines for adjudication of advance parole requests for DACA recipients are much broader than the statutory criteria. USCIS will grant advance parole if the DACA recipient’s travel abroad will be in furtherance of:

- humanitarian purposes, including travel to obtain medical treatment, attending funeral services for a family member, or visiting an ailing relative;
- educational purposes, such as semester-abroad programs and academic research, or;
- employment purposes such as overseas assignments, interviews, conferences or, training, or meetings with clients overseas.³

Is the Department considering changing the criteria that are considered in applications for advance parole or otherwise considering expanding the availability of advance parole to DACA recipients or any other class of alien eligible to receive advance parole?

11. In an article dated November 25, 2014, former DHS Principal Deputy General Counsel criticized the assertion that the proposed new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program would involve “case-by-case review.” Prof. Martin writes that with respect to the averral of “case-by-case review” in DACA cases: “in actual operation ... the new deferred action programs will function so that anyone who meets the class-based criteria will be virtually guaranteed a grant.”⁴ Mr. Martin’s conclusion could equally well apply to the Haitian Family Reunification Parole Program, the program to parole Russian and Chinese tourists onto the Commonwealth of the Northern Mariana Islands, or any other exercise of parole based on class-wide eligibility criteria. Please respond to Prof. Martin’s criticisms.

Repatriation

12. Cuba is perpetually on ICE’s list of recalcitrant countries because it refuses to take back people who are not identified in the repatriation agreement negotiated between the U.S. and Cuba in 1984. As a result of this policy, it is my understanding there are over 30,000 Cuban nationals, including many criminals, with final orders of removal who are freely walking the streets of the United States.

- a. What is the current population of Cuban nationals with final orders of removal currently in the United States? How many of such Cuban nationals have a criminal record?
- b. In the ongoing talks between the U.S. and Cuba, does the Administration plan to make repatriation of all of those 30,000+ Cuban nationals, and not just some subset of that group, a condition of granting diplomatic recognition to Cuba? If not, why not?

² David Noriega, “Thousands of Dreamers Are Losing Their Work Permits”, BuzzFeedNews (http://www.buzzfeed.com/davidnoriega/thousands-shielded-from-deportation-losing-work-permits?utm_term=.maxMWyZdka#cdoww7Y3Z) (April 22, 2015).

³ Frequently Asked Questions, USCIS (<http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>) (updated Oct. 23, 2014).

⁴ David Martin, Concerns about a Troubling Presidential Precedent and OLC’s Review of Its Validity (Nov. 25, 2014), <http://balkin.blogspot.com/2014/11/concerns-about-troubling-presidential.html>.

13. China is also perpetually at or near the top of ICE's list of recalcitrant countries because it refuses or unreasonably delays issuance of travel documents to its nationals with final orders of removal. However, ICE recently signed a repatriation agreement with China that establishes a pilot program whereby two Chinese officials are brought to the United States for several weeks per year to work on repatriation cases.
- a. What is the current population of Chinese nationals with final orders of removal currently in the United States? How many of such Chinese nationals have a criminal record?
 - b. Does DHS plan to remove China from its list of recalcitrant countries as a result of concluding the recent repatriation agreement?
14. Has the Department of State ever communicated to DHS, either formally or informally, that the use of visa sanctions under section 243(d) of the Immigration & Nationality Act (INA) is a non-starter?
15. According to testimony from Gary Mead, former Executive Associate Director for Enforcement and Removal Operations at ICE, ICE and the Department of State concluded a memorandum of understanding (MOU) in April 2011 "establishing ways in which [the Department of State] and the Department of Homeland Security will work together to ensure that other countries accept the return of their nationals in accordance with international law."⁵ According to Mr. Mead's testimony, the MOU provides that ICE and the State Department will pursue the following steps, in the order set forth below, in an attempt to increase compliance among countries that systematically refuse or delay repatriation of their nationals:
- a. issuing a demarche or series of demarches at increasingly higher levels;
 - b. holding joint meetings with the Ambassador to the United States, DOS Assistant Secretary for Consular Affairs and the Director of ICE;
 - c. considering whether to provide notice of the U.S. government's intent to formally determine that the country is not accepting the return of its nationals and that the U.S. government intends to exercise the provisions of Section 243(d) of the INA to gain compliance;
 - d. considering visa sanctions under Section 243(d) of the INA; and
 - e. calling for an interagency meeting to pursue withholding of aid or other funding.⁶

With respect to each of the countries on ICE's current list of top recalcitrant countries, at what point is the U.S. Government in the series of steps set forth in the MOU? Please give specific dates when each of steps (a)-(e) set forth in the April 2011 MOU, and reproduced above, were accomplished for each of the countries on ICE's current list of top recalcitrant countries.

16. During the hearing you said, with respect to imposing visa sanctions under INA 243(d): "I don't necessarily believe that we ought to suspend immigration, travel from any of these countries because of this particular issue."
- a. Have you ruled out ever imposing INA 243(d) sanctions on a recalcitrant country? If so, why would such a sanction be ruled out if such a move has worked in the past (e.g. Guyana 2001)?

⁵ Statement of Gary Mead, Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, before the House Judiciary Committee, Subcommittee on Immigration Policy and Enforcement, "H.R.1932, the 'Keep Our Communities Safe Act of 2011'", <http://www.dhs.gov/news/2011/05/24/statement-gary-mead-executive-associate-director-enforcement-and-removal-operations>.

⁶ Id.

- b. Are there visa-related sanctions that could be imposed on recalcitrant countries that would not necessarily involve the imposition of a ban under INA 243(d) on issuance of visas in one or more categories?

Funding for Detention Beds

During the past two fiscal years, the Department has released more than 66,500 criminal aliens back into our communities. While I know the courts play a small role in some of those releases, the vast majority of these criminal aliens - approximately 60 percent - have been released pursuant to your own discretion, NOT a court order. Some of these aliens have gone on to commit additional crimes, including assault, battery, rape, and homicide. And yet, the President's proposed 2016 budget, though increasing the total number of detention beds by 40, would actually reduce the number of detention beds reserved for criminal aliens by setting aside for family units over 2,700 beds that were previously filled by criminals.⁷ So, how can you say that removing criminals is a priority while at the same time asking Congress for *less* funding for detention beds to hold criminal aliens and releasing thousands of known criminals into U.S. neighborhoods?

ICE Air

17. ICE Air Operations is responsible for moving and removing detainees in ICE custody by providing air transportation services to Enforcement and Removal Operations' (ERO) 24 field offices. ICE Air often transports detainees within the US or returns them to their countries of origin. The Department's Inspector General recently reported that ICE Air spent around \$116 million for flights from October 2010 through March 2014. And, these flights did not fill every allowable seat and often flew at less than 80% of the aircraft's capacity.

- a. Other than just reducing removals, what are you doing to reduce possible waste and ensure that precious allotted resources are not being frivolously spent on these charter flights?
- b. One of the recommendations from the Inspector General is for ICE to capture complete and accurate data to support operational decisions. What will you do to ensure adequate data is collected on, why detainees missed flights, or what is optimum seat capacity?

ICE Enforcement and Removals

18. At the hearing, you indicated that you were not sure of the total number of aliens with final orders of removal who are currently in the United States, however, you acknowledged that "it is a large number by your measure and mine, and it's an unacceptable number." Please provide the number of aliens with final orders of removal who are currently in the United States.
19. U.S. Border Patrol statistics for Fiscal Year 2014 indicate that 486,651 aliens were apprehended at the border or ports of entry (nationwide) while attempting to unlawfully enter the United States. How many of these 486,651 aliens are still in the United States?
20. At the hearing, you were asked how many of the 479,371 individuals who were apprehended at the Southwest Border in FY 2014, are currently in the United States. You responded by indicating that "a lot have been removed," but were unable to provide a total number. How many of those 479,371 individuals are currently in the United States?
21. How many of the 136,986 individuals (68,541 unaccompanied alien minors; 68,445 individuals designated as members of family units) apprehended during the last year's border surge remain in the United States?

⁷ See <http://immigrationforum.org/wp-content/uploads/2015/02/President-FY16DHS-Budget-FINAL.pdf>.

22. In the November 20, 2014, memorandum you issued titled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," you state that aliens "who have been issued a final order of removal on or after January 1, 2014" are priorities for removal.
 - a. How many individuals with final orders of removal issued after January 1, 2014, have been removed?
 - b. How many individuals with final orders of removal issued after January 1, 2014, are still in the United States?
23. The November 20, 2014, memorandum you issued titled "Policies for the Apprehension, Detention and Removal of Undocumented Immigrants," defines as a "significant misdemeanor," and thus, a priority for removal, an alien convicted of driving under the influence. However, it is my understanding that your Department – specifically, U.S. Immigration and Customs Enforcement (ICE) – has been developing guidance that narrows the scope of DUI offenses from consideration as Priority 2 offenses – in essence, saying a DUI is not really a DUI. Will you confirm that any offense related to DUI is a priority under this category?
24. Total removals have dropped from 389,834 in FY09 to 315,943 in FY14. Interior removals plummeted from 237,941 in FY2009 to 102,224 in FY2014. In FY2009, interior removals accounted for 62% of all removals; in FY14 they accounted for only 32%. During the hearing you claimed that one of the main reasons why interior removals are down is because border apprehensions are down. But that doesn't explain why interior arrests are down. Why has the number of interior arrests decreased?
25. How many tens of thousands of aliens were made enforcement non-priorities by requiring that detainees only be lodged for aliens convicted of a priority offense rather than just arrested for such offenses?
26. Were any of the aliens ICE arrested during "Project Wildfire" DACA recipients? If so, what is the current status of their cases and how did they get DACA in the first place? Please provide a breakout for each alien.
27. Will you consider withholding any homeland security grant funds from entities that don't honor ICE detainees? To say that homeland security grant funds should never be withheld in order to compel cooperation with the Department in the removal of dangerous criminals because doing so would harm that community's homeland security preparedness results in the neglect of an immediate and real threat to the public safety, which it is also your charge to protect, posed by such dangerous criminals being allowed to freely walk the streets.
28. During the hearing Senator Sessions asked you whether you would support legislation "that would clarify ICE detainers and ... make them mandatory." You replied: "I don't believe that a federal requirement that the local sheriff or police chief respond affirmatively to a detainer from the federal government as the appropriate way to go." It is my understanding that the U.S. Marshals Service has mandatory detainer authority. The authority of the U.S. Marshals Service to "execute all lawful writs, process, and orders issued under the authority of the United States" and to "command all necessary assistance to execute its duties" is set forth at 28 USC 566(c). Do you believe the U.S. Marshals Service should not have mandatory detainer authority? In light of this information do you still believe ICE should not also have mandatory detainer authority?
29. Please provide the Committee with statistics on how many times USCIS has proactively provided ICE actionable enforcement leads from E-Verify data. Please also provide data on any ICE enforcement actions taken as a result of those leads. Has E-Verify data ever been searched to assist ICE in tracking down the location of dangerous alien fugitives? If not, why not?

30. There has recently been a lot of confusion about Secure Communities and the actual effect of your November 24, 2014 memorandum entitled "Secure Communities." With respect to Secure Communities, is IDENT/LAFIS interoperability for biometric information sharing by the federal government fully operational nationwide? In other words, does ICE continue to receive information about aliens being booked by local jurisdictions, just like it always has, and has the pool of aliens for whom ICE may lodge detainers based on such information shrunk even more by the Priority Enforcement Program (PEP)?
31. Please explain how several ICE Enforcement and Removal Operations "working groups" that include outside advisors (e.g. the detention working group and the transgender detainee housing working group) do not violate the requirements of the Federal Advisory Committee Act. If they are operating contrary to the law, please describe steps you are immediately taking to bring them into compliance with the law.
32. Please provide a chart with a breakout of administrative arrests by ICE/Homeland Security Investigations for fiscal years 2010-2015.
33. The Committee has for years heard about the ICE alternatives to detention (ATD) program. However, I have concerns about how successful it is in actually helping the agency effectuate the removal of the aliens who may, at some point in time while on the non-detained docket, participate in the program. Accordingly, please provide responses to the following questions.

a. Fill in the chart:

	1	2	3	4
Fiscal Year	# of Aliens in ATD Program	# of Aliens in Column 1 Who Have Been Removed (During Any Fiscal Year)	# of Violations Aliens in Column 1 Generated, Regardless of Whether the Violation Led to Termination from ATD	Cost to the Agency to Follow-Up on Violations in Column 3
2015				
2014				
2013				
2012				
2011				
2010				

- b. Please provide a detailed explanation of the ATD violation review process, including the types of violations, which staff follows up on them (e.g. officer or contractor), and what protocols are in place for determining what to do with each type of violation.

- c. Please provide your definitions for ATD success or failure.
- d. Please provide a side by side comparison of the agency's ability to effectuate the removal of aliens in detention and on the detained docket, versus those who at one point in time were enrolled in the ATD program and are in the non-detained docket.

Lapses in Background Check Process Exposed by the Rangel-Hernandez Case

In an April 17, 2015 letter, U.S. Citizenship and Immigration Services (USCIS) stated that:

All DACA requests presenting information that the requestor is or may be a member of a criminal street gang are referred to the Background Check Unit (BCU) within... The BCU is responsible for reviewing and resolving TECS hits and other criminal, national security, and public safety concerns... While records indicated that... the case was appropriately sent to the BCU based upon derogatory information in the background check, the outcome of the resolutions process and final decision did not comply with USCIS policy. Given the fact that the individual was identified as a known gang member, his request should have been denied by the adjudicator.⁸

Although USCIS admitted that an error had been made in this case, the letter did not disclose where that error occurred. In fact, USCIS throughout the letter implies that the lapse, perhaps, occurred at the adjudicator level.

Additionally, USCIS noted that it is in the process of reviewing prior DACA approvals to determine whether other known gang members have been approved.⁹ USCIS stated that during the review, it identified several cases that warranted further review.¹⁰ USCIS also noted that since fiscal year 2013, it had terminated 282 DACA requests due to criminal or gang issues.¹¹

To gain clarity, at the April 28th hearing, I asked you at which level did the error occur: BCU, adjudicator, or headquarters. You stated that "I believe that the error occurred... once he was referred to those who normally conduct the background checks. I don't know the name of that unit, but I believe that the error occurred at that point."¹²

- 34. Could you please confirm that the error was in fact committed by the BCU?
- 35. To what extent does USCIS monitor the proportion of DACA background check errors?
- 36. Does the background check unit responsible for this error process other immigration types? If so, please list these.
- 37. Recognizing that the background check process is vulnerable to human error, what comprehensive controls does USCIS have in place to prevent and identify mistakes such as the Rangel-Hernandez case when they occur?

⁸ Letter from the Hon. Leon Rodriguez, Director, USCIS, to Sen. Charles E. Grassley, Ranking Member, Sen. Comm. On the Judiciary (April 17, 2015).

⁹ *Ibid*

¹⁰ *Ibid*

¹¹ *Ibid*

¹² U. S. Senate Committee on the Judiciary, *Oversight of the Department of Homeland Security*, (April 28, 2015), <http://www.judiciary.senate.gov/meetings/oversight-of-the-department-of-homeland-security>

38. At the hearing, you stated: "If you're a member of a criminal gang, a known member of a criminal gang, you should not be receiving DACA. You should be considered a priority for removal."

- a. What removal priority level does the Department consider those that have had their DACA requests terminated?
- b. Of the 282 (or more) DACA requests terminated due to criminal or gang issues:
 - i. Was USCIS aware of the criminal or gang issues prior to DACA approval? Please indicate how many cases USCIS was aware of.
 - ii. Were these cases approved in error? If so, please indicate at what level the error occurred (adjudicator, background check, or headquarters).
 - iii. How many have been referred for removal?
 - iv. How many have been removed?
 - v. For the ones not referred or removed, please indicate how many and why referral or removal did not occur?

USCIS Discretion to Approve Known or Suspected Gang Members and Others With Criminal Affiliations

In an April 17, 2015 letter, USCIS indicated that:

... guidance also provides that if an adjudicator has evaluated the totality of circumstances in such a case and believes that request should be approved as a matter of discretion, the request may be granted only after USCIS Headquarters... Even if the adjudicator believed there were mitigating facts sufficient to justify a positive exercise of discretion despite the TECS record, the case should have been elevated to USCIS ... Headquarters for review prior to a final decision being made."¹³

39. Why does USCIS allow adjudicators, with approval from Headquarters, to approve known or suspected gang members? How many known or suspected gang members have been approved for DACA grants at the Headquarters level? Why were these cases approved?
40. What types of criminal affiliations would allow an applicant to receive a DACA grant?
41. Why does USCIS not have a "zero tolerance" policy on DACA approvals for applicants with gang or criminal affiliations? Will you pledge to create a "zero tolerance" policy for DACA applicants who are known or suspected gang members as well as those with criminal affiliations?

B-1 in Lieu of H-1B

42. On April 30, Jay Palmer, the whistleblower who revealed the abuses of the B-1 visa program being perpetrated by Infosys to bring workers to the U.S. as "business visitors" instead of through the H-1B visa program, wrote an op-ed in The Hill in which he argued that companies that aren't able to fill their cheap labor needs through the H-1B program "will just continue to fill their needs with B-1 visas and exploit this program and American jobs will continue to be lost."¹⁴ Mr. Palmer is right to be concerned about the abuse of the B visa program to bring foreign workers into the country. In the seminal case of *Kamuth v. U.S.* (279 U.S. 231 (1929)), the Supreme Court stated that "it cannot be supposed the

¹³ Letter from the Hon. Leon Rodriguez, Director, USCIS, to Sen. Charles E. Grassley, Ranking member, Sen. Comm. On the Judiciary (April 17, 2015).

¹⁴ Jay Palmer, "Fraud and Exploitation in the B-1 Program: Who Cares?", The Hill (April 30, 2015) (<http://thehill.com/blogs/congress-blog/economy-budget/240531-fraud-and-exploitation-of-the-b-1-program-who-cares>).

Congress intended, by admitting aliens temporarily for business, to permit their coming to labor for hire in competition with American workmen, whose protection it was one of the main purposes of the legislation to secure.”

On April 14, 2011, I sent Homeland Security Secretary Napolitano and Secretary of State Clinton a letter inquiring about the “B-1 in lieu of H” program that facilitates the type of B visa program abuse that Mr. Palmer is talking about.¹⁵ Specifically, I asked for the legal basis for the policy. The Department of State replied on May 13, 2011 that it was “in the process of discussing with DHS removing or substantially modifying the B-1 in lieu of H guidelines, which State first proposed eliminating in a 1993 Federal Register notice.”¹⁶ What, if anything, is the Department of Homeland Security, either with or without the cooperation of the Department of State, doing to eliminate the B-1 in lieu of H guidelines?

DHS Refusal to Investigate H-1B Program Abuse Allegations

43. Your Department recently declined to launch an investigation into whether employers are using the H-1B visa program to displace U.S. citizen and legal permanent resident workers in violation of federal law.¹⁷ Do you stand by USCIS Director Leon Rodriguez’s response that it would be “premature” to investigate this matter? Please explain.
44. How much revenue has USCIS collected from the issuance of H-1B visas since October 1, 2009 –
 - a. from I-129 petition fees? Please break out fee revenue collected to cover actual I-129 adjudication costs and that part of the fee revenue in excess of actual adjudication cost plus subsidization of asylum and other programs that Congress has directed USCIS to provide at low or no cost.
 - b. from Premium Processing fees?
45. Would your Department consider any of the following uses of the H-1B visa program to be violations of federal law:
 - a. Use of the program to reduce the overhead costs associated with the salaries and benefits of U.S. citizen or legal permanent resident employees?
 - b. Use of the program to hire lower-cost foreign national employees in the wake of layoffs of U.S. citizen or legal permanent resident employees?
 - c. Use of the program to force the retirement of U.S. citizen or legal permanent resident employees?
 - d. Use of the program as a de facto international training program (i.e., bringing foreign national employees to the United States under the H-1B visa program to help them gain exposure to the U.S. business environment, with the advance intention of rotating them back out to foreign offices or subsidiaries)?

¹⁵ Letter from Sen. Grassley to Secretaries Clinton and Napolitano (April 4, 2011) (<http://www.grassley.senate.gov/sites/default/files/about/upload/immigration-04-14-11-Grassley-letter-to-State-DHS-B-1-H-1B-visas.pdf>).

¹⁶ Letter from Secretary Clinton to Sen. Grassley (May 13, 2011) (<http://www.grassley.senate.gov/sites/default/files/judiciary/upload/immigration-05-24-11-response-from-State-using-B-1-to-circumvent-H-1B-doc.pdf>).

¹⁷ See generally Caroline May, *DHS Declines to Investigate Southern California Edison H-1B Visa Abuse Allegations*, BREITBART.COM (Apr. 29, 2015).

Executive Order 13636 and Presidential Policy Directive 21

46. On February 12, 2013, President Obama issued Executive Order 13636, *Improving Critical Infrastructure Cybersecurity* and Presidential Policy Directive 21, *Critical Infrastructure Security Resilience* (PPD-21), directing federal departments and agencies to work together and with the private sector to strengthen the security and the resilience of the Nation's critical infrastructure. The EO requires federal agencies to develop and incentivize participation in a technology-neutral cybersecurity framework, to increase the volume, timeliness, and quality of cyber threat information it shares with the private sector, and to work with their senior agency officials for privacy and civil liberties to ensure that privacy and civil liberties protections are incorporated into all of these activities. The EO and PPD-21 designated DHS as the lead for federal efforts to implement these requirements. DHS established an Integrated Task Force to coordinate interagency and public and private sector efforts, and to ensure effective integration and synchronization of implementation.

A May 7, 2014 GAO report found that federal agencies, including DHS, have taken a variety of actions intended to enhance federal and critical infrastructure cybersecurity, but that more efforts are needed by federal organizations, including the White House, DHS, and other agencies, to address a number of areas such as securing federal systems and protecting cyber critical infrastructure.

In February 2014, GAO identified and communicated to DHS actions critical to addressing its efforts to oversee and assist agencies in improving information security practices and to address cyber critical infrastructure protection. The following questions follow-up on DHS's efforts to implement these actions:

- a. Has DHS expanded its CyberStat reviews to all 24 federal agencies which the GAO indicated could lead to an improved security posture? If not, why and what is the current plan?
- b. Have the Office of Management and Budget (OMB) and DHS followed the GAO recommendation to develop improved metrics to gauge the implementation of priority security goals, and if so, have the agencies implemented these recommendations?
- c. Has DHS developed a strategic implementation plan describing its cybersecurity responsibilities and a clear plan of action for fulfilling them? If so, what is the strategy and implementation plan?
- d. How is DHS working with the federal agencies to develop continuous diagnostics and mitigation capabilities intended to protect networks and enhance the agency's ability to see and counteract day-to-day cyber threats?
- e. Has DHS expanded the Enhanced Cybersecurity Services program which is intended to provide classified cyber threat and technical information to eligible critical infrastructure entities as required by Executive Order 13636?
- f. Has DHS identified a set of incentives designed to promote implementation of the National Institute of Standards and Technology cybersecurity framework? If so, what are they?

Challenges Identified in April 22, 2015 GAO Report that DHS Needs to Address Regarding Cybersecurity of Federal Systems

47. In its April 22, 2015 report, *Actions Needed to Address Challenges Facing Federal Systems*, GAO found that given the risk posed by cyber threats and the increasing number of incidents, it is crucial that the federal government take appropriate steps to secure its systems and information. Several problem areas for the government's approach to cybersecurity were identified in this report and are the subject of the questions below.

- a. What is the DHS strategy for addressing cyber risk to building and access control systems (computers that monitor and control building operations)?
- b. Have DHS and OMB worked together to develop and clarify guidance to agencies for annually reporting the number of contractor-operated systems, and have the agencies established and implemented an IT security oversight procedures for such systems?
- c. Has DHS worked with the 24 major federal agencies to address agency incident-response practices so that the effectiveness of their cyber-incident response programs are improved?
- d. Have OMB and DHS worked with the federal agencies to implement a consistent policy and procedures for responding to data breaches involved PII? What is that procedure?
- e. Has DHS developed guidance and services for smaller agencies that have not fully implemented their information security programs?

Cyber Threats and Incidents to Systems Supporting the Federal Government and National Critical Infrastructures

48. In its February 11, 2015 report entitled *Report to Congressional Committees, High-Risk Series, An Update*, GAO found that cyber threats and incidents to systems supporting the federal government and national critical infrastructures are increasing and that these threats come from a variety of sources and vary in terms of the types and capabilities of the actors, their willingness to act, and their motives. The report further found that advanced persistent threats – where adversaries possess sophisticated levels of expertise and significant resources to pursue their objectives – pose increasing risks. Over the past 8 years, the number of information security incidents reported by federal agencies to the US Computer Emergency Readiness Team (US-CERT) has increased from 5,503 in FY 2006 to 67,168 in FY 2014.

- a. What is DHS doing to prevent these attacks against the federal government and national critical infrastructures?
- b. What has caused the huge rise in these attacks?
- c. What else can DHS do to help prevent these attacks?

DHS Use of Drones

49. In a report dated December 24, 2014 entitled *U.S. Customs and Border Protection's Unmanned Aircraft System Program Does Not Achieve Intended Results or Recognize All Costs of Operations*, the DHS Office of Inspector General found that drones did not contribute to a more secure border and that there was no reason to invest additional taxpayer funds at this time.

- a. Does DHS agree with this report?
- b. What is DHS doing to implement the President's February 15, 2015 Executive Memorandum "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems"?

Encryption and "Going Dark"

50. The New York Times reported on April 26, 2015 that you and other DHS officials have argued for a technical compromise to allow greater security of electronic communications while enabling the FBI and intelligence agencies to decode emails and track the web activities of suspected terrorists or criminals. However, many computer security professionals at the RSA Conference argued that no such compromise was possible because such a system would also give the Russians and the Chinese a pathway in, too, and that the federal government might abuse such a portal.
- a. Please describe the technical compromises that you and other DHS officials proposed to computer security experts.

QUESTIONS FOR THE RECORD – Ranking Member Leahy
4/28/15 DHS Oversight Hearing

Questions for Secretary Jeh Johnson

1. In recent bipartisan oversight letters I have raised questions about federal law enforcement's use of sophisticated surveillance technology, like cell-site simulators and license plate reading cameras, to track suspects historically and in real-time. Although I appreciate the potential value of this technology to law enforcement, I am concerned about the potential impact on the privacy rights of innocent Americans.
 - a. Does DHS have a department-wide policy on the use of cell-site simulators? If not, is DHS currently formulating such a policy? When would you expect that new policy to be promulgated?
 - b. Does DHS have a policy regarding whether its law enforcement officers must obtain court approval before employing a cell-site simulator? If so, what kind of court process is required? Have DHS components ever employed a cell-site simulator without prior court approval? How often has this occurred and what were the reasons for doing so? Have DHS components ever employed such a device without a warrant? How often has this occurred and what were the reasons for doing so?
 - c. Since 2001, how many cell-site simulators, if any, has DHS purchased from private vendors or obtained from another government agency? What has been the cost, per year, for the acquisition, maintenance and deployment of any such cell-site simulators?
 - d. What DHS components currently maintain a license plate reader network? How long has each network been operational? What are the policies and procedures in place that govern the collection and use of the data? How many cameras are in the network(s) covering what states? Is the data shared with private entities and, if so, which entities and for what purpose? Is the data shared with state and local law enforcement and, if so, under what conditions?
 - e. What DHS components currently have access to a commercially available license plate reader database or are seeking access to such a database? What policies and procedures does DHS have in place to govern the use of this data? What will be the cost, per year, for access to such a database?

Questions for the Record

Secretary Jeh Johnson

Senator Mike Lee

May 5, 2015

1. The President has repeatedly assured the American people that he is not creating a backdoor to citizenship for the beneficiaries of deferred action. Do you agree with that?
2. In April 2014, you told the U.S. Council of Mayors that immigrants who entered this country illegally have “earned the right to be citizens.” Do you still agree with that?
3. Some members of our committee have repeatedly expressed concern that the Administration has—despite denying it—indeed created a backdoor to citizenship through the quiet use of its parole authority. That’s because under the INA, aliens with U.S. citizen children can adjust their status and get green cards if they can find a way to get “paroled into the United States.” And indeed, we know the Administration explicitly contemplated using parole as a way to accomplish that end. I have attached a 2010 DHS memorandum, leaked to the press, strategizing about how the Executive might take action on immigration without Congress’s approval. That memorandum explicitly contemplates using parole as a means to enable undocumented aliens to adjust their status and obtain permanent residency and citizenship. Can you verify that this memorandum was written by employees of DHS?
4. Using parole in order to get green cards for entire classes of otherwise unauthorized aliens is illegal. A federal statute, INA § 212(d)(5)(A), says that parole is only available “only on a case-by-case basis for urgent humanitarian reasons or significant public benefit.” But under the Administration’s unilateral executive actions, recipients of the President’s so-called “deferred action” can get advance parole if they want to travel outside the country and then want to be let back *in*. And according to USCIS Form I-131, which I’m also attaching, they can obtain that parole not just for humanitarian purposes, but also for educational or employment reasons, including “overseas assignments, interviews, conferences, or meetings with clients.”

- a. Do you think a meeting with a client in Toronto qualifies as an urgent humanitarian benefit or a significant benefit to the American public justifying parole?
- b. If an alien approached our border without a visa, and asked to be paroled into the country because he has a business meeting in New York, would your agency grant that person parole? If not, why should an alien inside the United States unlawfully be granted advance parole — and later citizenship — because he has a client meeting in Toronto?

**Senator David Perdue
Questions for the Record for Jeh Johnson,
Secretary, Department of Homeland Security**

“Oversight of the Department of Homeland Security”

May 5, 2015

1. In *Martinez v. United States*, 740 F.3d 902 (4th Cir. 2014), the Fourth Circuit held that a criminal alien’s “membership in a group that constitutes former MS-13 members,” *id.* at 911-12, constitutes an immutable characteristic under the “immutability” criterion of the test applied by the Board of Immigration Appeals to determine whether a group qualifies as a “particular social group” under Section 241(b)(3) of the Immigration and Nationality Act (“INA”). *See* 8 U.S.C. § 1231(b)(3). Specifically, the court observed that

[n]othing in the [INA] suggests that persons categorically cannot be members of a cognizable “particular social group” because they have previously participated in antisocial or criminal conduct. Rather, Congress has identified only a subset of antisocial conduct that would bar eligible aliens from withholding of removal, defined by the alien’s engaging in past persecution, committing a particularly serious crime, or presenting a danger to the security of the United States. But Congress “has said nothing about barring former gang members.”

Moreover, in arguing for its interpretation that a particular social group may not include members who engaged in past antisocial or criminal conduct, the government focuses on the former status of membership in a gang, failing to recognize a distinct current status of membership in a group defined by gang apostasy and opposition to violence.

Martinez, 740 F.3d at 912. This holding is troubling given the possibility that gang members and other dangerous criminal aliens may seek to remain in the United States by claiming adherence to a “particular social group” allegedly based on their “gang apostasy.” House Judiciary Chairman Goodlatte and Rep. Randy Forbes previously raised this issue with former Attorney General Eric Holder in a February 2014 letter.

- a. Do you agree that the INA’s immutability criterion with respect to the statutory term “particular social group” should be construed to include membership in a group composed of members or former members of a criminal gang like MS-13?

- b. Would you support legislation to close the loophole potentially created by the Fourth Circuit's finding of immutability with respect to former gang membership?
 - c. Under what circumstances do you believe that members or former members of criminal gangs like MS-13 should be granted withholding of removal and permitted to remain lawfully in the United States?
 - d. Would you support a "zero-tolerance" policy – or legislation that requires a "zero-tolerance" standard – with respect to award of benefits or relief from removal for criminal alien gang members or aliens formerly associated with criminal gangs like MS-13 within the United States?
2. During your testimony last week, you confirmed that the Department of Homeland Security ("DHS") has been preparing a report on per-country visa overstay rates using biographical data derived from flight manifests and other sources. In 2013, your predecessor, DHS Secretary Janet Napolitano, promised to provide that report to Congress by the end of 2013. When you testified before the House Homeland Security Committee over a year ago, you said that you had reviewed preliminary data but that the report still needed work. According to correspondence you sent earlier this year to Rep. Miller,

[t]he Fiscal Year 2014 overstay data have been compiled for air and sea arrivals, and the Entry/Exit Transformation Office is developing an interim report that presents overstay rates by country of citizenship for nonimmigrant visitors. In our effort to ensure the highest quality data integrity and analysis possible at this time, we are thoroughly reviewing these results.

The Department appreciates your leadership on this issue and agrees with you that release of an overstay report is necessary. We are also committed to ensuring our data is accurate and our analysis is sound. We are fully committed to releasing this report and will do so once we are confident in the report's accuracy.

When I asked you about the report last week, you testified that the report contained incorrect and unreliable data that you were not satisfied with and that could not be released at this time.

- a. Please explain in detail what you believe the cause of the inaccurate or unreliable data to be.

- b. Please describe in detail the sources used to compile the air and sea arrival data and, if applicable, explain why you believe that those data sources caused inaccurate or unreliable data to be introduced into the draft report.
 - c. When do you anticipate that the report will be completed? DHS has promised to provide the report for years and has routinely failed to do so.
 - d. Will you commit to providing the report to the Senate Judiciary Committee within one month? DHS promised to provide the report more than two years ago.
 - e. Please explain whether there are other reasons for delay of publication of the report besides the data problems you cited in your testimony before the Senate Judiciary Committee.
 - f. Is publication of the report a priority for DHS? You wrote a few weeks ago that DHS is “fully committed” to releasing the report in a timely fashion.
3. This question concerns the March 2015 DHS Inspector General’s (“IG”) report finding that the former United States Citizenship and Immigration Services (“USCIS”) Director Alejandro Mayorkas “exerted improper influence in normal processing and adjudication of EB-5 immigration program benefits” to applicants with political connections. Instead of being held accountable for steering immigration privileges to political VIPs, Mayorkas was promoted and is now your deputy at DHS.

On April 27, 2015, you provided Chairman Grassley and Ranking Member Leahy with a letter regarding the EB-5 program in which you summarize what you characterize as a “new protocol to regulate receipts of communications from outside individuals about specific EB-5 cases.”

- a. Will you commit to submitting a copy of the full protocol and all guidance that DHS is issuing on EB-5 to the Senate Judiciary Committee?
- b. Mr. Mayorkas has stated that he disputes the IG’s findings and claims they are incorrect. In response, you stated that you have full confidence in Mr. Mayorkas, that he’s strengthened the integrity of the EB-5 program, and that he’s doing an outstanding job. Do you agree with Mr. Mayorkas that the IG’s report is incorrect and that Mr. Mayorkas did nothing improper?
- c. One part of the new protocol that you summarized in your April 27 letter involves the issue of “leadership intervention” and states that USCIS senior leadership should not

get involved in the adjudication process without an “impartial mission-related reason.” Do you agree that Mr. Mayorkas’s actions as discussed in the IG report show that he intervened inappropriately on several occasions and that his interventions into the adjudication process were not consistently mission-related?

- d. Had the new protocol been in place while Mr. Mayorkas was at USCIS, do you agree that his conduct as detailed in the IG report would have constituted violations of the protocol? If not, please describe why Mr. Mayorkas’s actions are compliant with the newly issued protocol.

Senate Committee on the Judiciary
Questions for the Record from Senator Charles E. Schumer
To Secretary Jeh Johnson, Department of Homeland Security April
28, 2015

1. Many Customs and Border Protection officers are using outdated equipment and working in outdated facilities. Still, we know they do an outstanding job protecting our borders. Non-invasive inspection technology allows CBP officers to thoroughly inspect cargo and intercept contraband. There are ports of entry along the Northern Border, including in upstate New York, in dire need of recapitalization to update non-invasive inspection technology. Are these on the list of those being considered for recapitalization if Congress appropriates the necessary funding?
2. Importers of wooden bedroom furniture from China continue to evade duties that they must pay to the U.S. government for the privilege of doing business here, in violation of an explicit anti-dumping order. Customs and Border Protection indicted in 2013 that over \$369 million in duties had gone uncollected since 2005. As a result, the wooden bedroom furniture industry in my state is suffering. Could you please provide estimates of the uncollected and collected duties for FY2013 and FY2014, describe what efforts are being taken to collect the uncollected duties and what steps that are being taken to reduce future duty evasion of this order?
3. The President's budget proposed the consolidation of Department of Homeland Security state and local grants into one National Preparedness Grant Program. While I certainly appreciate the desire to increase efficiency and streamline bureaucratic grant processes, I am concerned that this could have unintended consequences. Specifically, I am concerned that consolidating the Urban Areas Security Initiative grant program with other grant programs could have tremendous implications for New York City's security infrastructure. Will you commit to working with me on ensuring that cities that face terrorism threats continue to receive all the support they need from your Department?

Senator Thom Tillis

Questions for the Record

Oversight of the Department of Homeland Security (April 28, 2015)

1. In previous years, USCIS visas approved more petitions for H-2B visas under the assumption that some people who were approved would end up not using their visa. This also helped to ensure that all H-2B visas were allocated for each fiscal year.
 - a. For FY 2015, did USCIS ever approve a number of H-2B petitions above the statutory cap for visas, as it traditionally did in the past? If so, how many visa petitions were approved? If not, why has there been a change in how H-2B visas are allocated?
2. On March 26th, the Department of Homeland Security announced that it had reached the statutory cap for H-2B visas for FY 2015 and would no longer be adjudicating petitions for H-2B workers for the remainder of the year.
 - a. Given that the cap was reached much sooner than in previous years, is DHS currently undergoing an audit at the consulate level to determine if all 66,000 H-2B visa petition approvals have, in fact, been used for FY15?
 - b. How many H-2B visa petitions were approved by DHS before DOL/DHS made the announcement on March 3rd that it would stop issuing labor certifications and adjudicating petitions for H-2B visas?
 - c. When the H-2B visa program was suspended between March 3rd and March 17th, how many petitions for H-2B visas were pending with DHS?
 - d. How many petitions for H-2Bs were approved after the program resumed on March 17th?
3. It has come to my attention that the majority of North Carolina businesses, specifically the seafood industry, that rely on H-2B workers to supplement their existing American workforce were not approved to employ H-2B workers for FY15. This is especially alarming because North Carolina has traditionally been a state with one of the highest needs for H-2B workers.
 - a. What is the breakdown of H-2B visa issuances by state for FY15, FY14, and FY13?
 - b. For FY15, how many H-2B applications were from North Carolina businesses? How many were approved and how many were denied?

Senator Vitter Questions for the Record for Secretary DHS Jeh Johnson

Immigration

The Secure Fence Act of 2006 promised to achieve “operational control” of the entire border and defined it as “the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”

Your predecessor, Janet Napolitano, scraped the “operational control” yardstick to measure border security which the so-called “Gang of 8” bill replaced with an ambiguous term called “effective control” which is defined as “the ability to achieve and maintain, in a Border Patrols sector (a) persistent surveillance; and (b) an effectiveness rate of 90 percent or higher.” “Effectiveness rate” is defined as “the percentage calculated by dividing the number of apprehensions and turn-backs in the sector during a fiscal year by the total number of illegal entries in the sector during such fiscal year.”

- **Is the southern U.S. border secure?**
- **What metric is the Department of Homeland Security currently using to determine the security of the Southern Border?**

The original draft of the “Gang of 8” bill required the Secretary of DHS to submit a “Southern Border Fencing Strategy” report within six months of enactment. However, there is no language in the bill that mandates the Secretary to build a single post of fencing. In fact, during the markup in this committee, an amendment sponsored by Senator Leahy was adopted that clarifies that nothing in this provision “shall require the Secretary to install fencing” if the Secretary, in her discretion, determines that fencing is not necessary.

- **Do we need more physical barriers like double-layer fencing?**

US-VISIT: 9/11 Commission Recommendations:

Recommendation: “The Department of Homeland Security, properly supported by the Congress, should complete, as quickly as possible, a biometric entry-exit screening system.”

Full deployment of the biometric exit component of US-VISIT should be a high priority. Such a capability would have assisted law enforcement and intelligence officials in August and September 2001 in conducting a search for two of the 9/11 hijackers that

were in the U.S. on expired visas. (*Tenth Anniversary Report Card: The State of the 9/11 Commission Recommendations*, Bipartisan Policy Center, September 2011, at 18).

- Why don't we have US-VISIT implemented at every land, sea, and air port of entry?

Deferred-action:

- **Where does the executive branch derive its authority to create a “deferred action” program for an entire class of illegal aliens?**
- The relevant statutes plainly directs the executive branch in 8 USC 1225(a)(1), (a)(3), and (b)(2)(A)
 - (a)(1)— “An alien present in the United States who has not been admitted or who arrives in the United States...shall be deemed for purposes of this chapter **an applicant for admission**.”
 - (a)(3)— “All aliens who are applicants for **admission...shall be inspected by immigration officers**.”
 - (b)(2)(A)— “An alien who is an applicants for **admission...shall be detained for a proceeding**.”
- Doesn't directing ICE officers to ignore their statutory duty effectively re-write the “shall's” above to “shall not's”?

Parole:

- **Where in the law does it grant the President, Attorney General, or Secretary of Homeland Security the authority to parole into the United States an entire class of illegal aliens?**
- **8 USC 1182(d)(5)—“The ~~Attorney General~~ [now the Secretary of DHS] may...**in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis** for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.**

- How do you justify the administration's use of parole authority in the November 2014 executive action for a class of millions illegal aliens with a clear statutory grant of authority to only grant parole on a "case-by-case basis"?
- What is the current no-show rate for UACs given notices to appear (NTAs) during the border surge last summer?
- Does the FBI conduct background checks on illegal aliens as part of application for DACA/DAPA?
- Is the Department of Homeland Security's USCIS sending letters to the approximately 9,000,000 green card holders urging them to naturalize prior to the 2016 election?

In the internal memo from Leon Rodriguez written April 14, 2015, in which he outlines the action plan for the newly released "Strengthening Communities by Welcoming All Residents: A Federal Strategic Action Plan on Immigrant and Refugee Integration he mentions that this plan is designed to "ensure that the people who live in this country can fully participate in their communities."

- What is meant by the ambiguous words "fully participate in their communities?"
- Does full participation include voting?
- Is registering the approximately 9,000,000 green card holders before the 2016 election part of that plan?

National Security

- What is the greatest national security threat to the United States?
- Is ISIS in Mexico?
- Have you apprehended anyone crossing the U.S. southern border connected to ISIS, Al Qaeda, Boko Haram, Al-Shabab or any other U.S.-designated terrorist organization?

Do you think domestic Article III civilian courts are the appropriate place to try enemy combatants picked up on foreign battlefields?

Section 501 of the Iran Threat Reduction and Syria Human Rights Act (22 USC § 8771(a)) states "The Secretary of State shall deny a visa to, and the **Secretary of Homeland Security shall exclude from the United States**, any alien who is a citizen of Iran that the Secretary of State

determines seeks to enter the United States to participate in coursework at an institution of higher education (as defined in section 1001 (a) of title 20) to prepare the alien for a career in the energy sector of Iran or in nuclear science or nuclear engineering or a related field in Iran.

I wrote a letter to the State Department on March 9th, 2015 regarding news reports that the University of Massachusetts Amherst recently announced that it will accept Iranian students into nuclear science and engineering programs, which is clearly contrary to Section 501. I asked the State Department to provide clarification on the Department of State's official position pertaining to Sec. 501, and any guidance the gave to the University of Massachusetts Amherst regarding accepting Iranian students into nuclear related fields of study?

The State Department responded, "Nothing in our interpretation of the 2012 Act has changed, nor has there been any further clarifying guidance or instructions since the August 2013 instructions from the Department of State. All Iranian citizens applying for F-1, M-1, or J-1 student visas seeking to study at the post-secondary level in any coursework that will help them pursue a career in Iran's oil, gas or nuclear sectors are ineligible under the 2012 Act."

- **Is this the interpretation of Section 501 of Iran Threat Reduction and Syria Human Rights Act?**
- **Have you provided visas to Iranian students in the F-1, M-1, or J-1 categories that are studying at post-secondary level in coursework related to oil, gas or nuclear sectors?**
- **Did you, or your designee at the Department of Homeland Security, issue guidance to the University of Massachusetts Amherst regarding accepting Iranian students to these fields of study?**
- **Will you provide a full list of all U.S. universities who are allowing Iranian students to participate in any of the following fields: business, management or computer science, nuclear science or engineering, or any other field that could be used to benefit Iran's oil, natural gas or nuclear energy sectors and the exact visa under which they were admitted to the United States for post-secondary level studies?**

Enclosure to Question 21

School Name	Visa
Academy of Art University	F-1
ADVANCED COMPUTING INSTITUTE, INC	F-1
Alfred University	F-1, J-1
Alliant International University	F-1
Appalachian State University	F-1
Argosy University/ San Francisco Bay Area	F-1
Arizona State University	F-1, J-1
Arkansas State University	F-1
Arkansas Tech University	F-1
Art Center College of Design	F-1
ASSE International, Inc.	J-1
AUBURN UNIVERSITY	F-1
Auburn University Montgomery	F-1
Austin Community College	F-1
Bay State College	F-1
Baylor University	F-1
Bentley University	F-1
Berea College	F-1
Blinn College – Bryan	F-1
Boise State University	F-1
Boston College	F-1
Boston University	F-1, J-1
Bowling Green State University	F-1
Bradley University	F-1
Brandeis University	F-1
Brigham Young University	F-1
Brigham Young University – Idaho	F-1
Bristol University	F-1
Broward College	F-1
Brown University	F-1, J-1
Bunker Hill Community College	F-1
Cal State University, Dominguez Hills	F-1
California Baptist University	F-1
California Institute of Technology	F-1, J-1
California International Business University	F-1
California International University	F-1
California Lutheran University	F-1
California Miramar University	F-1
California Polytechnic State University, San Luis Obispo	F-1

California State Polytechnic University Pomona	F-1
California State University	F-1
California State University Fullerton	F-1
California State University Long Beach	F-1
California State University San Marcos	F-1
California State University, East Bay	F-1
CALIFORNIA STATE UNIVERSITY, LOS ANGELES	F-1
California State University, Northridge	F-1, J-1
California State University, Sacramento	F-1
California State University, San Bernardino	F-1
California University of Business and Technology	F-1
California University of Management & Sciences	F-1
Carnegie Mellon University	F-1, J-1
Case Western Reserve University	F-1, J-1
Catholic University of America	F-1
Central Michigan University	F-1
City College of San Francisco	F-1
City Colleges of Chicago	F-1
City University of Seattle	F-1
Claremont Graduate University	F-1
Clark Atlanta University	F-1
Clark University	F-1
Clarkson University	F-1, J-1
Clayton State University	F-1
Clemson University	F-1, J-1
Cleveland State University	F-1
Colby College	F-1
College of Medicine, Mayo Clinic	F-1
College of Southern Nevada, NSHE	F-1
Colorado Heights University	F-1
Colorado School of Mines	F-1, J-1
Colorado State University	F-1, J-1
Colorado State University –Pueblo	F-1
Colorado Technical University	F-1
Columbia College	F-1
Columbia College, Salt Lake City Campus	F-1
Columbia University in the City of New York	F-1, J-1
Community College of Denver	F-1
Concordia University	F-1
Concordia University	F-1
Cornell University	F-1, J-1

Council on International Educational Exchange	J-1
Cultural Homestay International	J-1
CREIGHTON UNIVERSITY	F-1
Cultural Vistas, Inc.	J-1
Dartmouth College	F-1
Daytona State College	F-1
De Anza College	F-1
DePaul University	F-1
DeVry University	F-1
Diablo Valley College	F-1
Drake University	F-1
Drexel University	F-1, J-1
Duke University, Med.Ctr., & Health Sys.	F-1, J-1
EAST CAROLINA UNIVERSITY	F-1
East Tennessee State University	F-1
Eastern Illinois University	F-1
Eastern Michigan University	F-1
Edmonds Community College	F-1
Elmhurst College	F-1
Embry-Riddle Aeronautical University	F-1
Embry-Riddle Aeronautical University - Prescott, AZ	F-1
Embry-Riddle Aeronautical University- Worldwide	F-1
Emory University	F-1
Emporia State University	F-1
Fairfield University	F-1
Ferris State University	F-1
Florida Atlantic University	F-1
Florida Institute of Technology	F-1
Florida International University	F-1
Florida State University	F-1, J-1
Folsom Lake College	F-1
Foothill College	F-1
Full Sail University	F-1
Gadsden State Community College	F-1
George Mason University	F-1
Georgetown University	F-1
Georgia Institute of Technology	F-1, J-1
Georgia Perimeter College	F-1
Georgia State University	F-1
Gnomon School of Visual Effects	M-1
Golden Gate University	F-1

Goldey-Beacom College	F-1
Gonzaga University	F-1
Grand Valley State University	F-1
Green River Community College	F-1
Grossmont College	F-1
Harrisburg University of Science & Technology	F-1
Harvard University	F-1, J-1
Hawaii Pacific University	F-1
High Point University	F-1
Hofstra University	F-1
Houston Community College System	F-1
Howard University	F-1
Hult International Business School	F-1
Idaho State University	F-1
Illinois Institute of Technology	F-1, J-1
Illinois State University	F-1
Indiana University	F-1, J-1
Intel Corporation	J-1
International American University	F-1
International Technological University	F-1
Intrax Internship Program	J-1
Intrax Work/Travel	J-1
Iowa State University of Science and Technology	F-1, J-1
Irvine Valley College	F-1
Jackson State University	F-1
Johns Hopkins University-Homewood Campus	F-1, J-1
Johnson & Wales University	F-1
Kansas State University	F-1, J-1
Kent State University	F-1
Kettering University (formerly GMI)	F-1, J-1
La Salle University	F-1
La Sierra University	F-1
Lake Superior State University	F-1
Lamar University	F-1
Lasell College	F-1
Lawrence Technological University	F-1
Lehigh University	F-1, J-1
Limestone College	F-1
Lincoln University	F-1
Long Island University	F-1
Los Angeles Community College District	F-1

Los Angeles Mission College	F-1
Los Angeles Pierce College	F-1
Louisiana State University and Agric. & Mechanical College	F-1
Louisiana Tech University	F-1
Lourdes University	F-1
Loyola Marymount University	F-1
Loyola University Chicago	F-1
Lynn University	F-1
Maharishi University of Management	F-1
Manhattan Christian College	F-1
Marist College	F-1
Marquette University	F-1
Marshall University	F-1
Marymount University	F-1
Massachusetts Institute of Technology	F-1, J-1
MERCER UNIVERSITY ATLANTA	F-1
Mercy College	F-1
Mesa Community College	F-1
Miami Dade College	F-1
Miami University	F-1
Michigan State University	F-1, J-1
Michigan Technological University	F-1, J-1
Microsoft Corporation	J-1
Middle Tennessee State University	F-1
Milwaukee School of Engineering	F-1
Minnesota State University Moorhead	F-1
Minnesota State University, Mankato	F-1
MiraCosta Community College District	F-1
Mississippi State University	F-1
Monmouth University	F-1
Montana State University - Bozeman	F-1
Montana University System	F-1
MONTGOMERY COLLEGE	F-1
Morehead State University	F-1
Morgan State University	F-1, J-1
Mt. San Antonio Community College District	F-1
Murray State University	F-1
National University	F-1
National University / San Diego	F-1
Neosho County Community College	F-1
New Jersey Institute of Technology	F-1

New Mexico Highlands University	F-1
New Mexico Institute of Mining and Technology	F-1
New Mexico State University	F-1
New York Institute of Technology	F-1
New York University	F-1, J-1
Newton International College	F-1
North Carolina Agricultural and Technical State University	F-1
North Carolina Central University	F-1
North Carolina State University (UNC System)	F-1, J-1
North Dakota State University	F-1, J-1
Northeastern Illinois University	F-1
NORTHEASTERN STATE UNIVERSITY	F-1
Northeastern University	F-1, J-1
Northern Illinois University	F-1
Northern Virginia Community College	F-1
NorthWest Arkansas Community College	F-1
Northwestern Polytechnic University	F-1
Northwestern University	F-1, J-1
Norwich University	F-1
Nova Southeastern University	F-1
NYU Polytechnic School of Engineering	F-1
Oakland University	F-1
Ohio University	F-1, J-1
Oklahoma City Community College	F-1
Oklahoma City University	F-1
Oklahoma State University	F-1, J-1
Old Dominion University	F-1
Oregon Health & Science University	F-1
Oregon State University	F-1, J-1
Owens State Community College	F-1
PACE UNIVERSITY	F-1
Pasadena City College	F-1
Peralta Community College District	F-1
Philadelphia University	F-1
Pittsburg State University	F-1
Polytechnic Institute of New York University	J-1
Portland Community College	F-1
Portland State University	F-1
Prairie View A&M University	F-1
Princeton University	F-1, J-1
Purdue University	F-1, J-1

Rancho Santiago Community College District	F-1
Red Rocks Community College	F-1
Reedley College	F-1
Rensselaer Polytechnic Institute	F-1
Rice University	F-1
Riverside Community College District	F-1
Rivier University	F-1
Rochester Institute of Technology	F-1
Roosevelt University	F-1
Rose-Hulman Institute of Technology	F-1
Rowan University	J-1
Rutgers, the State University of New Jersey	F-1
Sacramento City College	F-1
Saddleback College	F-1
Saint Joseph's University	F-1
Saint Louis University	F-1
San Diego State University	F-1, J-1
San Francisco State University (SFSU)	F-1
San Jose State University	F-1
Santa Barbara Business College	F-1
SANTA CLARA UNIVERSITY	F-1
Santa Clarita Community College District	F-1
Santa Monica College	F-1
Savannah College of Art and Design	F-1
Schoolcraft College	F-1
Seattle Central College	F-1
Sierra College	F-1
Silicon Valley University	F-1
Sinclair Community College	F-1
Sonoma State University	F-1
South Dakota School of Mines and Technology	F-1
South Dakota State University	F-1, J-1
South Mountain Community College	F-1
Southern Illinois University	F-1
Southern Illinois University Carbondale	F-1
Southern Methodist University	F-1, J-1
Southern New Hampshire University	F-1
Southern States University San Diego	F-1
Southern University and A&M College	F-1
Spokane Falls Community College	F-1
St. John Fisher College	F-1

St. John's University	F-1
Stanford University	F-1
Stanford University, Bechtel International Center	J-1
State University of New York at Binghamton	F-1
State University of New York at Buffalo	F-1
State University of New York at New Paltz	F-1
State University of New York at Plattsburgh	F-1
State University of New York at Stony Brook	F-1, J-1
Stevens Institute of Technology	F-1, J-1
Stratford University	F-1
Strayer University	F-1
Sullivan University	F-1
SUNY College of Environmental Science and Forestry (SYR)	F-1
SUNY Rockland Community College	F-1
Syracuse University	F-1, J-1
Temple University--A Commonwealth University	F-1
Tennessee State University	F-1
Tennessee Technological University	F-1, J-1
Texas A&M International University (Texas A&M System)	F-1
Texas A&M University	F-1, J-1
Texas A&M University-Commerce	F-1
Texas A&M University-Kingsville	F-1
Texas Southern University	F-1
Texas State University	F-1
Texas Tech University	F-1, J-1
Texas Woman's University	F-1
The Art Institute of Dallas	F-1
The Chicago School of Professional Psychology	F-1
The City University of New York	F-1, J-1
The College of Idaho	F-1
The College of William and Mary	F-1
The Foundation for Worldwide International Student Exchange	J-1
The George Washington University	F-1
The J. Paul Getty Trust	J-1
The Johns Hopkins University: Medical Institutions	F-1
The Ohio State University	F-1, J-1
The Pennsylvania State University	F-1, J-1
The Sage Colleges	F-1
The University of Akron	F-1
The University of Alabama	F-1
The University of Alabama in Huntsville	F-1

The University of Chicago	F-1
The University of Georgia	F-1
The University of Iowa	F-1, J-1
The University of Memphis	F-1
The University of Michigan-Dearborn	F-1
The University of Mississippi	F-1
The University of North Carolina at Greensboro	F-1
The University of Southern Mississippi	F-1
The University of Tampa	F-1
The University of Tennessee	F-1, J-1
The University of Tennessee at Chattanooga	F-1
The University of Texas at Arlington	F-1, J-1
The University of Texas at Dallas	F-1, J-1
The University of Texas at El Paso	F-1
The University of Texas-Pan American	F-1
The University of Toledo	F-1, J-1
The University of Tulsa	F-1
The University of Vermont	F-1
The Vanderbilt University	F-1
Thunderbird School of Global Management	F-1
Towson University	F-1
Toyota Technological Institute at Chicago	F-1
Troy University	F-1
Tufts University	F-1
Tufts University, International Center	J-1
Tulane University	F-1
UCLA-Extension	F-1
Union College	F-1
U.S. Department of Interior, U.S. Geological Survey	J-1
University at Albany, State University of NY	F-1
University of Alabama at Birmingham	F-1
University of Alaska Fairbanks	F-1
University of Arizona	F-1, J-1
University of Arkansas	F-1, J-1
University of Arkansas at Little Rock	F-1
University of Baltimore	F-1
University of Bridgeport	F-1
University of California at Berkeley	F-1, J-1
University of California Extension, Santa Cruz	F-1
University of California San Diego	F-1, J-1
University of California, Berkeley Extension	F-1

University of California, Davis	F-1, J-1
UNIVERSITY OF CALIFORNIA, IRVINE	F-1, J-1
University of California, Irvine, Extension	F-1
University of California, Los Angeles	F-1, J-1
University of California, Merced	F-1, J-1
University of California, Riverside	F-1, J-1
University of California, San Francisco	F-1
University of California, Santa Barbara	F-1, J-1
University of California, Santa Cruz	F-1
University of Central Florida	F-1, J-1
UNIVERSITY OF CENTRAL OKLAHOMA	F-1
University of Cincinnati	F-1
University of Colorado Boulder	F-1, J-1
University of Colorado Colorado Springs	F-1
University of Colorado Denver	F-1
University of Connecticut	F-1
University of Dayton	F-1
University of Delaware	F-1, J-1
University of Denver	F-1, J-1
University of Florida	F-1, J-1
University of Hartford	F-1
University of Hawaii at Manoa	F-1
University of Houston	J-1
University of Houston-Clear Lake	F-1
University of Houston-System	F-1
University of Idaho	F-1, J-1
University of Illinois	F-1
University of Illinois at Chicago	F-1
University of Illinois at Springfield	F-1
University of Illinois at Urbana-Champaign	J-1
University of Kansas	F-1, J-1
University of Kentucky	F-1, J-1
University of Louisiana at Lafayette	F-1, J-1
University of Louisville	F-1
University of Maine	F-1, J-1
University of Maryland	F-1
University of Maryland, Baltimore County	F-1
University of Maryland at College Park	J-1
University of Massachusetts Amherst	F-1, J-1
University of Massachusetts Boston	F-1, J-1
University of Massachusetts Dartmouth	F-1, J-1

University of Massachusetts Lowell	F-1
University of Miami	F-1
University of Michigan	F-1, J-1
University of Minnesota	F-1, J-1
University of Missouri	F-1
University of Missouri-Columbia	F-1, J-1
University of Missouri-Kansas City	F-1, J-1
University of Missouri-Rolla	J-1
University of Nebraska	F-1
University of Nebraska-Lincoln	F-1
University of Nevada, Las Vegas	F-1
University of Nevada, Reno	F-1, J-1
University of New Hampshire	F-1
University of New Haven	F-1
University of New Mexico	F-1
University of New Orleans	F-1
University of North Carolina at Chapel Hill	F-1, J-1
University of North Carolina at Charlotte	F-1
University of North Dakota	F-1
University of North Texas	F-1, J-1
University of Northern Iowa	F-1
University of Notre Dame du Lac	F-1
University of Oklahoma	F-1, J-1
University of Oregon	F-1
University of Pennsylvania	F-1, J-1
University of Pittsburgh	F-1
University of Puerto Rico	F-1
University of Redlands	F-1
University of Rhode Island	F-1, J-1
University of Rochester	F-1
University of San Diego	F-1
University of San Francisco	F-1
University of South Alabama	F-1
University of South Carolina	F-1, J-1
University of South Florida	F-1
University of Southern California	F-1, J-1
University of St. Thomas	F-1
University of Texas at Austin	F-1, J-1
University of Texas at San Antonio	F-1
University of the District of Columbia	F-1
University of the West	F-1

University of Utah	F-1
University of Virginia	F-1
University of Washington	F-1, J-1
University of Washington Tacoma	F-1
UNIVERSITY OF WEST GEORGIA	F-1
University of Wisconsin	F-1
University of Wisconsin Milwaukee	F-1, J-1
University of Wisconsin-Madison	F-1
University of Wyoming	F-1
Ursuline College	F-1
Utah State University	F-1, J-1
UTAH VALLEY UNIVERSITY	F-1
Villanova University	F-1
Virginia Commonwealth University	F-1
Virginia International University	F-1
Virginia Polytechnic Institute and State University	F-1, J-1
Wake Forest University	F-1
Wartburg College	F-1
Washington State University	F-1, J-1
Washington University in St. Louis	F-1
Washtenaw Community College	F-1
Wayne State University	F-1
Weber State University	F-1
Webster University	F-1
Wesleyan University	F-1
West Valley College	F-1
West Virginia University	F-1
Western Carolina University	F-1
Western Illinois University	F-1
Western Kentucky University	F-1
WESTERN MICHIGAN UNIVERSITY	F-1
Western New England University	F-1, J-1
Westminster College-Salt Lake City	F-1
Wichita State University	F-1
Widener University	F-1
Wilkes University	F-1
William Marsh Rice University	J-1
Woodbury University	F-1
Worcester Polytechnic Institute	F-1
Worcester State University	F-1
Wright State University	F-1

Yale University	F-1, J-1
Yuin University	F-1

[illegible]

Op 1	Op 2	Op 3	Op 4	Op 5	Op 6	Op 7	Op 8	Op 9	Op 10	Op 11	Op 12	Op 13	Op 14	Op 15	Op 16	Op 17	Op 18	Op 19	Op 20	Op 21	Op 22	Op 23	Op 24	Op 25	Op 26	Op 27	Op 28	Op 29	Op 30	Op 31	Op 32	Op 33	Op 34	Op 35	Op 36	Op 37	Op 38	Op 39	Op 40	Op 41	Op 42	Op 43	Op 44	Op 45	Op 46	Op 47	Op 48	Op 49	Op 50	Op 51	Op 52	Op 53	Op 54	Op 55	Op 56	Op 57	Op 58	Op 59	Op 60	Op 61	Op 62	Op 63	Op 64	Op 65	Op 66	Op 67	Op 68	Op 69	Op 70	Op 71	Op 72	Op 73	Op 74	Op 75	Op 76	Op 77	Op 78	Op 79	Op 80	Op 81	Op 82	Op 83	Op 84	Op 85	Op 86	Op 87	Op 88	Op 89	Op 90	Op 91	Op 92	Op 93	Op 94	Op 95	Op 96	Op 97	Op 98	Op 99	Op 100	Op 101	Op 102	Op 103	Op 104	Op 105	Op 106	Op 107	Op 108	Op 109	Op 110	Op 111	Op 112	Op 113	Op 114	Op 115	Op 116	Op 117	Op 118	Op 119	Op 120	Op 121	Op 122	Op 123	Op 124	Op 125	Op 126	Op 127	Op 128	Op 129	Op 130	Op 131	Op 132	Op 133	Op 134	Op 135	Op 136	Op 137	Op 138	Op 139	Op 140	Op 141	Op 142	Op 143	Op 144	Op 145	Op 146	Op 147	Op 148	Op 149	Op 150	Op 151	Op 152	Op 153	Op 154	Op 155	Op 156	Op 157	Op 158	Op 159	Op 160	Op 161	Op 162	Op 163	Op 164	Op 165	Op 166	Op 167	Op 168	Op 169	Op 170	Op 171	Op 172	Op 173	Op 174	Op 175	Op 176	Op 177	Op 178	Op 179	Op 180	Op 181	Op 182	Op 183	Op 184	Op 185	Op 186	Op 187	Op 188	Op 189	Op 190	Op 191	Op 192	Op 193	Op 194	Op 195	Op 196	Op 197	Op 198	Op 199	Op 200	Op 201	Op 202	Op 203	Op 204	Op 205	Op 206	Op 207	Op 208	Op 209	Op 210	Op 211	Op 212	Op 213	Op 214	Op 215	Op 216	Op 217	Op 218	Op 219	Op 220	Op 221	Op 222	Op 223	Op 224	Op 225	Op 226	Op 227	Op 228	Op 229	Op 230	Op 231	Op 232	Op 233	Op 234	Op 235	Op 236	Op 237	Op 238	Op 239	Op 240	Op 241	Op 242	Op 243	Op 244	Op 245	Op 246	Op 247	Op 248	Op 249	Op 250	Op 251	Op 252	Op 253	Op 254	Op 255	Op 256	Op 257	Op 258	Op 259	Op 260	Op 261	Op 262	Op 263	Op 264	Op 265	Op 266	Op 267	Op 268	Op 269	Op 270	Op 271	Op 272	Op 273	Op 274	Op 275	Op 276	Op 277	Op 278	Op 279	Op 280	Op 281	Op 282	Op 283	Op 284	Op 285	Op 286	Op 287	Op 288	Op 289	Op 290	Op 291	Op 292	Op 293	Op 294	Op 295	Op 296	Op 297	Op 298	Op 299	Op 300	Op 301	Op 302	Op 303	Op 304	Op 305	Op 306	Op 307	Op 308	Op 309	Op 310	Op 311	Op 312	Op 313	Op 314	Op 315	Op 316	Op 317	Op 318	Op 319	Op 320	Op 321	Op 322	Op 323	Op 324	Op 325	Op 326	Op 327	Op 328	Op 329	Op 330	Op 331	Op 332	Op 333	Op 334	Op 335	Op 336	Op 337	Op 338	Op 339	Op 340	Op 341	Op 342	Op 343	Op 344	Op 345	Op 346	Op 347	Op 348	Op 349	Op 350	Op 351	Op 352	Op 353	Op 354	Op 355	Op 356	Op 357	Op 358	Op 359	Op 360	Op 361	Op 362	Op 363	Op 364	Op 365	Op 366	Op 367	Op 368	Op 369	Op 370	Op 371	Op 372	Op 373	Op 374	Op 375	Op 376	Op 377	Op 378	Op 379	Op 380	Op 381	Op 382	Op 383	Op 384	Op 385	Op 386	Op 387	Op 388	Op 389	Op 390	Op 391	Op 392	Op 393	Op 394	Op 395	Op 396	Op 397	Op 398	Op 399	Op 400	Op 401	Op 402	Op 403	Op 404	Op 405	Op 406	Op 407	Op 408	Op 409	Op 410	Op 411	Op 412	Op 413	Op 414	Op 415	Op 416	Op 417	Op 418	Op 419	
------	------	------	------	------	------	------	------	------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	-------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--

Page 1	Page 2	Page 3	Page 4	Page 5	Page 6	Page 7	Page 8	Page 9	Page 10	Page 11	Page 12	Page 13	Page 14	Page 15	Page 16	Page 17	Page 18	Page 19	Page 20	Page 21	Page 22	Page 23	Page 24	Page 25	Page 26	Page 27	Page 28	Page 29	Page 30	Page 31	Page 32	Page 33	Page 34	Page 35	Page 36	Page 37	Page 38	Page 39	Page 40	Page 41	Page 42	Page 43	Page 44	Page 45	Page 46	Page 47	Page 48	Page 49	Page 50	Page 51	Page 52	Page 53	Page 54	Page 55	Page 56	Page 57	Page 58	Page 59	Page 60	Page 61	Page 62	Page 63	Page 64	Page 65	Page 66	Page 67	Page 68	Page 69	Page 70	Page 71	Page 72	Page 73	Page 74	Page 75	Page 76	Page 77	Page 78	Page 79	Page 80	Page 81	Page 82	Page 83	Page 84	Page 85	Page 86	Page 87	Page 88	Page 89	Page 90	Page 91	Page 92	Page 93	Page 94	Page 95	Page 96	Page 97	Page 98	Page 99	Page 100	Page 101	Page 102	Page 103	Page 104	Page 105	Page 106	Page 107	Page 108	Page 109	Page 110	Page 111	Page 112	Page 113	Page 114	Page 115	Page 116	Page 117	Page 118	Page 119	Page 120	Page 121	Page 122	Page 123	Page 124	Page 125	Page 126	Page 127	Page 128	Page 129	Page 130	Page 131	Page 132	Page 133	Page 134	Page 135	Page 136	Page 137	Page 138	Page 139	Page 140	Page 141	Page 142	Page 143	Page 144	Page 145	Page 146	Page 147	Page 148	Page 149	Page 150	Page 151	Page 152	Page 153	Page 154	Page 155	Page 156	Page 157	Page 158	Page 159	Page 160	Page 161	Page 162	Page 163	Page 164	Page 165	Page 166	Page 167	Page 168	Page 169	Page 170	Page 171	Page 172	Page 173	Page 174	Page 175	Page 176	Page 177	Page 178	Page 179	Page 180	Page 181	Page 182	Page 183	Page 184	Page 185	Page 186	Page 187	Page 188	Page 189	Page 190	Page 191	Page 192	Page 193	Page 194	Page 195	Page 196	Page 197	Page 198	Page 199	Page 200	Page 201	Page 202	Page 203	Page 204	Page 205	Page 206	Page 207	Page 208	Page 209	Page 210	Page 211	Page 212	Page 213	Page 214	Page 215	Page 216	Page 217	Page 218	Page 219	Page 220	Page 221	Page 222	Page 223	Page 224	Page 225	Page 226	Page 227	Page 228	Page 229	Page 230	Page 231	Page 232	Page 233	Page 234	Page 235	Page 236	Page 237	Page 238	Page 239	Page 240	Page 241	Page 242	Page 243	Page 244	Page 245	Page 246	Page 247	Page 248	Page 249	Page 250	Page 251	Page 252	Page 253	Page 254	Page 255	Page 256	Page 257	Page 258	Page 259	Page 260	Page 261	Page 262	Page 263	Page 264	Page 265	Page 266	Page 267	Page 268	Page 269	Page 270	Page 271	Page 272	Page 273	Page 274	Page 275	Page 276	Page 277	Page 278	Page 279	Page 280	Page 281	Page 282	Page 283	Page 284	Page 285	Page 286	Page 287	Page 288	Page 289	Page 290	Page 291	Page 292	Page 293	Page 294	Page 295	Page 296	Page 297	Page 298	Page 299	Page 300	Page 301	Page 302	Page 303	Page 304	Page 305	Page 306	Page 307	Page 308	Page 309	Page 310	Page 311	Page 312	Page 313	Page 314	Page 315	Page 316	Page 317	Page 318	Page 319	Page 320	Page 321	Page 322	Page 323	Page 324	Page 325	Page 326	Page 327	Page 328	Page 329	Page 330	Page 331	Page 332	Page 333	Page 334	Page 335	Page 336	Page 337	Page 338	Page 339	Page 340	Page 341	Page 342	Page 343	Page 344	Page 345	Page 346	Page 347	Page 348	Page 349	Page 350	Page 351	Page 352	Page 353	Page 354	Page 355	Page 356	Page 357	Page 358	Page 359	Page 360	Page 361	Page 362	Page 363	Page 364	Page 365	Page 366	Page 367	Page 368	Page 369	Page 370	Page 371	Page 372	Page 373	Page 374	Page 375	Page 376	Page 377	Page 378	Page 379	Page 380	Page 381
--------	--------	--------	--------	--------	--------	--------	--------	--------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	---------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

[illegible]

[illegible]

Projected Filings FY15-17 For Domestic Workloads
Existing and New/Expanded Workloads
Source: July 2014 Volume Projection Committee for Existing Workloads

Existing Workloads			
Form I-90			
Total Projected Volume	FY15 783,238	FY16 880,003	FY17 731,410
Service Center Projection	-	-	-
Form I-129			
Total Projected Volume	FY15 420,954	FY16 432,156	FY17 432,156
Service Center Projection	420,954	432,156	432,156
Form I-130 Preference			
Total Projected Volume	FY15 296,109	FY16 311,436	FY17 311,436
Service Center Projection	295,778	311,088	311,088
Form I-130 IR			
Total Projected Volume	FY15 564,559	FY16 583,826	FY17 600,000
Service Center Projection	361,168	373,493	383,841
Form I-131 Reentry			
Total Projected Volume	FY15 98,626	FY16 98,626	FY17 98,626
Service Center Projection	98,381	98,381	98,381
Form I-131 AP			
Total Projected Volume	FY15 314,984	FY16 318,710	FY17 321,480
Service Center Projection	198,062	200,405	202,146
Form I-131 DACA			
Total Projected Volume	FY15 5,051	FY16 9,561	FY17 9,561
Service Center Projection	5,031	9,524	9,524
Form I-131 CFRP			
Total Projected Volume	FY15 8,500	FY16 17,000	FY17 17,000
Service Center Projection	8,500	17,000	17,000
Form I-131 HFRP			
Total Projected Volume	FY15 3,000	FY16 6,000	FY17 6,000
Service Center Projection	3,000	6,000	6,000
Form I-140			
Total Projected Volume	FY15 89,268	FY16 88,824	FY17 88,379
Service Center Projection	89,268	88,824	88,379
Form I-485 Employment			
Total Projected Volume	FY15 123,028	FY16 123,028	FY17 123,028

Service Center Projection	123,028	123,028	123,028
Form I-485 Family			
	FY15	FY16	FY17
Total Projected Volume	278,687	278,687	278,687
Service Center Projection	131	131	131
Form I-485 Cuban			
	FY15	FY16	FY17
Total Projected Volume	49,500	51,894	54,288
Service Center Projection	-	-	-
Form I-485 Other			
	FY15	FY16	FY17
Total Projected Volume	37,964	37,964	37,964
Service Center Projection	32,683	32,683	32,683
Form I-485 Asylee			
	FY15	FY16	FY17
Total Projected Volume	34,643	29,892	29,892
Service Center Projection	34,624	29,876	29,876
Form I-485 Refugee			
	FY15	FY16	FY17
Total Projected Volume	69,472	73,047	69,062
Service Center Projection	68,329	71,846	67,926
Form I-539 ELIS			
	FY15	FY16	FY17
Total Projected Volume	23,361	26,361	29,361
Service Center Projection	23,361	26,361	29,361
Form I-539 Paper			
	FY15	FY16	FY17
Total Projected Volume	148,640	145,640	142,640
Service Center Projection	146,781	143,818	140,856
Form I-751			
	FY15	FY16	FY17
Total Projected Volume	142,707	173,000	173,000
Service Center Projection	142,677	172,964	172,964
Form I-821 TPS			
	FY15	FY16	FY17
Total Projected Volume	290,147	303,396	178,239
Service Center Projection	290,146	303,395	178,239
Form I-821D DACA			
	FY15	FY16	FY17
Total Projected Volume	418,675	347,977	58,426
Service Center Projection	418,675	347,977	58,426
Form I-765 Excl. TPS/DACA			
	FY15	FY16	FY17
Total Projected Volume	1,143,681	1,113,214	1,083,577
Service Center Projection	631,845	615,013	598,640
Form I-765 TPS			

	FY15	FY16	FY17
Total Projected Volume	290,147	303,396	178,239
Service Center Projection	290,146	303,395	178,239
Form I-765 DACA			
	FY15	FY16	FY17
Total Projected Volume	418,675	347,977	58,426
Service Center Projection	418,675	347,977	58,426
Form N-400 Reg			
	FY15	FY16	FY17
Total Projected Volume	815,000	828,000	815,000
Service Center Projection	-	-	-
Form N-400 Military			
	FY15	FY16	FY17
Total Projected Volume	9,173	9,173	9,173
Service Center Projection	9,173	9,173	9,173
Form N-600/600K			
	FY15	FY16	FY17
Total Projected Volume	68,962	70,484	68,962
Service Center Projection	13	13	13
Immigrant Visa			
	FY15	FY16	FY17
Total Projected Volume	471,463	472,022	473,000
Service Center Projection	471,463	472,022	473,000
Form I-102			
	FY15	FY16	FY17
Total Projected Volume	10,143	10,143	10,143
Service Center Projection	8,859	8,859	8,859
Form I-129F			
	FY15	FY16	FY17
Total Projected Volume	48,505	45,351	45,351
Service Center Projection	48,352	45,208	45,208
Waivers			
	FY15	FY16	FY17
Total Projected Volume	61,737	64,125	66,612
Service Center Projection	56,050	58,218	60,476
Form I-601A			
	FY15	FY16	FY17
Total Projected Volume	42,724	42,724	42,724
Service Center Projection	-	-	-
Form I-290B			
	FY15	FY16	FY17
Total Projected Volume	24,662	24,662	24,662
Service Center Projection	16,811	16,811	16,811
Form I-360			
	FY15	FY16	FY17
Total Projected Volume	22,431	25,228	27,389
Service Center Projection	17,195	19,339	20,995

Form I-526			
Total Projected Volume	FY15 12,518	FY16 12,941	FY17 16,405
Service Center Projection	-	-	-
Form I-600/600A			
Total Projected Volume	FY15 8,714	FY16 8,714	FY17 8,714
Service Center Projection	-	-	-
Form I-800/800A			
Total Projected Volume	FY15 7,902	FY16 7,902	FY17 7,902
Service Center Projection	-	-	-
Form I-687			
Total Projected Volume	FY15 18	FY16 18	FY17 18
Service Center Projection	1	1	1
Form I-690			
Total Projected Volume	FY15 21	FY16 21	FY17 21
Service Center Projection	1	1	1
Form I-694			
Total Projected Volume	FY15 39	FY16 39	FY17 39
Service Center Projection	1	1	1
Form I-698			
Total Projected Volume	FY15 91	FY16 91	FY17 91
Service Center Projection	3	3	3
Form I-730			
Total Projected Volume	FY15 17,161	FY16 17,161	FY17 17,161
Service Center Projection	17,149	17,149	17,149
Form I-817 Fam Unity			
Total Projected Volume	FY15 2,069	FY16 2,069	FY17 2,069
Service Center Projection	1,703	1,703	1,703
Form I-824			
Total Projected Volume	FY15 11,153	FY16 10,955	FY17 10,887
Service Center Projection	7,670	7,534	7,487
Form I-829			
Total Projected Volume	FY15 3,131	FY16 3,440	FY17 3,683
Service Center Projection	-	-	-
Form I-910			
	FY15	FY16	FY17

Total Projected Volume	613	609	609
Service Center Projection	0	0	0
Form I-914			
	FY15	FY16	FY17
Total Projected Volume	887	887	887
Service Center Projection	887	887	887
Form I-914A			
	FY15	FY16	FY17
Total Projected Volume	1,066	1,143	1,221
Service Center Projection	1,066	1,143	1,221
Form I-918			
	FY15	FY16	FY17
Total Projected Volume	45,600	45,600	45,600
Service Center Projection	45,600	45,600	45,600
Form I-924			
	FY15	FY16	FY17
Total Projected Volume	336	378	421
Service Center Projection	-	-	-
Form I-924A			
	FY15	FY16	FY17
Total Projected Volume	603	806	958
Service Center Projection	-	-	-
Form I-929			
	FY15	FY16	FY17
Total Projected Volume	575	575	575
Service Center Projection	575	575	575
Form N-300			
	FY15	FY16	FY17
Total Projected Volume	43	41	41
Service Center Projection	-	-	-
Form N-336			
	FY15	FY16	FY17
Total Projected Volume	4,630	4,701	4,630
Service Center Projection	-	-	-
Form N-470			
	FY15	FY16	FY17
Total Projected Volume	369	362	362
Service Center Projection	-	-	-
Form N-565			
	FY15	FY16	FY17
Total Projected Volume	28,197	28,672	29,156
Service Center Projection	28,029	28,502	28,983
Form N-600			
	FY15	FY16	FY17
Total Projected Volume	65,589	67,111	65,589
Service Center Projection	12	13	12

Form N-600K		FY15	FY16	FY17
Total Projected Volume		3,373	3,373	3,373
Service Center Projection		0	0	0
Form N-644		FY15	FY16	FY17
Total Projected Volume		1	1	1
Service Center Projection		1	1	1
Form I-589 Asylum		FY15	FY16	FY17
Total Projected Volume		65,000	63,055	68,319
Service Center Projection		-	-	-
Credible Fear		FY15	FY16	FY17
Total Projected Volume		78,485	78,485	78,485
Service Center Projection		-	-	-
Reasonable Fear		FY15	FY16	FY17
Total Projected Volume		15,603	15,603	15,603
Service Center Projection		-	-	-
Form I-881 NACARA		FY15	FY16	FY17
Total Projected Volume		764	764	764
Service Center Projection		-	-	-

Projected Filings FY15-17 For Domestic Workloads
Existing and New/Expanded Workloads
Source: July 2014 Volume Projection Committee for Existing Workloads

Existing Workloads			
Form I-90			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	783,238	890,003	731,410
Form I-129			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	420,954	432,156	432,156
Form I-130 Preference			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	296,109	311,436	311,436
Form I-130 IR			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	564,559	583,826	600,000
Form I-131 Reentry			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	98,626	98,626	98,626
Form I-131 AP			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	314,984	318,710	321,480
Form I-131 DACA			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	5,051	9,561	9,561
Form I-131 CFRP			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	8,500	17,000	17,000
Form I-131 HFRP			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	3,000	6,000	6,000
Form I-140			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	89,268	88,824	88,379
Form I-485 Employment			
Total Projected Volume	FY15	FY16	FY17
Service Center Projection	123,028	123,028	123,028
Form I-485 Family			
Total Projected Volume	FY15	FY16	FY17
	278,687	278,687	278,687

Service Center Projection	131	131	131
Form I-485 Cuban			
Total Projected Volume	FY15 49,500	FY16 51,894	FY17 54,288
Service Center Projection	-	-	-
Form I-485 Other			
Total Projected Volume	FY15 37,964	FY16 37,964	FY17 37,964
Service Center Projection	32,683	32,683	32,683
Form I-485 Asylee			
Total Projected Volume	FY15 34,643	FY16 29,892	FY17 29,892
Service Center Projection	34,624	29,876	29,876
Form I-485 Refugee			
Total Projected Volume	FY15 69,472	FY16 73,047	FY17 69,062
Service Center Projection	68,329	71,846	67,926
Form I-539 ELIS			
Total Projected Volume	FY15 23,361	FY16 26,361	FY17 29,361
Service Center Projection	23,361	26,361	29,361
Form I-539 Paper			
Total Projected Volume	FY15 148,640	FY16 145,640	FY17 142,640
Service Center Projection	146,781	143,818	140,856
Form I-751			
Total Projected Volume	FY15 142,707	FY16 173,000	FY17 173,000
Service Center Projection	142,677	172,964	172,964
Form I-821 TPS			
Total Projected Volume	FY15 290,147	FY16 303,396	FY17 178,239
Service Center Projection	290,146	303,395	178,239
Form I-821D DACA			
Total Projected Volume	FY15 418,675	FY16 347,977	FY17 58,426
Service Center Projection	418,675	347,977	58,426
Form I-765 Excl. TPS/DACA			
Total Projected Volume	FY15 1,143,681	FY16 1,113,214	FY17 1,083,577
Service Center Projection	631,845	615,013	598,640
Form I-765 TPS			
Total Projected Volume	FY15 290,147	FY16 303,396	FY17 178,239
Service Center Projection	290,146	303,395	178,239
Form I-765 DACA			
Total Projected Volume	FY15 418,675	FY16 347,977	FY17 58,426
Service Center Projection	418,675	347,977	58,426
Form N-400 Reg			

Total Projected Volume	FY15 815,000	FY16 828,000	FY17 815,000
Service Center Projection	-	-	-
Form N-400 Military			
Total Projected Volume	FY15 9,173	FY16 9,173	FY17 9,173
Service Center Projection	9,173	9,173	9,173
Form N-600/600K			
Total Projected Volume	FY15 68,962	FY16 70,484	FY17 68,962
Service Center Projection	13	13	13
Immigrant Visa			
Total Projected Volume	FY15 471,463	FY16 472,022	FY17 473,000
Service Center Projection	471,463	472,022	473,000
Form I-102			
Total Projected Volume	FY15 10,143	FY16 10,143	FY17 10,143
Service Center Projection	8,859	8,859	8,859
Form I-129F			
Total Projected Volume	FY15 48,505	FY16 45,351	FY17 45,351
Service Center Projection	48,352	45,208	45,208
Waivers			
Total Projected Volume	FY15 61,737	FY16 64,125	FY17 66,612
Service Center Projection	56,050	58,218	60,476
Form I-601A			
Total Projected Volume	FY15 42,724	FY16 42,724	FY17 42,724
Service Center Projection	-	-	-
Form I-290B			
Total Projected Volume	FY15 24,662	FY16 24,662	FY17 24,662
Service Center Projection	16,811	16,811	16,811
Form I-360			
Total Projected Volume	FY15 22,431	FY16 25,228	FY17 27,389
Service Center Projection	17,195	19,339	20,995
Form I-526			
Total Projected Volume	FY15 12,518	FY16 12,941	FY17 16,405
Service Center Projection	-	-	-
Form I-600/600A			
Total Projected Volume	FY15 8,714	FY16 8,714	FY17 8,714
Service Center Projection	-	-	-
Form I-800/800A			
Total Projected Volume	FY15 7,902	FY16 7,902	FY17 7,902
Service Center Projection	-	-	-

Form I-687			
Total Projected Volume	FY15 18	FY16 18	FY17 18
Service Center Projection	1	1	1
Form I-690			
Total Projected Volume	FY15 21	FY16 21	FY17 21
Service Center Projection	1	1	1
Form I-694			
Total Projected Volume	FY15 39	FY16 39	FY17 39
Service Center Projection	1	1	1
Form I-698			
Total Projected Volume	FY15 91	FY16 91	FY17 91
Service Center Projection	3	3	3
Form I-730			
Total Projected Volume	FY15 17,161	FY16 17,161	FY17 17,161
Service Center Projection	17,149	17,149	17,149
Form I-817 Fam Unity			
Total Projected Volume	FY15 2,069	FY16 2,069	FY17 2,069
Service Center Projection	1,703	1,703	1,703
Form I-824			
Total Projected Volume	FY15 11,153	FY16 10,955	FY17 10,887
Service Center Projection	7,670	7,534	7,487
Form I-829			
Total Projected Volume	FY15 3,131	FY16 3,440	FY17 3,683
Service Center Projection	-	-	-
Form I-910			
Total Projected Volume	FY15 613	FY16 609	FY17 609
Service Center Projection	0	0	0
Form I-914			
Total Projected Volume	FY15 887	FY16 887	FY17 887
Service Center Projection	887	887	887
Form I-914A			
Total Projected Volume	FY15 1,066	FY16 1,143	FY17 1,221
Service Center Projection	1,066	1,143	1,221
Form I-918			
Total Projected Volume	FY15 45,600	FY16 45,600	FY17 45,600
Service Center Projection	45,600	45,600	45,600
Form I-924			
	FY15	FY16	FY17

Total Projected Volume Service Center Projection	336 -	378 -	421 -
Form I-924A			
Total Projected Volume Service Center Projection	FY15 603 -	FY16 806 -	FY17 958 -
Form I-929			
Total Projected Volume Service Center Projection	FY15 575 575	FY16 575 575	FY17 575 575
Form N-300			
Total Projected Volume Service Center Projection	FY15 43 -	FY16 41 -	FY17 41 -
Form N-336			
Total Projected Volume Service Center Projection	FY15 4,630 -	FY16 4,701 -	FY17 4,630 -
Form N-470			
Total Projected Volume Service Center Projection	FY15 369 -	FY16 362 -	FY17 362 -
Form N-565			
Total Projected Volume Service Center Projection	FY15 28,197 28,029	FY16 28,672 28,502	FY17 29,156 28,983
Form N-600			
Total Projected Volume Service Center Projection	FY15 65,589 12	FY16 67,111 13	FY17 65,589 12
Form N-600K			
Total Projected Volume Service Center Projection	FY15 3,373 0	FY16 3,373 0	FY17 3,373 0
Form N-644			
Total Projected Volume Service Center Projection	FY15 1 1	FY16 1 1	FY17 1 1
Form I-589 Asylum			
Total Projected Volume Service Center Projection	FY15 65,000 -	FY16 63,055 -	FY17 68,319 -
Credible Fear			
Total Projected Volume Service Center Projection	FY15 78,485 -	FY16 78,485 -	FY17 78,485 -
Reasonable Fear			
Total Projected Volume Service Center Projection	FY15 15,603 -	FY16 15,603 -	FY17 15,603 -

Form I-881 NACARA		FY15	FY16	FY17
Total Projected Volume		764	764	764
Service Center Projection		-	-	-

U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)				
State	Approvals			
	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
AK	12	225	15	139
AL	23	575	23	698
AR	30	1,362	33	1,927
AZ	33	1,211	49	1,688
CA	91	1,809	81	1,265
CO	129	2,472	202	4,133
CT	12	216	7	124
DC				
DE	15	231	13	209
FL	162	3,236	204	3,770
GA	91	4,135	77	3,514
IA	2	18	11	141
ID	13	816	9	730
IL	32	887	28	848
IN	10	432	19	535
KS	37	645	40	869
KY	43	445	45	543
LA	115	2,233	123	2,492
MA	255	2,120	255	2,202
MD	92	2,676	92	2,753
ME	55	543	72	758
MI	85	1,539	93	1,457
MN	71	296	28	514
MO	71	1,457	82	1,250
MS	12	862	26	1,403
MT	12	162	24	232
NC	96	2,183	74	1,944
ND	13	226	25	412
NE	11	198	26	592
NH	26	344	25	382
NJ	117	1,493	101	1,609
NM	3	57	2	36
NV	6	205	6	182
NY	226	1,914	227	2,076
OH	66	941	80	1,000
OK	65	1,019	83	1,169
OR	16	1,073	20	1,074
PA	142	2,408	126	2,030
PR	3	3		
RI	10	184	13	204

ECN# 713

U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)				
Approvals				
State	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
SC	36	805	50	1,183
SD	27	400	54	645
TN	19	303	16	300
TX	504	10,929	517	12,221
UT	32	424	33	417
VA	444	9,150	517	11,115
VT	9	162	15	199
WA	58	753	55	744
WI	10	274	10	340
WV	2	13	8	96
WY	14	175	12	130
Grand Total	3,408	66,189	3,746	74,294

Please note:

- 1) The report reflects the most up-to-date data available at the time the report is generated.
- 2) The duplicate cases due to service center transfers have been removed.
- 3) Data in date range is aggregated by the approval date.
- 4) Pending show the number of pending cases received for FY15 as of 03/05/2015
- 5) Please note for FY15, USCIS is still adjudicating H2B petitions eligible under the cap.
- 6) *Please note that even though the number of approved H-2B beneficiaries is greater than 68,000, the FY2013 H-2B cap was not reached due to the factors discussed in Questions 11 and 12.

Database Queri: May 12, 2015

Report Created: May 13, 2015 updated May 15, 2015

System: CS Consolidated Operational Repository (CSCOR)

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PAER)

Parameters

Approval parameters: Receipt Date 06/01/2012 to 04/30/2015, Valid From Date 10/01/2012 to 06/30/2015 Port_2_2 of the Form = A, Port_2_4 = A or B/ Denials Range is the denial date between 10/01/2012 to 04/30/2015

Form Type: I-129

Class Preference: H2B

Data Type: Approvals and Denials for Petitions and by Number of Beneficiaries

U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)				
State	Denials			
	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
AK				
AL	1	25	2	7
AR			1	7
AZ				
CA	4	45	4	28
CO	3	92	2	38
CT			1	10
DC	1	1		
DE	1	7		
FL	11	166	10	118
GA	1	99	1	76
IA				
ID				
IL	1	1		
IN				
KS				
KY	4	15		
LA	5	551	3	66
MA	4	9	5	9
MD	4	11	2	16
ME	1	15		
MI	1	3	4	12
MN	1	7		
MO			1	12
MS	1	13		
MT				
NC	5	88	3	30
ND				
NE	1	1		
NH			1	4
NJ	8	80	2	3
NM				
NV				
NY	11	91	8	65
OH	1	5	1	9
OK	3	52	1	8
OR	1	60		
PA	1	3	2	11
PR	1	1	2	2
RI	2	14		

U.S. Citizenship & Immigration Services Form I-129, Petition for a Nonimmigrant Worker with a Classification of Temporary Nonagricultural Worker (H-2B) Approvals and Denials under the Cap for Petitions and by Number of Beneficiaries Listed by State Fiscal Year FY2013 and 2015 (April 30)				
State	Denials			
	2013*		2015	
	Petitions	NUMBER OF BENEFICIARIES	Petitions	NUMBER OF BENEFICIARIES
SC	3	60	3	18
SD				
TN	2	19		
TX	26	380	14	333
UT				
VA	11	300	3	139
VT	1	10		
WA	6	6		
WI				
WV	1	2		
WY				2
Grand Total	128	2,232	76	1,023

Please note:

1) The report reflects the most up-to-date data available at the time the report is generated.

2) The duplicate cases due to service center transfers have been removed.

3) Data in date range is aggregated by this approval date.

4) Pending show the number of pending cases received for FY15 as of 03/01/2015.

5) Please note for FY15, USCIS is still adjudicating H2B petitions eligible under the cap.

6) *Please note that even though the number of approved H-2B beneficiaries is greater than 66,000, the FY2013 H-2B cap was not reached due to the factors discussed in Questions 11 and 12.

Database Queried: May 12, 2015

Report Created: May 13, 2015 updated May 15, 2015

System: CIS Consolidated Operational Repository (CISCOR)

By: Office of Performance and Quality (OPQ), Performance Analysis and Data Reporting (PADR)

Parameters

Approval parameters: Receipt Date 06/01/2012 to 04/30/2015, Valid From Date 10/01/2012 to 09/30/2015

Part_2_2 of the Form = A, Part_2_4 = A or B/ Denials Range is the denial date between 10/01/2012 to 04/30/2015

Form Type: I-129

Class Preference: H2B

Data Type: Approvals and Denials for Petitions and by Number of Beneficiaries

Sacramento, CA Attendees - March 11

Last Name	First Name	Organization
Barba	Raul	Department of Water Resources
Bechtel	Ann	Atkins Global
Birrer	Joe	San Francisco International Airport
Blumberg	Louis	The Nature Conservancy
Bortugno	Ed	California Governor's Office of Emergency Services
Bryant	James	U. S. Small Business Administration
Butler	Eric	California Central Valley Flood Protection Board
Cammarota	Nick	California Building Industry Assoc
Cassidy	Ted	Dewberry
Castillo	Ricardo	California Governor's Office of Emergency Services
Chou	Ben	Natural Resources Defense Council
Churchwell	Roger	San Joaquin Area Flood Control Agency
Costa	John	North State Building Industry Association
Cox	Dale	USGS
Curry	Tina	Governor's Office of Emergency Services
Dietrich	Nathan	Office of Congresswoman Doris O. Matsui
Durham	Katie	DHS
Estes	Gary	California Extreme Precipitation Symposium
Eto	Jim	Department of Water Resources
Flannery	Collen	Central Valley Flood Control Association
Fleming	Mick	Yolo County California Government
Fletcher	Randy	Yuba County
Gaskey	Mitchell	SBM
Gilson	Susan	NAFSMA
Gin	Vincent	Orange County Flood Control District
Giottonini	Jim	San Joaquin Area Flood Control Agency
Hartwig	James	California Governor's Office of Emergency Services
Huckleberry	Jason	City of Visalia
Johnson	Rick	Sacramento Area Flood Control Agency
Lam	Nixon	San Francisco International Airport
LaMar-Haas	Victoria	Governor's Office of Emergency Services
León	Abimael	California Department of Fish and Wildlife
Lizarraga	Adam	iService
Macdonald	Clyde	California Central Valley Flood Protection Board
Maguire	John	San County Department of Public Works
Mampara	Mathew	Dewberry
Marino	Len	California Central Valley Flood Protection Board
Mayer	Rod	HDR
More	Kristi	The Ferguson Group, L.L.C.
Myers	Kenneth	California Office of Emergency Services
Nagy	Eric	MBK Engineers
Ng	Steve	DOT California
Nomellini	Dante John	Nomellini, Grilli & McDaniel

O'Regan	Barry	KSNinc
Pemstein	Jeff	Homes by Towne
Perkins	Connie	City of Sacramento Department of Utilities
Pineda	Ricardo	California Department of Water Resources
Plummer	Thomas	
Powderly	John	
Qualley	George	Department of Water Resources
Ruefer	Jeanne	Tetra Tech
Rush	Andrew	California Governor's Office of Emergency Services
Scheuring	Chris	California Farm Bureau Federation
Spore	Brian	City of Hayward
Stork	Ronald	Friends of the River
Sully	Marcia	California Governor's Office of Emergency Services
Thach	Bich Hien	Department of Water Resources
Veilleux	Andrea	USGS
Ward	Nancy	Cal OES
Woertink	Amber	Central Valley Flood Protection Board
Young	Chris	City of Visalia
Young	Thane	Van Scoyoc Associates, Inc.
Yu	Rosalyn	San Francisco International Airport