

**OVERSIGHT OF THE UNITED STATES REFUGEE
ADMISSIONS PROGRAM**

HEARING
BEFORE THE
SUBCOMMITTEE ON
IMMIGRATION AND BORDER SECURITY
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED FIFTEENTH CONGRESS
FIRST SESSION

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ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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Struggle to Resilience, Economic and Social Outcomes of Refugees in the United States. Submitted by the Honorable John Conyers, Michigan, Ranking Member, Committee on the Judiciary. This material is available at the Committee and can be accessed on the Committee Repository at:

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OVERSIGHT OF THE UNITED STATES REFUGEE ADMISSIONS PROGRAM

THURSDAY, OCTOBER 26, 2017

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

COMMITTEE ON THE JUDICIARY

Washington, DC

The subcommittee met, pursuant to call, at 9:00 a.m., in Room 2141, Rayburn House Office Building, Hon. Raúl R. Labrador [chairman of the subcommittee] presiding.

Present: Representatives Labrador, Goodlatte, Smith, King, Buck, Johnson, Biggs, Lofgren, Conyers, Jayapal, and Jackson Lee.

Staff Present: Andrea Loving, Majority Counsel; Jason Boyd, Minority Counsel; and Sabrina Hancock, Clerk.

Mr. LABRADOR. The Subcommittee on Immigration and Border Security will come to order.

Without objection, the chair is authorized to declare recesses of the committee at any time. We welcome everyone to today's hearing on Oversight of the United States Refugee Admission Program. And I now recognize myself for an opening statement.

I have long been a supporter of the U.S. Refugee Admission Program and the important humanitarian mission that it serves. The United States and the peace and democracy under which we live should give hope to those around the world who face persecution by their government that their home countries can at some point also be free of such tyranny.

As a former immigration lawyer, I have seen the USRAP at work firsthand. I have seen those who have been able to avail themselves of it come to this country and thrive. But just like with many government programs that start out with the best of intention and over the years prove to need updates, the time has come for reform of the program.

A few problems that have come to light in recent years include fraud, unchecked executive authority, and threats to our national security. The House Judiciary Committee has highlighted some of these deficiencies over the last few years.

For instance, we all know that, during testimony in 2015, the former FBI Director made troubling statements about the inability of law enforcement officials to properly vet applicants for refugee status. And former administration officials acknowledged in testimony to this committee that State and local consultation through-

out the refugee resettlement process has not been as robust as needed in all cases.

In fact, I have been approached by colleagues regarding this issue. They are concerned that the views of the States and localities they represent were ignored by an administration that simply wanted to resettle as many refugees as possible without regard to prudence.

On the issue of fraud in the program, I am pleased that today we have the Government Accountability Office here to discuss two reports they issued this past spring, one of which highlights potential fraud in the process. These issues I have mentioned, as well as others, led me to introduce H.R. 2826, the Refugee Program Integrity Restoration Act of 2017.

Among other things, the bill sets the annual refugee ceiling at 50,000, taking this responsibility from the President and placing it where it should be: with us in Congress. The bill also recognizes that States and localities should have a true say in whether or not their communities are able to resettle refugees.

And H.R. 2826 contains provisions aimed at helping to defect fraud in the program, and thus, to reduce national security concerns. In that vein, I know that this past Tuesday marked the end of the 120-day travel suspension for refugees pursuant to Executive Order 13780. And I know that the relevant departments have instituted enhanced screening and vetting procedures for refugee applicants with regard to, one, the application process; two, the interview and adjudication process; and, three, the system checks conducted on applicants.

The previous administration always stated, in response to any security-related questions about the refugee program, that certain refugees were the most vetted foreign nationals who enter the United States. But even if true, I never understood why the administration thought that simply because they were the most vetted that was the vetting was sufficient.

It seems that within months of taking over, the new administration has identified several areas in which vetting could be improved. I appreciate the attention to security concerns and the steps they have taken.

I look forward to the testimony of the witnesses here today. And I yield back the balance of my time.

I now recognize our ranking member, Ms. Lofgren of California, for her opening statement.

Ms. LOFGREN. Like all Members of Congress, my highest priority is protecting our national security. And today's hearing presents an opportunity to examine a threat to that security: President Trump's anti-refugee agenda.

Mr. Trump has characterized immigrants generally and refugees in particular as bad actors bent on harming Americans. The conservative CATO Institute found that the odds of an American being killed in a terrorist attack by a refugee are 1 in 3.64 billion. By comparison, the odds of being struck by lightning are 1 in 700,000. The truth is this: It is not refugees that undermine our Nation's security; it is Mr. Trump's radical restrictions on their admission. Those include multiple refugee bans, a record low refugee ceiling

imposed at a time of record high global displacement and a failure of American leadership in the world.

Let me identify two of the many ways in which these policies undermine our safety. First, by substantially lowering Muslim refugee admissions, these measures project anti-Muslim sentiment that further fuels ISIS recruitment. Ryan Crocker, a former Ambassador to Iraq and Afghanistan, who served under Republican and Democratic administrations, put it this way: Those who stand against refugee resettlement say they are protecting the Nation. They are not. They are putting the Nation at greater risk by reinforcing the Islamic state narrative. In other words, Donald Trump's actions galvanize individuals bent on committing terrorist attacks against Americans.

Second, those policies damage partnerships with key allies in the fight against terrorism. Michael Chertoff, DHS Secretary under George W. Bush, specifically warned of the implications for our Iraqi allies. Some 60,000 of them await refugee resettlement in America. Many of their lives are at risk because of their assistance to the American military and State Department, yet the record low fiscal year 2018 refugee ceiling means that only a small portion of them will be resettled. By turning his back on these allies, President Trump discourages them, as well as other partners around the world, from helping the United States in future antiterror initiatives. This leaves all Americans more vulnerable to terrorist attacks.

Such national security consequences are so significant that White House aide Stephen Miller appears to have deliberately marginalized key U.S. defense and national security agencies in order to push through the record low refugee cap. According to a report, Miller cut out the National Counterterrorism Center, FBI, Defense Department, and Joint Chiefs of Staff, our core national security stakeholders, from discussions about reducing refugee resettlement. The report even quotes a State Department official who stated that Mr. Miller, quote, "suppressed evidence that was important to consider in determining a refugee number that would be beneficial to our national security interest." This gives the troubling appearance that the Trump administration prioritizes antirefugee agenda over the safety of the American people.

Of course, I, along with all of my Democratic colleagues, support rigorous refugee vetting measures. As I noted, we have no higher duty than protecting the American people. But let us hope that this administration will not use claims of national security or reviews of refugee vetting procedures as cover for implementing a back-door Muslim ban. After all, numerous Federal courts challenged the administration's claim that its previous ban squarely advanced national security objectives.

Refugees do more than just improve our national security. They are core to our American identity and values. That is why past Presidents of both parties embrace them. And contrary to this administration's suggestions, numerous studies prove they enhance our economy. Health and Human Services itself produced one of those studies, only for the administration to reportedly suppress it. It showed that, over a decade, refugees made a net positive economic contribution to the United States of some \$63 billion. An-

other study found that refugees are significantly more likely than native-born Americans to become entrepreneurs and thereby create jobs for American workers. In my own district, refugees have immeasurably enriched our community.

I am deeply troubled by the disconnect between the administration's rhetoric and reality. I hope today's hearing will show greater regard for the truth. We owe it to the American people to illuminate how Mr. Trump's anti-refugee policies violate our values, damage our economy, and make all of us less safe.

I would also like to add that, when refugees and asylees enter our country, they have constitutional rights that must be respected. I am sure we will explore that further in the course of this hearing.

And I yield back the balance of my time.

Mr. LABRADOR. Thank you, Ms. Lofgren.

I would now like to recognize the full committee chairman, Mr. Bob Goodlatte of Virginia, for his opening statement.

Chairman GOODLATTE. Thank you, Mr. Chairman.

And I very much appreciate your holding this hearing today on this very important issue and with this outstanding panel of witnesses.

The United States has a generous refugee program, has provided millions of people fleeing persecution with safe haven. In fiscal year 2016, we resettled 84,994 refugees. And last fiscal year, we resettled 53,716 refugees. And while we should continue that great tradition, it has become clear that our refugee laws and policies have been abused and that they need reform.

The Refugee Act of 1980 created our current refugee resettlement process in which the President sets the annual limit for the number of refugees the United States can resettle during the next fiscal year. And the act set forth who could be considered admissible as a refugee and how and when those refugees could adjust to lawful permanent resident status. In addition, the act put in place a process for the Federal Government to work through nongovernmental agencies to resettle refugees.

Thirty-seven years later, Members of Congress and the American public are voicing a growing number of concerns about how many and the process through which refugees are admitted to the United States as well as what happens once they are admitted.

But the Federal Government has done little to respect those concerns. Under the previous administration, when a State or locality expressed security concerns about refugee resettlement, the administration simply repeated the sound bite that refugees undergo the most rigorous background checks of any immigrants to the United States. That statement ignored the concerns of several security officials that, if there is no information regarding a potential refugee in the databases that are checked, then no derogatory information will show up during the check. And it ignored the fact that, in many states from which refugees are admitted, failed states, there is no reliable information about refugees.

We know that over 300 individuals being actively investigated for terrorist-related activity by the FBI came from to the United States as refugees. And we know that at least 2 of the 10 successful terrorist attacks carried out on U.S. soil since September 11, 2001,

were perpetrated by individuals who entered the United States as refugees.

In addition to security concerns, if a State or locality expressed concerns about the cost of refugee resettlement or the lack of available employment opportunities, the prior administration did little in response. It was simply their view that, quote, “The Federal Government has the right to resettle refugees all across America,” end quote. And while that may be true, it is not necessarily the best practice. I know that many resettlement organizations do wonderful and necessary work, but essentially ignoring the pleas of communities across the U.S. and leaving refugee resettlement decisions to the administration simply feeds opposition to refugee admissions on the whole.

I know that the Trump administration has already addressed some of the concerns I have laid out today. For instance, I was happy to see that Executive Order 13780, signed on March 6, 2017, recognized the problem with lack of State and local consultation prior to resettlement and asked the Secretary of State to devise a plan to promote State and local involvement in resettlement decisions. And, of course, the same executive order required a review of refugee processing to determine what improvements could be made to the process and then to implement those improvements.

So I look forward to hearing today how the Departments of Homeland Security, State, and Health and Human Services are working together to improve the entire U.S. Refugee Admissions Program, from referral to post resettlement, so that the program can remain a valuable and viable part of U.S. immigration policy.

Thank you, Mr. Chairman. I yield back.

Mr. LABRADOR. Thank you, Mr. Chairman.

I would now like to recognize the full committee ranking member, Mr. Conyers of Michigan, for his opening statement.

Mr. CONYERS. Thank you, Mr. Chairman.

Top of the morning, witnesses and everyone else here. Over the course of today’s hearing on the United States Refugee Admissions Program, there are several factors that I want our witnesses and our members to consider. To begin with, it is incontrovertible that the United States since its founding has been a Nation of immigrants. And in recognition of that fact and of the undeniable value that immigrants contribute to our collective well-being, it has provided safe harbor for the persecuted.

True to these values, past Presidents, Republican and Democratic alike, have championed robust refugee resettlement. For example, the annual refugee admissions ceiling has averaged 94,000 since the Refugee Act of 1980, making America the world’s resettlement leader. And just 1 year ago, the cap was increased to 110,000 in response to the global humanitarian crisis fueled by wars and unstable political environments. Unfortunately, the current administration in swift fashion abandoned America’s bipartisan leadership in this arena.

Pursuant to executive orders, President Trump issued a series of refugee bans. He then set a fiscal year 2018 ceiling of 45,000, the lowest in modern history. In terms of per capita refugee resettlement, that ranks the United States behind eight other nations.

Under any circumstances, these actions would fly in the face of our country's values. But coming at a time when worldwide refugee levels have soared to the highest in history, this cap to me is simply unconscionable. And worse yet, the administration's purported justification for its actions are baseless. The administration argues that the refugee program poses a security threat.

Needless to say, Democrats stand committed to rigorous refugee vetting. But national security experts from both parties agree that it is the absence of robust resettlement that truly undermines America's safety. By slashing refugee admissions, President Trump damages, to me, key alliances in the ongoing fight against terrorism and strengthens ISIS recruitment.

The administration also claims that refugees fail to assimilate and that they drain public resources. Again, however, the facts are otherwise. According to reports, an internal study by the Department of Health and Human Services, suppressed by the administration, shows that refugees contributed a net positive \$63 billion to the United States over a 10-year period. In other words, it is not refugees but the President's restrictions of their admission that saps the Nation's coffers.

In sum, President Trump's refugee policies don't just leave tens of thousands of refugees in limbo and danger. They don't just violate core American values. They weaken our national security, damage our economy, and undermine our Nation's core values.

All of this begs the question of what really fuels such policies. Tragically, the answer to that question appears to be, to me, a combination of nativism, fake facts, and perhaps even a little bigotry, drawing from arguments made by anti-immigrant organizations designated by the Southern Poverty Law Center as hate groups with documented links to white nationalists.

The administration has even proposed a refugee assimilation test, which evokes such xenophobic measures as the eugenics-movement-fueled 1924 Immigration Act, which restricted immigration from Southern Europe and banned it outright from Asia. Like the 1924 act, the present administration's refugee policies are equally inexcusable.

In closing, I urge our witnesses today to examine these policies unflinchingly and to assess how gravely they endanger our values, our economy, and even our national security. I look forward to your testimony.

And I thank the Chairman and yield back.

Mr. LABRADOR. Without objection, other members' opening statements will be made part of the record.

Ms. LOFGREN. Mr. Chairman?

Mr. LABRADOR. Yes.

Ms. LOFGREN. May I be granted unanimous consent to place into the record statements from the Hebrew Immigrant Aid Society, the International Refugee Assistance Project, the Lutheran Immigration and Refugee Service, U.S. Catholic Conference of Bishops, Church World Services, the CATO Institute, the Episcopal Church, a letter to Acting Secretary Eric Hargan and Director Lloyd from over 100 organizations, including the California Women's Law Center, Catholics For Choice, the American Rabbis' Human Rights Campaign, and many others.

Mr. LABRADOR. Without objection, they will be made part of the record.

This material is available at the Committee or on the Committee repository at: <https://docs.house.gov/meetings/JU/JU01/20171026/106540/HHRG-115--JU01-20171026-SD002.pdf>

Mr. LABRADOR. Today, we have a distinguished panel.

The witnesses' written statements will be entered into the record in its entirety. I ask that you summarize your testimony in 5 minutes or less. To help you stay within that time, there is a timing light on your table. When the light switches from green to yellow, you will have 1 minute to conclude your testimony. When the light turns red, it signals that your 5 minutes have expired. Before I introduce our witnesses, I would like you to stand to be sworn in.

Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

Let the record reflect that the witnesses answered in the affirmative.

Thank you, and please be seated.

Mr. Simon Henshaw has served as the Acting Assistant Secretary of the Bureau of Population, Refugees, and Migration at the Department of State since July 15, 2017. Mr. Henshaw previously served as Director of Andean Affairs in the State Department's Bureau of Western Hemisphere Affairs, Deputy Chief of Mission at the U.S. Embassy in Honduras, and several other capacities at the State Department.

Mr. Henshaw attended the National War College where he earned a master's of science in national security affairs and has a bachelor of arts in history from the University of Massachusetts at Amherst.

The Honorable L. Francis Cissna is the Director of the U.S. Citizenship and Immigration Services. Previously, Mr. Cissna served as the Director for Immigration Policy within the DHS Office of Policy and as the Acting Director and Deputy Director of Immigration and Border Security Policy in the DHS Office of Policy. Before serving at DHS headquarters, he worked in the USCIS Office of the Chief Counsel as an associate counsel in the Adjudications Law Division.

Mr. Cissna received his J.D. from Georgetown University Law Center. He received a master's degree in international affairs from Columbia University and a bachelor's degree in both physics and political science from the Massachusetts Institute of Technology. Physics and political science, that is an interesting combination.

Mr. Scott Lloyd is the Director of the Office of Refugee Resettlement. Mr. Lloyd previously worked as an attorney in the public policy office at the Knights of Columbus. Before joining the Knights, he worked in private practice at the Department of Health and Human Services and on Capitol Hill.

Mr. Lloyd received his undergraduate education at James Madison University and earned a J.D. at Catholic University of America, Columbus School of Law.

Ms. Rebecca Gambler is a Director in the U.S. Government Accountability Office, Homeland Security and Justice Team, where she leads GAO's work on border security, immigration, and elections issues. Ms. Gambler joined GAO in 2002. Prior to joining

GAO, Ms. Gambler worked at the National Endowment for Democracy's International Forum for Democratic Studies.

Ms. Gambler has an MA in national security and strategic studies from the United States Naval War College and an MA in international relations from Syracuse University and an MA in political science from the University of Toronto.

I now recognize Mr. Henshaw for his statement.

TESTIMONY OF SIMON HENSHAW, ACTING ASSISTANT SECRETARY, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, U.S. DEPARTMENT OF STATE; THE HONORABLE L. FRANCIS CISSNA, DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY; SCOTT LLOYD, DIRECTOR, OFFICE OF REFUGEE RESETTLEMENT, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; AND REBECCA GAMBLER, DIRECTOR, HOMELAND SECURITY AND JUSTICE, U.S. GOVERNMENT AND ACCOUNTABILITY OFFICE

TESTIMONY OF SIMON HENSHAW

Mr. HENSHAW. Thank you very much, Chairman Labrador, and distinguished Members of Congress. And thank you very much for holding this hearing on the U.S. Refugee Admissions Program, which I will here after refer to as USRAP.

I appreciate the opportunity to address your subcommittee with my colleagues from the Departments of Homeland Security, Health and Human Services, and GAO. Together, the Department of State, DHS, and HHS, plan to bring up to 45,000 refugees to the United States through the USRAP in fiscal year 2018.

The security and welfare of the American people is this administration's top priority. We have instituted additional procedures in the USRAP application, interview, and adjudication and systems checks processes to strengthen our vetting system. We will continue to find ways to make our screening procedures more effective in order to protect the American people.

For those eligible for protection as refugees, the USRAP is committed to deterring and detecting fraud among those seeking to resettle in the United States. We will continue rigorous security measures to protect against threats to our national security.

In fiscal year 2018, the United States expects to continue to permanently resettle more refugees than any other country, and we will continue to offer protection to the most vulnerable of those who have been persecuted because of race, religion, nationality, membership in a particular social group, or political opinion.

Since 1975, the United States has welcomed more than 3.4 million refugees, and the United States continues to operate the largest Refugee Resettlement Program in the world. Through the USRAP and our generous assistance program for refugees in countries of first asylum, the United States demonstrates its commitment to protecting the most vulnerable of the world's refugees while keeping America safe from harm.

According to the United Nations High Commissioner for Refugees, UNHCR, there are 65.6 million forcibly displaced people in the world today, 22.5 million of whom are refugees. The United

States and UNHCR focus on three durable solutions to address the world refugee situation: voluntary repatriation, local integration, and resettlement to a third country.

The United States and UNHCR recognize that most refugees desire safe voluntary return to their homeland, and we share UNHCR's priority of helping facilitate the voluntary repatriation of refugees in safety and dignity. In 2016, some 552,000 refugees voluntarily repatriated to their countries of origin.

For those refugees who are unable to voluntarily return safely to their home countries, the United States supports efforts to help refugees become self-sufficient and locally integrate into their country of first asylum. The Department of State encourages host governments to protect refugees and to allow them to integrate into local communities. We promote local integration by funding programs to enhance refugee self-reliance and support community-based social services. Our support has enabled numerous refugees from around the world to integrate into their host communities abroad, even while awaiting eventual voluntary repatriation.

For refugees who are unable to return home safely or integrate locally, resettlement in third countries provides durable protection. USRAP's security vetting process is managed by DHS and includes the participation of the Departments of State and Defense, the FBI, and the intelligence community, including the National Counterterrorism Center.

DHS retains the authority to refuse refugees for admission. In response to Executive Order 13780, protecting the Nation from foreign terrorist entry into the United States, refugee admissions were suspended in fiscal year 2017 for a 120-day period, with the exception of certain cases.

During this period, the Departments of State and Homeland Security and the Office of the Director for National Intelligence, as well as additional intelligence and law enforcement agencies reviewed and enhanced the security screening regime for refugees. The program is currently in the midst of an additional review of nationals of countries—of certain countries with the potential for higher risk.

The USRAP is premised on the idea that, upon resettlement in the United States, refugees should become economically self-sufficient as quickly as possible. The Department of State works domestically with agencies participating in the Reception and Placement Program to ensure that refugees receive services during the first 90 days after arrival in accordance with established standards.

During and after the initial resettlement period, the Department of Health and Human Services, Office of Refugee Resettlement, provides technical assistance and funding to States, the District of Columbia, and nonprofit organizations to help refugees become self-sufficient and integrated into U.S. society.

Thank you very much. I look forward to responding to your questions.

Mr. Henshaw's written statement is available at the Committee or on the Committee Repository at: <http://docs.house.gov/meetings/ju/ju01/20171026/106540/hhrg-115-ju01-wstate-henshaws-20171026.pdf>

Mr. LABRADOR. Thank you very much.

I now recognize Mr. Cissna for 5 minutes.

TESTIMONY OF THE HONORABLE L. FRANCIS CISSNA

Mr. CISSNA. Thank you, Chairman Labrador, Chairman Goodlatte, Ranking Member Lofgren, Ranking Member Conyers, and good morning to the members of the committee.

My name is Francis Cissna, and I am the Director of U.S. Citizenship and Immigration Services, or USCIS.

I am glad to have this opportunity to discuss the role of USCIS in the Nation's refugee admissions processes. I look forward to meeting each of you individually to discuss our views on immigration and how we can work together to improve our Nation's immigration system.

Since this is my first opportunity to address any part of Congress in my new capacity as Director, I wanted to take a moment to quickly let you know some of my philosophy regarding the work that we do at USCIS.

Upon my arrival at USCIS, about 2 weeks ago, I made it clear to the leadership team that my vision of the agency's mission is one that focuses on three things: efficiency, fairness, and lawfulness.

Efficiency: The sheer volume of the work that USCIS does makes it imperative that the efficiency be one of our key goals. Movement from antiquated paper-based processes to one that leverages the latest technology will allow us to process applications and petitions in an efficient and integrated way.

Fairness: Transparency in our operations, from individual case inquiries to massive data requests, is essential to the question of fairness. USCIS, under my leadership, is committed to providing the most accurate and complete information to the public, whether they are applicants, petitioners, or the general public, as possible. Doing so, I believe, will demonstrate our promise to adjudicate benefit applications and petitions fairly.

Finally, lawfulness: Everything that we do must be done in accordance with the law. Too often, noble intentions have resulted in creation of policies and programs that circumvent or even directly contradict our Nation's immigration laws. Under my leadership, I will ensure that everything we do, policy and process, is always in agreement with the law.

You can be sure that these principles will be applied to every part of USCIS' operations, including the topic of today's hearing, refugee admissions.

USCIS is prepared to work closely with the Department of State and other interagency partners to support a refugee admissions program of up to 45,000 arrivals in fiscal year 2018 while at the same time assiduously maintaining and improving the integrity of the program and our national security.

On March 6th of this year, President Trump issued Executive Order 13780, called "Protecting the Nation from Foreign Terrorist Entry into the United States." In that document, the President stated this: It is the policy of the United States to protect its citizens from terrorist attacks, including those committed by foreign nationals.

While the executive order has been the subject of litigation and portions of it were enjoined for a time, USCIS has worked aggres-

sively to strengthen the integrity of the U.S. Refugee Admissions Program, consistent with its legal obligations. Pursuant to that executive order, USCIS and its partners engaged in a 120-day review process that ended just 2 days ago. I would like to share at this time some of the results of that review.

As a result of the review, the Federal Government is implementing enhancements that have raised the bar for vetting and screening procedures, including enhancing the collection of biometric information, better information sharing between State and DHS, and new training procedures to strengthen screeners' ability to detect fraud and deception.

Recognizing that the suspension of the U.S. Refugee Admissions Program in Executive Order 13780 has served its purpose, the President issued a new executive order ending the suspension and directing State and DHS to resume refugee resettlement processing, consistent with the improved vetting measures.

While DHS, State and the Directorate of National Intelligence have jointly determined that the screening and vetting enhancements to the Refugee Admissions Program are adequate to generally resume refugee admissions, they have also concluded that additional in depth review is needed with respect to refugees from 11 countries that were previously identified as posing a higher risk to the United States.

Consequently, admissions for applicants from those 11 high-risk countries will resume but on a case-by-case basis during a 90-day review period. As DHS, State, and DNI complete individual country reviews, they may resume a standard admissions process for applicants from those countries. These new measures are part of the administration's initiative to raise national security standards across the board. These enhancements will continually be evaluated to determine efficacy for ensuring national security. The administration will continue to work closely with law enforcement and intelligence communities on these security enhancements, and of course, we will work with you to ensure that operational and legislative efforts are well coordinated.

Finally, I wanted to just touch one subject, and that is the asylum backlog that USCIS is facing right now. We are looking at 300,000 cases. Thank you.

Mr. Cissna's written statement is available at the Committee or on the Committee Repository at: <http://docs.house.gov/meetings/ju/ju01/20171026/106540/hhrg-115-ju01-wstate-cissnaf-20171026.pdf>.

Mr. LABRADOR. We will let you touch on that during questioning and answer. Thank you very much.

Now, I recognize Mr. Lloyd for 5 minutes.

TESTIMONY OF SCOTT LLOYD

Mr. LLOYD. Chairman Labrador, Ranking Member Lofgren, Ranking Member Conyers, and members of the subcommittee. Thank you for inviting me to discuss the Department of Health and Human Services responsibilities to help refugees resettle in the United States.

My name is Scott Lloyd, and I am the Director of the Office of Refugee Resettlement. I oversee ORR's programs which provide refugees, asylees, victims of trafficking, and other populations with

support and services to assist them to become integrated members of American society. In my testimony today I will describe the role that HHS plays in refugee resettlement and upcoming initiatives that the office plans to pursue.

In addition to refugees, asylees, Cuban and Haitian entrants, special immigrant visa holders and victims of human trafficking are eligible for ORR services. ORR's mission is to link these populations to resources to help them become successfully assimilated members of American society. In fiscal year 2016, the United States resettled refugees from 89 countries. In total, over 212,000 individuals were eligible for resettlement services through ORR programs.

ORR carries out its mission to serve refugees through grants and related services, administered by State governments and nonprofit organizations, including faith-based groups, and an extensive public-private partnership network. Through these grants, ORR provides time-limited cash and medical assistance to newly arrived refugees as well as case management services, English language classes, and employment services, all designed to facilitate refugees' successful transition and assimilation into life in the United States. To ensure a successful transition for refugees, ORR funds cash and medical assistance for individuals who are determined, not eligible for SSI, TANF, and Medicaid.

Through programs administered by States and by voluntary organizations under the Wilson-Fish programs, ORR provides this assistance to eligible populations for up to 8 months after their arrival in the United States.

A portion of new entrants participate in the voluntary agency matching grant program rather than the refugee cash assistance program. Through the matching grant program, ORR funds U.S. resettlement agencies to help refugees become employed and self-sufficient within their first 4 months in the U.S. by providing services, such as case management, job skill development, job placement and followup, and interim housing and cash assistance. Participating refugees may not access other public cash assistance if they choose to participate in the matching grant program.

This employment-focused case management model has proven to be effective in helping refugees achieve economic self-sufficiency. In fiscal year 2016, the matching grant program served almost 35,000 refugees, asylees, entrants, and special immigrant visa holders, and reported economic self-sufficiency rates of approximately 84 percent for refugees at 180 days after arrival.

ORR also provides funds to State governments and private nonprofit agencies to support social services, including English language courses, employment services, and social adjustment services. ORR allocates these funds based on a formula tied to the prior year of arrival data that accounts for refugees' and other entrants' movements to other States after their initial resettlement. ORR provides targeted assistance grants to States with qualifying counties that have high numbers of refugee arrivals. Services provided by this program are generally designed to help refugees secure employment within 1 year or less of their arrival. ORR programs also support economic development activities. These programs focus on financial literacy, establishing credit and match savings in support

of housing purchases, educational goals, and hundreds of business startups that in turn employ thousands.

ORR is committed to achieving a culture of excellence throughout its programs. To do this, the program is redoubling its efforts to obtain dependable data on program outcomes and to incorporate evidence-based decision-making. Over the past year, ORR has engaged in an initiative to improve data and research on how refugees are integrating into the United States.

ORR has awarded two research contracts. The first contract will oversee the annual survey of refugees for the next 2 years. We have worked to improve the sampling design and methodology to ensure that ORR has nationally representative data on refugees' first 5 years in the United States. The second research contract will assess ways to improve the survey as an indicator of refugee successes and challenges. In addition, ORR is particularly interested in enhancing data collection from our State and local service providers to better assess refugees' success and assimilation in communities post arrival. ORR is working on a number of related data collection initiatives to strengthen program performance reporting and outcomes.

I welcome this committee's interest in HHS' refugee resettlement programs. Thank you for the opportunity to discuss the work we perform, and I would be happy to answer any questions.

Mr. Lloyd's written statement is available at the Committee or on the Committee Repository at: <http://docs.house.gov/meetings/ju/ju01/20171026/106540/hhrg-115-ju01-wstate-lloyds-20171026.pdf>.

Mr. LABRADOR. Thank you, Mr. Lloyd.

I now recognize Ms. Gambler for 5 minutes.

TESTIMONY OF REBECCA GAMBLER

Ms. GAMBLER. Good morning, Chairman Labrador, Ranking Member Lofgren, Ranking Member Conyers, and members of the subcommittee. I appreciate the opportunity to testify at today's hearing to discuss GAO's work on the process by which refugees seek to be resettled in the United States. The United States admitted nearly 85,000 refugees in fiscal year 2016 and over 50,000 in fiscal year 2017.

In recent years, questions have been raised regarding the adequacy of the process for screening refugees seeking resettlement and the extent to which the process may be vulnerable to fraud. In two GAO reports issued earlier this year, we examined U.S. Government efforts to oversee and implement the U.S. Refugee Admissions Program as well as efforts to identify and address potential fraud in the program. My oral remarks summarize GAO's key findings and recommendations in three areas: one, policies and procedures for case processing; two, policies and procedures for adjudicating refugee applications; and, three, efforts to assess and address fraud risks.

First, State, through its nine support centers overseas, has policies and procedures for processing refugee referrals and applications to the United States. For example, State's procedures include requirements for these centers to conduct prescreening interviews of applicants to obtain information on their persecution stories, among other things.

State also has various mechanisms to oversee the activities of these refugee support centers. However, State does not have outcome-based performance indicators to assess the centers' performance, such as ensuring the quality of the center's prescreening activities. We recommended that State develop such indicators, and State concurred.

Second, within the Department of Homeland Security, USCIS has policies and procedures to adjudicate refugee applications. For those adjudications that we were able to observe during our audit work, we found that USCIS staff generally implemented these procedures. We also found that USCIS provided training to all officers who adjudicate refugee applications abroad. However, USCIS could improve its training. Specifically, we found that officers who adjudicated applications on a temporary basis did not receive the same amount or type of training as full-time refugee officers. We recommended that USCIS provide additional training for temporary officers, and USCIS has since done so. Further, with regard to quality assurance, USCIS has not regularly assessed the quality of refugee adjudications to help ensure that files are complete and that decisions on applications are well documented and legally sufficient. Thus, we recommended that USCIS conduct regular quality assurance assessments of refugee adjudications.

Finally, State and USCIS have procedures to mitigate fraud risks in the Refugee Admissions Program but could improve their efforts. While infrequent, instances of staff fraud have occurred, such as processing center staff soliciting bribes from applicants in exchange for promises of expedited processing. In response, these centers have designed control activities to address staff fraud. However, State has not required that all centers conduct staff fraud risk assessments.

Further, regarding applicant fraud, in the past, State has suspended refugee resettlement programs because of fraud. State and USCIS have implemented mechanisms to help prevent applicant fraud. However, they have not jointly assessed applicant fraud risks program wide. Absent such joint assessments, State and USCIS do not have comprehensive information on risks that may affect the integrity of the process. We recommended that State regularly review processing center staff fraud risk assessments and use them to examine the suitability of existing fraud controls. We also recommended that State and USCIS conduct regular joint fraud risk assessments of the program. State and USCIS concurred with these recommendations.

In closing, giving the potential consequences that the outcomes of decisions on refugee applications can have on the safety and security of both vulnerable refugee populations and the United States, it is important that the U.S. Government have an effective refugee process to allow for resettlement of approved applicants while preventing those with malicious intent from using the program to gain entry to the country.

This completes my prepared statement, and I would be happy to answer any questions from members.

Ms. Gambler's written statement is available at the Committee or on the Committee Repository at: <http://docs.house.gov/meetings/>

ju/ju01/20171026/106540/hhrg-115-ju01-wstate-gamblerr-20171026.pdf

Mr. LABRADOR. Thank you very much.

We will now proceed under the 5-minute rule with questions. I will begin by recognizing myself for 5 minutes.

Mr. Henshaw, as you know, last year, the U.S. entered into an agreement with Australia to accept over 1,000 refugees that Australia has refused to resettle, many of whom are from countries of national security concern. When this committee inquired about the agreement, we were told that it was classified. Press reports have indicated the deal was little more than Australia agreeing to resettle a small number of individuals from the Northern Triangle countries.

Don't you agree that the American people have a right to know the details of that agreement?

Mr. HENSHAW. Sir, it is our intention to make public as much as the agreement as we can. The report that you initially referred to was classified and remains classified. We have been unable to declassify it. But, nevertheless, we will continue to—

Mr. LABRADOR. Why? Why is that?

Mr. HENSHAW. Sir, the original report was classified by the Australians, and we have an agreement with the Australians that, if they classify a report, it is classified under our system.

Mr. LABRADOR. So will you commit to supporting declassification of the agreement? Can you find a way to declassify it? We are talking about an agreement that affects the lives of America people, not—it is not the Australian people. So how do we let our people know what is in that agreement and what we are doing?

Mr. HENSHAW. I will continue to work towards declassifying the report, sir. I believe that most of the information in the report is already in the public domain.

Mr. LABRADOR. Yeah, but we need to know from the government, not what has been leaked to the press. I want testimony on what exactly we agreed to with the Australian—will you commit to doing that?

Mr. HENSHAW. I will commit to continuing to work to declassify the information, sir.

Mr. LABRADOR. Can you please explain the role of the RSCs in the refugee programs?

Mr. HENSHAW. Yes, sir. We use RSCs to enter the original data on refugees who we are considering for resettlement in the United States. We do some early interviewing to collect data, biographical data, and information from them so it can be later used by DHS and so that we can enter that into our security system so that security reviews can be carried out.

Mr. LABRADOR. What types of fraud have occurred at the RSC level?

Mr. HENSHAW. I am not prepared to give full details. I just don't have it with me on fraud.

Mr. LABRADOR. Didn't you know you were coming to testify about this program?

Mr. HENSHAW. Yes.

Mr. LABRADOR. So why are you not prepared?

Mr. HENSHAW. I can give you some examples, if you would like, sir. We have had a couple cases where people have—we have had a couple cases, sir, where people have missed—have attempted to portray their information incorrectly to RSC members, but in all cases that I am aware of—

Mr. LABRADOR. I would like to see a report of what kinds of frauds. I thought that was the purpose of this hearing. I am a little bit dumbfounded that we don't have that information. So I would like to know—that is what we are trying to figure out—what is happening with this program, and I would like that information.

Mr. Cissna, can you please explain why the decision was made to concentrate on asylum cases as opposed to refugee cases this fiscal year?

Mr. CISSNA. Well, as I started to say earlier but then ran out of time—

Mr. LABRADOR. Yes.

Mr. CISSNA. USCIS is facing a backlog of about 300,000 asylum cases. And the way we look at it, the asylum work that we do is complementary to the refugee work. These are all vulnerable populations; these are people seeking relief under the same standard. And the backlog is untenable. We can't have that backlog persist because people are going years, potentially, waiting for a court date to have their benefits adjudicated. So we want to divert resources from refugee processing to the asylum backlog to reduce that backlog.

Mr. LABRADOR. You are just trying to help with the backlog—

Mr. CISSNA. Yes.

Mr. LABRADOR. On asylum. It is not something nefarious that you are trying to hurt people; you are actually trying to help people.

Mr. CISSNA. No, we want to help them.

Mr. LABRADOR. All right. Thank you.

The previous administration consistently told us that refugees underwent the most rigorous vetting of any other immigrants. But your testimony notes that several ways to enhance the process for screening and vetting refugees have now been identified. Apparently, that has been news to the previous administration. Can you explain what some of those holes in the process were and what changes have been made?

Mr. CISSNA. Well—

Mr. LABRADOR. Do it quickly.

Mr. CISSNA. I wouldn't call them holes, necessarily. I would say that the processes that we have long had in place could have been improved and will be improved. And some of the things we are doing, we are enhancing and increasing the types of information we are collecting from people. We are improving our interview processes and the guidance to the people in the field to conduct interviews, to root out fraud, and determine credibility. And, finally, the types of checks we are doing on people are also being expanded and enhanced to ensure that we get the most possible value from those types of investigations.

Mr. LABRADOR. Thank you very much.

I now recognize the gentlelady from California, the ranking member of the subcommittee.

Ms. LOFGREN. Thank you, Mr. Chairman.

I can't help but note that, yesterday, we marked up a bill that would allow, you know, hundreds of thousands, maybe even millions of workers paid sub-minimum wage come into the U.S. with no vetting whatsoever. So, if I were a potential terrorist, I think I might look at that route instead of the extensive route that you are describing.

Mr. LABRADOR. Well, thanks for letting them know how to do it.

Ms. LOFGREN. Moving right along. I would like to ask you, Mr. Lloyd, about policies relative to the rights of asylees in your custody. I know that we are all aware that so-called Jane Doe, a 17-year-old immigrant woman in ORR custody, was blocked from accessing an abortion and forced to continue a pregnancy against her will. She is a minor, but a court had decided that she had the maturity to make the decision on her own, and yet she continued to be blocked from this constitutional protected healthcare. She wasn't asking the government to pay for her care or to transport her to a doctor, just to get out of the facility so that she could access a constitutional right that she had to terminate her pregnancy. Obviously, as a 17-year-old, she could not legally consent to the—I don't know whether she was violently raped or it was a product of statutory rape, she was finally released because the Court did intervene.

So I would like to ask you about your general belief about the rights of women and girls who are in ORR's custody. Do you believe that women and girls in your custody have constitutional rights like other people who are in America? Or do you think that constitutional rights, for example, to due process and privacy, depend on immigration status?

Mr. LLOYD. I think, and you are referring to the unaccompanied alien children program, where we provide shelters in a number of locations throughout the country. I think anybody who comes into the United States comes with the potential to become a full U.S. citizen with full rights to all the freedoms we enjoy, including the freedom to move freely and the right to bear arms and to vote and others. That is always subject to a process. Whether they come through as a UAC or they come through as some other means, it is a process where, as the person moves through the process, then they gain additional rights.

Ms. LOFGREN. Well, let me interrupt you because the due process clause applies to everybody who is here. I believe. I mean, that is what I learned in law school. That is what the case law seems to say. Do you agree with that or not?

Mr. LLOYD. The due process clause does, yes.

Ms. LOFGREN. Let me ask you in terms of moving forward prospectively. The Washington Post reports—and you know, we don't know if this is true or not, which is why I am asking you—suggested that you have personally intervened to try and persuade minors not to have abortions.

I would like to know, did you have direct contact with the young woman in this case that was in the paper? Do you have direct contact with other pregnant girls in the care of ORR? And do you have any medical training?

Mr. LLOYD. Forgive me, but, some of the answers to the questions that you are asking are—my ability to answer them fully is

limited by a number of factors, including the court orders and also our duty to protect the individual.

Ms. LOFGREN. I am not asking for a name. Have you ever contacted any anonymous young girl in your care trying to talk her out of having an abortion?

Mr. LLOYD. As the Director, I run the UAC program, the repatriation program, and the Refugee Resettlement Program, and I am out in the field in many of our locations and I meet with, dozens, and even perhaps hundreds of the people who we serve. Among them, I am certain that some of them were pregnant at the time.

Ms. LOFGREN. I am disturbed that you won't answer the question.

And my time has expired, Mr. Chairman.

Mr. LABRADOR. The Chair will now recognize the gentleman from Iowa for 5 minutes.

Mr. KING. Thank you, Mr. Chairman.

I thank the witnesses for your testimony.

And just listening to the gentlelady from California's dialogue here, and I would say, first, that what has been created by that decision of the unelected judge is an unconditional right to an abortion to a minor who can sneak into the United States and is still subject to the adjudication of deportation.

She had a full right—a full ability, I should say, rather than a right—to go back to her home country willingly and subject herself to the laws of her home county.

And so I think this is a terrible precedent that has been set by this judge, and I hope that this full Judiciary Committee one day soon addresses the rogue judges that we have in this country, and this includes Judge Watson out in Hawaii and the judge in Washington, that seem to be the venue shopping people that decide that they are going to challenge the statutes of the United States duly passed by the United States Congress and signed into law by the President of the United States, and for them to turn that completely upside-down.

And so I would like to turn first to Mr. Cissna with regard to that. And there has been discussion about the executive orders. And I would expand it to the challenges to the executive orders that have taken place in the courts, and I read the statute, and I don't have them in front of me, but it is very clear. Congress has granted the President the authority to determine who comes and who goes from the United States of America with the security interest of America in mind. And it doesn't say that a judge anywhere can look over his shoulder and determine that his judgment is flawed and their judgment is superior.

So I would ask if you have any opinions upon that statute after I have expressed mine, Mr. Cissna.

Mr. CISSNA. Well, with respect to the refugee statute, section 207 of the Immigration Act, it is pretty clear that the authority to let refugees in is totally discretionary. So the authorities that we are now using to restart the program after the suspension was lifted comply with that. And the types of checks we are doing, all those things that we are doing that we talked about earlier, are in full compliance with that.

Mr. KING. And you discussed enhanced biometric collection. Could you expand on that a little for us, please?

Mr. CISSNA. In answer to that question, as with many other questions along those lines, I probably wouldn't be able to get into big detail because of law enforcement sensitivities.

But I can say that the types of—the classes of people from whom biometrics will be taken, it is intended, shall be expanded in certain cases. So more people—we will get biometrics from more people. And the types of databases against which there are checks will also be expanded—

Mr. KING. Are we talking fingerprints?

Mr. CISSNA. Primarily, yes.

Mr. KING. Are we doing digital photographs, facial recognition?

Mr. CISSNA. We have always done that. We have always taken photographs.

Mr. KING. That would be pretty much the sum total of biometrics we are discussing when—

Mr. CISSNA. I think in general for now. But that doesn't preclude other biometrics—

Mr. KING. DNA I hope one day. It is cheap to get and cheap to keep. So that is my recommendation. Thank you.

I would like to turn to Ms. Gambler. In your report, some questions came to mind to me on the U.N. High Commissioner on Refugees and cooperation with them that is referenced in your report. Can you tell me, does the U.N. High Commissioner on Refugees, do they do background checks on any of the lists that they maintain and pass over to us for potential refugees?

Ms. GAMBLER. We can follow up and see what specific information we have on that, Congressman King, and get back to you. I do know there are, under the framework of cooperation that exists between the Department of State and UNHCR, I know that there are some feedback loops back and forth on that. We would be happy to follow up and get any additional information.

Mr. KING. And I would appreciate if you could do that, but it would be—my understanding would be that, at this point, you are not aware of what background checks might be done, if any, by UNHCR.

Ms. GAMBLER. We will follow up with you on that. The other thing I would say, though, is that the U.S. Refugee Admissions Program is designed to be a multistep process. And so, once referrals are made from UNHCR to the Department of State, that is when the Federal Government adjudication and security check process begins.

Mr. KING. But as far as we know—and I want to say as far as I know—the information that is referred to us from UNHCR doesn't really have a background check. It is simply a file that gets passed on to us and takes time for them to move through the file, maybe as long as 2 years.

So, in the background checks that we do have that we are relying upon for this ubervetting process that the President has described, if there is no legal existence of that individual in their home country or none that can be uncovered by the record, then if it comes up empty, we are just stamping them "USA-approved" and moving them into the country. Would that be a fair representation?

Ms. GAMBLER. As we noted in our report, Congressman King, government officials have stated that the security checks are reliant on the information that the U.S. Government has.

Mr. KING. And if there is none available, then we are relying upon empty—Mr. Chairman, I would ask unanimous consent for one more short question, please.

Mr. LABRADOR. Without objection.

Mr. KING. Thank you, Mr. Chairman.

I think I have forgotten the question. But it was that—with the vetting process that we have and the lack of biometrics that we have—you know, I am just going to suspend that because I don't think it is well-enough thought out. And I would yield back and thank you for attention, though, on the—

Mr. LABRADOR. Thank you, Mr. Chairman.

I yield the time to the ranking member of this subcommittee—of the committee, entire committee.

Mr. CONYERS. Thank you, Mr. Chairman.

And I appreciate the discussion that has been generated. Let me start off by observing that, since the Trump administration has come into being, briefing requests submitted by Democratic Members' staff have been repeatedly denied, ignored, or delayed.

Do each of you promise to respect and satisfy the briefing and other requests staffs make from both the Republican and Democratic Members alike?

Mr. Cissna, are you okay with that?

Mr. CISSNA. I am okay with providing any technical assistance or briefings you want from my agency.

Mr. CONYERS. Okay. Thank you.

Mr. Lloyd, are you okay with that?

Mr. LLOYD. Yes, certainly.

Mr. CONYERS. Thank you. Mr. Henshaw.

Mr. HENSHAW. Yes, sir.

Mr. CONYERS. Okay. Fine. What I wanted to observe is that my district has benefited greatly from the economic contributions from the refugee community. Refugees from around the world live and reside in and own businesses in the Detroit area that I represent, and I welcome these hard-working refugees and think that my opinion—and think that my community is better as a result.

And economists have also found that refugees have higher entrepreneurship, make significant contributions to the economy, and, on average, pay more than \$21,000 in taxes than they receive in benefits. And I have got a couple of studies that back it up. I would like consent to include them in the record, Mr. Chairman, the New American Economy, "Struggle to Resilience," as well as the "Economic and Social Outcomes of Refugees in the United States." And I ask unanimous consent to enter them into the record.

Mr. LABRADOR. Without objection, they will be entered into the record.

This material is available at the Committee or on the Committee repository at: <http://docs.house.gov/meetings/JU/JU01/20171026/106540/HHRG-115-JU01-20171026-SD003.pdf>

Mr. CONYERS. Thank you very much.

Is there general agreement among all of our witnesses that there have been great benefits of these refugees that make communities

like mine better as a result? Is there general agreement with that from all of you here this morning?

Mr. CISSNA. I don't disagree that many refugees do make enormous contributions to our country, yes.

Mr. CONYERS. Sure.

Mr. HENSHAW. Yes, sir, absolutely.

Mr. CONYERS. Uh-huh.

Mr. LLOYD. I concur.

Ms. GAMBLER. Yes.

Mr. CONYERS. All right.

Now, let me get to the question or observation raised by Mr. Lloyd.

How do you think refugees are doing on the question of assimilating? Do you believe refugees are currently assimilating or not assimilating?

Mr. LLOYD. In any question like that, I think it is a case-by-case basis, but that is one of the goals of our program. Once they have arrived in the U.S., we provide job placement services, and English language courses which are going to help.

Mr. CONYERS. I know it is going to be on a case-by-case basis, but, I mean, in general. Do you think they are—that currently assimilation has come along okay or not?

Mr. LLOYD. Generally, from what I have been able to see, I think so, yes.

Mr. CONYERS. Uh-huh. Any other views that anyone wants to recommend on this question that I have asked? Is assimilation a problem, or is it working okay?

Mr. CISSNA. Well—

Mr. CONYERS. Can I get the response?

Mr. LABRADOR. You can respond.

Mr. CISSNA. At USCIS, we do look at assimilation issues with respect to our citizenship and grants programs. And with regard to refugees, that is something I think we want to look at more carefully in this fiscal year. So we want to look at it as well.

Mr. CONYERS. Anybody else want to chime in on this? My time has expired, but we can answer the question.

Mr. HENSHAW. I would just add, sir, that we concentrate on self-sufficiency, and we have good results in many refugees becoming self-sufficient and contributing to society in America.

Mr. CONYERS. Good.

Ms. LOFGREN. Mr. Chairman?

Mr. LABRADOR. Thank you. The gentleman's time has expired.

Ms. LOFGREN. May I ask for unanimous consent to put in the record a letter from 24 national and State-based religious groups opposing the ORR obstructive policy on abortion?

Mr. LABRADOR. Without objection.

This material is available at the Committee or on the Committee repository at: <https://docs.house.gov/meetings/JU/JU01/20171026/106540/HHRG-115-JU01-20171026-SD002.pdf>

Mr. LABRADOR. And I now recognize the gentleman from Louisiana for 5 minutes.

Mr. JOHNSON. Thank you, Mr. Chairman.

And thank you all for being here.

Director Cissna, prior to now, what information was not being shared between State and DHS that is now going to be shared to enhance the safety of the refugee program?

Mr. CISSNA. I think that would squarely fall within the universe of kind of law enforcement sensitivities that I don't feel comfortable discussing in an open forum.

Mr. JOHNSON. Fair enough. Can you explain to the committee how the Department of Homeland Security modified its training of DHS refugees officers to account for serious and potential threats of bad actors who try to abuse the refugee program?

Mr. CISSNA. Historically, the training of refugee officers has always been very robust. They have weeks and weeks of training that all adjudicators have, but then they have an additional 5 or 6 weeks on top of that. And then they have country-specific training that focuses on the types of fraud and other country conditions.

But in the wake of the working group that implemented the executive order, we are going to further increase and improve training so that the officers are able to even better assess credibility, which is the key element in interviewing the people, and determining whether the person is inadmissible under the law. So sometimes they have criminal offenses or other things that make them inadmissible, and we are trying to train our adjudicators to make even better assessments of that.

Mr. JOHNSON. Speaking of the credibility determination, do you think now would be a good time for us to review our asylum standards, meaning that would it be wise for Congress to tighten the standards for credible fear determinations, for example, to ensure our system is not abused, especially in light of this backlog of 300,000 cases?

Mr. CISSNA. I do. I think that—and this is actually one of the immigration priorities that the administration advanced a week or—2 weeks ago or so. One of the many things that we proffered was that the Congress examine that exact issue.

I think the question would be whether the credible fear standard is actually clear enough to be implemented properly, and I don't think it is. I think it could be clarified so that those assessments are made better and the people that don't meet that standard get weeded out.

Mr. JOHNSON. I am glad to hear you say that. We have been working on legislation to help with that.

Ms. Gambler, can you speak to the fraud that has occurred at the resettlement support centers. I think Mr. Henshaw didn't quite answer it completely. What is your thought on that?

Ms. GAMBLER. Yes. As part of our audit work, we did identify that, while infrequent, there were some cases of fraud that occurred at the RSCs. So we give some examples in our report. In one case, RSC staff were soliciting bribes on promise of being able to help expedite applications. There was another case in which interpreters were seeking bribes as well. To, I think, State's credit and the RSC's credit, in response to those instances of fraud, they did take action to respond and strengthen their processes going forward. But there have been some cases of fraud identified as it relates to RSCs.

Mr. JOHNSON. Thank you for that.

Mr. Henshaw, back to you. As you know, the U.S. consistently admits per year vastly more UNHCR-referred third-country resettled refugees than any other country in the world, and you mentioned that. What diplomatic pressure or other incentivizing measures are being used to push these other countries to admit more of those refugees?

Mr. HENSHAW. Yes, sir. We participate in worldwide meetings of resettlement countries and push other countries to take additional refugees. We use that in diplomatic meetings, in humanitarian meetings, and other meetings around the world to urge other countries. We have also pushed countries that haven't been in the resettlement business before to get into that business. And one of the alternatives that we have pushed for countries that aren't regular resettlement countries is to look for alternative methods for people to enter their countries on different kinds of working visas or such.

Mr. JOHNSON. Well, as you also know, refugees are provided loans to cover the cost of travel to the U.S., and funding for the loans is provided by your agency. So I am curious to know about the loan repayment rate and if you have steps that are being taken to ensure prompt repayment of those loans?

Mr. HENSHAW. Repayment rate is very high. It differs among populations, but it is generally well over 75 percent and, with many populations, significantly over that. And we continue to look for ways to improve payment of those loans—repayment of those loans.

Mr. JOHNSON. I have got 15 seconds, but what are the repercussions to a refugee who doesn't pay back a loan? What about that 25 percent?

Mr. HENSHAW. I believe it affects their credit rating, but I would have to get back to you on the other details on how it affects them.

Mr. JOHNSON. Would you give us that information?

Mr. HENSHAW. Yes, I can do that.

Mr. JOHNSON. Thank you. I yield back.

Mr. LABRADOR. Thank you.

And I yield to the gentlelady from Washington.

Ms. JAYAPAL. Thank you, Mr. Chairman.

Let me pick up on the questions of our ranking member of the subcommittee, Ms. Lofgren.

Mr. Lloyd, do you believe that a woman's constitutional right to abortion depends on her immigration status?

Mr. LLOYD. I think that any entrant into the United States—

Ms. JAYAPAL. It is a yes-or-no question, Mr. Lloyd. Do you believe that a women's constitutional right to abortion depends on her immigration status, yes or no?

Mr. LLOYD. A number of rights—

Ms. JAYAPAL. That is not a yes-or-no question—that is not a yes-or-no answer, Mr. Lloyd.

Mr. LLOYD. My answer is that any number of rights depend on where they stand in terms of our immigration system.

Ms. JAYAPAL. I do not understand that answer. Is that a yes or a no?

I will take that as a no. So do you believe that immigrants have constitutional rights?

Mr. LLOYD. Once again, if somebody wants to come into the United States and—

Ms. JAYAPAL. I will take that as a no.

Mr. Lloyd, do you have medical training of any kind?

Mr. LLOYD. If I need advice regarding any medical situation regarding any of the populations I serve, I consult the medical team—

Ms. JAYAPAL. So the answer is, no, you don't have medical training of any kind.

Mr. LLOYD. No, I don't.

Ms. JAYAPAL. Are you trained to provide counseling services to young people, Mr. Lloyd?

Mr. LLOYD. If counseling services are called for, then I rely on the team of counseling professionals to advise me in my role.

Ms. JAYAPAL. So, Mr. Lloyd, what expertise makes you qualified in this Jane Doe case to override the determination of a Texas State court that Jane Doe is mature and competent enough to make her own decisions?

Mr. LLOYD. I am not going to comment on any individual case. In any case that comes across my desk, we are going to look at the totality of the circumstances that may affect their case, and that may include legal considerations, and it may include policy considerations, medical needs, social considerations and welfare considerations. We have a team of experts and staff who are well equipped to advise me on any number of those things. In terms of what outcomes we are going to come to or what decisions we are going to make, it is going to come from a totality of that advice and the facts on the ground.

Ms. JAYAPAL. Mr. Lloyd, is anybody able to review or override your decision, or are you the ultimate decision maker with regards to a woman's ability to exercise her constitutional right to abortion?

Mr. LLOYD. The Office of Refugee Resettlement is situated within the Department of Health and Human Services, Administration for Children and Families. I answer to the Assistant Secretary for Children and Families and to the Secretary of HHS.

Ms. JAYAPAL. Mr. Lloyd, is it your intent to block unaccompanied minors from accessing abortion care, or will you instruct providers to deny minors other types of reproductive healthcare, like contraception or information on contraceptive methods? How far is your jurisdiction over this issue going to extend?

Mr. LLOYD. Any time or any circumstance is going to depend on the totality of facts that any individual case brings before us. It is always going to be a case-by-case determination.

Ms. JAYAPAL. It is extremely troubling to me, Mr. Lloyd, what is happening. I think you are far overreaching over your expertise or your jurisdiction.

Mr. Henshaw, from the beginning, America has been a refuge for the persecuted. And in keeping with our past—with our values, past Republican and Democratic Presidents alike have championed refugees and regarded the refugee program as core to the Nation's identity. And, in fact, to 20 national security leaders, including Henry Kissinger, Michael Chertoff, Madeleine Albright, wrote in a 2015 letter, and I am quoting, that: "Resettlement initiatives help advance U.S. national security interests by supporting the stability

of our allies and partners that are struggling to host large numbers of refugees.”

And yet this administration has repeatedly, and contrary to evidence, characterized refugees as fraud, security threats, and resource strains.

To what extent and why do you think that this administration’s view of refugees is so dramatically different from the longstanding bipartisan tradition and fundamental American values?

Mr. HENSHAW. Security is our utmost concern with any refugee program. And we have over the years often reevaluated our program to make sure that the best security standards are met, and that is what we are doing now.

I believe that the current plan to bring in up to 45,000 refugees this year is well within our past history of refugee numbers and signifies that we are still the leader in refugee resettlement in the United States—in the world, sorry.

Ms. JAYAPAL. Mr. Chairman, I ask unanimous consent for one more short question.

Mr. LABRADOR. Without objection.

Ms. JAYAPAL. Thank you so much.

Mr. Henshaw, the White House has recently released statement of immigration principles cited a misleading study claiming to show that United States can resettle 12 refugees in safe zones near their home countries for the cost of resettling 1 refugee domestically. Are you aware of who performed that study?

Mr. HENSHAW. No, I am not. I would just simply say that it is always our number one option to resettle people back in—voluntarily back in the country from which they fled.

Ms. JAYAPAL. Let me just say, and I will yield back my time, that the source was the Center for Immigration Studies, an organization that the Southern Poverty Law Center has designated as a hate group and found that it disseminated white nationalist content on over 2,000 occasions. I am deeply disturbed that the administration would be using that as a source of anything in an official report.

I yield back, Mr. Chairman. I thank you for the additional time.

Mr. LABRADOR. The chair will yield time to the gentlelady from Texas.

Ms. JACKSON LEE. I thank the gentleman.

And I really do—as I look, these are public servants, and I thank you for your service. I would argue that the service that each of your agencies are supposed to give really falls in the category of mercy and sympathy and empathy for conditions that refugees around the world are facing.

I am not sure whether that is possible, having the kind of statements that are coming from the administration, and I, frankly, believe the American people should realize that, when people servants appear before us, they are, unfortunately, the spokesperson of a cruel and ugly policy, as evidenced by the administration.

So, having sat on the Immigration Subcommittee for many, many years, I can probably, with great comfort, say that this is probably the worst time in American history as it relates to the rights of immigrants.

With that said, I would like to begin my line of questioning on a general statement on Mr. Henshaw and Mr. Lloyd. How do you treat Muslim refugees?

Mr. Henshaw.

Mr. HENSHAW. We don't treat refugees any differently in any way based on their religion.

Ms. JACKSON LEE. And how is that possible when the administration has fought consistently for a Muslim ban?

Mr. HENSHAW. There is no Muslim ban. We are simply reevaluating our security system country by country.

Ms. JACKSON LEE. There is a Muslim ban proposed by this administration, as evidenced by the stance that the Attorney General has been taking in the courts, although they have been defeated.

So what you are saying to me is that you do not decipher and/or reject Muslim refugees that may be in refugee camps in Jordan and on the border of Syria?

Mr. HENSHAW. Never, ever.

Ms. JACKSON LEE. All right. Mr. Lloyd.

Mr. LLOYD. Once they enter into our care, all determinations about placement have already been made. This is the Office of Refugee Resettlement where we administer benefits. We treat Muslim refugees the same as we treat all other refugees.

Ms. JACKSON LEE. Will you submit to this committee your statements in dealing with refugees who have come? I know the process. The American people don't know the process. That is, of course, that refugees coming out of areas are in a camp. I think you work with United Nations. That is the process. It is a long period of vetting, and then these individuals come to the United States by way of your choice of them out of those who are requiring or requesting the opportunity to come to the United States. Is that not correct?

Mr. LLOYD. The initial determination and selection is made by PRM in consultation with DHS.

Ms. JACKSON LEE. Right. So provide me and this committee with that whole process, and that includes those individuals that may be coming from the areas of the Muslim ban, because they do exist. So I would appreciate if you would do so. Otherwise, the myth of taking in terrorists will continue to abound in this particular administration.

I would like to pursue also the line of questioning dealing with your treatment of refugees, having just visited the border and seeing some of the detention centers. Although I appreciate the service, again, of the Federal employees, it is not a pleasant sight.

So, in particular, Mr. Lloyd, with Ms. Jane Doe, again, did you have direct contact with Ms. Jane Doe or those advocating on her behalf?

Mr. LLOYD. I cannot comment on individual cases.

Ms. JACKSON LEE. Would you—I am not sure why you would not indicate whether or not—did you have contact with the lawyers? Did the agency have contact directly with the lawyers?

Mr. LLOYD. In any case where there are any lawyers involved, we would be in contact with the lawyers, yes.

Ms. JACKSON LEE. Do you have a set policy that you are pushing by way of the administration that opposes any young women who are falling under a particular statistic that says that 60 percent of

those who are trying to flee oppression and persecution coming from the southern border are generally raped by their—by those who are trafficking them and, therefore, might be in need of medical help? Are you familiar with that statistic?

Mr. LLOYD. I am not familiar with that specific statistic, but—

Ms. JACKSON LEE. Do you ever any position on providing any sort of humane response to an individual that may have been raped and is pregnant, and that falls upon the laws of the United States, which would allow an abortion?

Mr. LLOYD. We work in the best interest of all the UACs who come into our care and in the confines of our statutory requirements.

Ms. JACKSON LEE. So then they would be covered by the general laws about the ability to achieve an abortion based upon being raped?

Mr. LLOYD. That would fall under the TVPRA, which we have implemented with interim—

Ms. JACKSON LEE. Is that a yes?

Mr. LLOYD. I am sorry?

Ms. JACKSON LEE. They would have that right because of the laws that allow women to secure an abortion because they have been raped. Is that a yes?

Mr. LLOYD. With regard to the sexual—

Ms. JACKSON LEE. I would like an additional minute for the witness to answer the question.

Mr. LABRADOR. I will object. You have gone over a minute already, so—

Ms. JACKSON LEE. Would you finish the question, sir?

Mr. LABRADOR. You can answer the question.

Mr. LLOYD. With regard to sexual assault, we follow the guidelines of the Trafficking Victims Protection Act and have implemented that into our policies.

Ms. JACKSON LEE. In Jane Doe's case, you did not, however—

Mr. LABRADOR. The gentelady's time has expired. I gave you an additional minute, so thank you.

Ms. JACKSON LEE. I appreciate it, Mr. Chairman, but this is a serious issue. The treatment of refugees under this administration has diminished. It has frankly deteriorated.

And I want to apologize to those who are seeking refuge in this country under this administration.

Mr. LABRADOR. It is a serious issue. And that is why we are trying to reduce the number of illegal people coming to the United States because many of them do get raped trying to cross a border, and that is what we are trying to stop.

Ms. JACKSON LEE. I appreciate that, Mr. Chairman. We should at least treat them with decency when they come.

Mr. LABRADOR. This concludes today's hearing.

Ms. JACKSON LEE. I yield back.

Mr. LABRADOR. Thanks to all of our witnesses for attending.

Without objection, all members will have 5 legislative days to submit additional written questions for the witnesses or additional materials for the record.

This hearing is adjourned.
[Whereupon, at 10:30 a.m., the subcommittee was adjourned.]

