

Congress of the United States

Washington, DC 20515

September 22, 2016

The Honorable Jeh C. Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Secretary:

The Immigration and Nationality Act requires the President to set the number of refugees to be admitted in a subsequent fiscal year after “appropriate consultation” with Congress.¹ During each year in office, President Obama has set the refugee ceiling without consulting Congress in a meaningful way. Instead, he has informed Congress of a decision that has already been made.

That was the President’s approach, again, with respect to the refugee ceiling for fiscal year 2017. On September 13, 2016, Secretary of State John Kerry informed Congress that the Administration will set the refugee ceiling for FY 2017 at 110,000.² He also noted that the number of Syrian refugees admitted during FY 2017 will increase to a number greater than the 13,000 that were admitted during FY 2016.³

In setting the number, the Administration does not appear to consider how refugee resettlement will affect local communities. The decision to resettle refugees in a community is ultimately left up to the State Department. That sensitive decision should occur in true consultation with local community leaders, but it often does not. In fact, the Administration and resettlement agency communications with state and local officials is sometimes so perfunctory that residents are taken by surprise when refugees start arriving.

The President’s decision to increase overall refugee resettlement—and specifically that of Syrian refugees—ignores warnings from his own national security officials that Syrians cannot be adequately vetted to ensure terrorists are not admitted.⁴ Revelations about fraud, security gaps, and lack of oversight have demonstrated that the program is creating national security risks.

Our Committees obtained an internal Immigration and Customs Enforcement (ICE) document that confirms those serious concerns. That document is enclosed for your ready reference. The document confirms a key finding from the Staff Report of the National Commission on Terrorist Attacks upon the United States, that “terrorists will utilize benefit fraud

¹ 8 U.S.C. §1157.

² Annual Refugee Consultation with Congress, September 13, 2016.

³ *Id.*

⁴ See Testimony of FBI Director James Comey at an October 22, 2015, hearing before the House Judiciary Committee where he noted that while the vetting of refugees has improved, the reality is that with a conflict zone like Syria where there is “dramatically” less information available to use during the vetting process, he could not “offer anybody an absolute assurance that there’s no risk associated with” admitting Syrian nationals as refugees.

(to include asylum and refugee fraud) to legitimize their stay in the United States.”⁵ The document states:

The Immigration System is a constant target for exploitation by individuals who seek to enter the United States and who are otherwise ineligible for entry based on security grounds. The Refugee Program is one such avenue in which ineligible aliens seek to enter by fraud.

* * *

[The] Refugee Program is particularly vulnerable to fraud due to loose evidentiary requirements where at times the testimony of an applicant alone is sufficient for approval. As a result, a range of bad actors, who use manufactured histories, biographies and other false statements, as well as produce and submit fictitious supporting documentation, have exploited this program.

* * *

In many instances, the applicant for a benefit (including both asylum and refugee status) receives a government issued document that contains the biographic information that the applicant supplied. This document can be used for many things, such as obtaining a driver’s license.

* * *

Identity fraud can be prevalent in the refugee process. The uniform processing of refugees by [Department of Homeland Security] DHS officers takes place in foreign refugee camps. Typically, these camps have been established outside of war zones and many have open access, thereby allowing individuals to infiltrate and purchase the identities of those individuals already in the process.

* * *

Refugee fraud is easy to commit, yet not easy to investigate [because] [r]efugee laws purposefully contain relaxed evidentiary requirements . . . , Refugee applications do not require sponsorship of a third party, such as a relative or employer, [and] Refugee claims are typically made in areas of the world where it is difficult to investigate the veracity of the claim.⁶

⁵ *9/11 and Terrorist Travel: Staff Report of the National Commission on Terrorist Attacks Upon the United States*, Aug. 21, 2004.

⁶ Homeland Security Investigations, Immigration and Customs Enforcement, *Lack of Identity documents in the Refugee Process* (see attachment).

To help our Committees understand how the Administration set the refugee ceiling for FY 2017, and whether national security concerns were adequately considered with respect to increasing the number of Syrian refugees, please provide answers to the following questions:

1. Was the information contained in the internal ICE document used to inform Secretary Kerry and the White House of potential vulnerabilities related to the refugee and asylum process?
2. Was this information considered during the Administration's decision-making process for increasing the refugee ceiling by 35,000 refugees and for increasing the number of Syrian refugees?
3. When was this document circulated within DHS, and when did you receive it?
4. Was this document, and the information contained in it, shared with U.S. Citizenship and Immigration Services?
5. Was this document, and the information contained in it, shared with the U.S. Department of State?
6. How does DHS plan to address the challenges posed by the refugee program that are described in the document? Will DHS work with State Department to address these challenges?
7. The document contains a list of potential solutions to address vulnerabilities within the refugee and the asylum process. Which of these potential solutions has DHS implemented and which does the Department plan to implement?

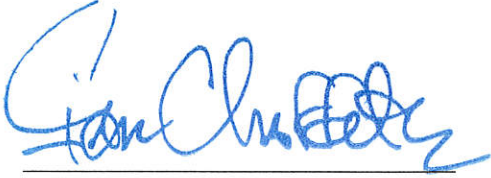
Provide this information as soon as possible, but no later than 5:00 p.m. on October 6, 2016. Please also provide a briefing to both Committees on this topic.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X. The Committee on the Judiciary has specific jurisdiction over immigration matters.

When producing documents to the Committee on Oversight and Government Reform, please deliver production sets to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. Documents provided to the Committee on the Judiciary should be delivered to Room 2138 of the Rayburn House Office Building. The Committees prefer, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committees' request.

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If you have any questions about this request, please contact Dimple Shah at (202) 225-5074 or Andrea Loving at (202) 225-3926. Thank you for your attention to this matter.



Jason Chaffetz
Chairman
Committee on Oversight and Government Reform

Sincerely,



Bob Goodlatte
Chairman
Committee on the Judiciary

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable John Conyers, Jr., Ranking Member
Committee on the Judiciary