

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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October 27, 2020

The Honorable Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Acting Director Cuccinelli and Secretary Pompeo:

We write with great alarm about the historically low number of refugees resettled in the United States in fiscal year (FY) 2020 as well as the recently released President's Report to Congress, which proposes to slash the number of refugees eligible for resettlement in the United States to 15,000 in FY 2021.¹ This intolerable action continues the Trump Administration's reversal of America's long-standing commitment to the protection of refugees. We write to request documents, analysis, and information related to the policies surrounding refugee resettlement, in particular the Administration's plans to interview those seeking resettlement in FY 2021 to inform our oversight of the issue.

President Trump's record on refugee resettlement is shameful and un-American. Last year, the President cut the annual refugee ceiling to a historic low of 18,000 and, for the first time in our nation's history, restricted resettlement to just four specific refugee groups, excluding all others.² Also, the Administration allocated a resettlement target level for each of the four permitted refugee groups and instructed U.S. Citizenship and Immigration Services (USCIS) and the State Department to process only applications that fit within these four narrowly-scoped categories. These policies shut out tens of thousands of applicants who have been vetted and accepted to the U.S. Refugee Admissions Program (USRAP) but who do not fall under any of the four qualifying categories. Many of these applicants have waited for years for an interview with USCIS, remaining in a bureaucratic limbo to achieve refugee status.

¹ Department of State, *Transmission of the President's Report to Congress on the Proposed Refugee Admissions for Fiscal Year 2021* (Sept. 30, 2020) (online at www.state.gov/transmission-of-the-presidents-report-to-congress-on-the-proposed-refugee-admissions-for-fiscal-year-2021/).

² The four categories include applicants who (1) have faced or fear religious persecution, including under Lautenberg and Specter Amendments; (2) qualify under the Refugee Crisis in Iraq Act of 2017; (3) are nationals or residents of El Salvador, Guatemala, or Honduras; or (4) are "other refugees" with certain caveats. Memorandum from President Donald J. Trump to Secretary of State Mike Pompeo, *Presidential Determination on Refugee Admissions for Fiscal Year 2020* (Nov. 1, 2019) (online at www.whitehouse.gov/presidential-actions/presidential-determination-refugee-admissions-fiscal-year-2020/).

In addition, USCIS made operational changes that diminished its ability to adjudicate refugee applications worldwide. In FY 2019, USCIS abruptly closed 16 of the 23 international offices that process refugee cases.³ This decision came as a surprise even to senior USCIS officials and compounded the deleterious effects of other internal decisions to divert significant resources and staff previously assigned to refugee adjudication and processing to domestic asylum application processing within USCIS.⁴ For example, the number of USCIS officers assigned to refugee interviews fell from 110 to 35 in 2019.⁵ The Administration's rollback of refugee resettlement operations and across-the-board resource reductions minimized the number of refugees admitted to the United States to fewer than 12,000 refugees in FY 2020.⁶

We are deeply concerned about USCIS' ability to interview and process refugees for resettlement in FY 2021. Tens of thousands of religiously persecuted people, including Iranian Christians trapped inside Iran ("Iranian P2s"), may not receive sufficient levels of protection through programs statutorily required by the Lautenberg Amendment, which has been extended annually by Congress. Unaccompanied refugee minors who have fled violence or abuse and dissidents who have fled government persecution and referred to the USRAP by U.S. embassies ("embassy P1 referrals") are also in jeopardy of not receiving USCIS consideration for resettlement in the United States.

Moreover, the Administration has turned its back on Iraqis who risked their lives working for U.S. entities—including Iraqis who assisted U.S. military forces and certain family members of such employees eligible under Section 1243(a) of the Refugee Crisis in Iraq Act of 2007 ("Iraqi P2s"). While the Administration reserved 4,000 of the total 18,000 available resettlement slots for Iraqi P2s in FY 2020, it shamefully admitted just 161 individuals in this category.⁷ In FY 2018 and 2019, only 140 and 465 Iraqi P2s were resettled in the United States, respectively, compared to the 9,880 Iraqi P2s admitted in FY 2016.⁸ We understand USCIS interviews required for the resettlement of the estimated 110,000 Iraqi P2s have been slowed and significantly limited because of security conditions on the ground in Iraq and because of

³ U.S. Citizenship and Immigration Services, *USCIS Will Adjust International Footprint to Seven Locations* (Aug. 9, 2019) (online at www.uscis.gov/news/news-releases/uscis-will-adjust-international-footprint-to-seven-locations).

⁴ *U.S. Immigration Agency to Close Its Overseas Offices*, Reuters (Mar. 12, 2019) (online at www.reuters.com/article/us-usa-immigration-visas-idUSKBN1QT26C); *The U.S. Hired Me to Protect Refugees. Now It Tells Me to Abandon Them*, Washington Post (Aug. 7, 2020) (online at www.washingtonpost.com/outlook/refugees-united-states-abandon/2020/08/07/6085e81c-d751-11ea-aff6-220dd3a14741_story.html).

⁵ *Trump Ending U.S. Role as Worldwide Leader on Refugees*, Politico (Oct. 11, 2019) (online at www.politico.com/news/2019/10/11/trump-refugee-decrease-immigration-044186).

⁶ Refugee Processing Center, *Admissions and Arrivals* (online at www.wrapsnet.org/admissions-and-arrivals/) (accessed on Oct. 15, 2020).

⁷ *Refugees Who Assisted the U.S. Military Find the Door to America Slammed Shut*, New York Times (Oct. 18, 2020) (online at www.nytimes.com/2020/10/18/us/politics/trump-refugees-iraq-afghanistan.html).

⁸ *Trump Ending U.S. Role as Worldwide Leader on Refugees*, Politico (Oct. 11, 2019) (online at www.politico.com/news/2019/10/11/trump-refugee-decrease-immigration-044186).

enhanced security vetting requirements. Only recently have COVID-19 restrictions negatively affected the interview process.⁹ Despite these hurdles, the U.S. government needs to fulfill its commitment to our Iraqi allies and immediately develop solutions to address this processing backlog while continuing to screen applicants who may pose a national security risk.

The proposed 15,000 refugee ceiling for FY 2021 is unacceptable. Even with this historically low ceiling, the number of refugees admitted in FY 2021 likely will not reach this ceiling and may fail to reach the number admitted in FY 2020 if immediate actions are not taken to bolster USCIS staff and resources and to plan for refugee interviews—particularly amidst pandemic-related and security restrictions. To inform Congress about the Trump Administration’s handling of refugee applications, we request that USCIS and the State Department jointly provide the following documents and information by November 16, 2020.

1. The number of applicants admitted into USRAP who:
 - a. are awaiting their initial USCIS interviews;
 - b. have waited for two years or more for their initial USCIS interviews;
 - c. are Iraqi P2s, Iranian P2s, or members of any other highly vulnerable, persecuted group who have waited for two years or more for their initial USCIS interviews;
2. The number of applicants admitted into USRAP who:
 - a. are embassy P1 referrals and unaccompanied refugee minor referrals;
 - b. such referrals who have waited for one year or more for their initial USCIS interviews;
3. The number of Iraqis who have:
 - a. applied to the USRAP’s P-2 Direct Access Program for U.S.-Affiliated Iraqis and are awaiting access eligibility verification;
 - b. waited for one year or more for their access eligibility determinations;
4. The number of applicants (excluding Iraqi P2s) who have interviewed with USCIS, been conditionally approved as refugees, and:
 - a. await pending final processing steps (excluding re-interviews with USCIS as a processing step);

⁹ *Under Trump, Iraqis Who Helped U.S. in War Are Stalled in Refugee System*, New York Times (Nov. 2, 2019) (online at www.nytimes.com/2019/11/02/world/middleeast/trump-refugees-iraq.html).

- b. await a re-interview with USCIS;
5. The number of Iraqi P2s have interviewed with USCIS, been conditionally approved as refugees, and:
 - a. await pending final processing steps (excluding re-interviews with USCIS as a processing step);
 - b. await a re-interview with USCIS;
6. The number and names of countries with active refugee cases that have not hosted a USCIS circuit ride since FY 2019 (i.e., extended field visits by USCIS staff to countries to conduct in-person interviews);
7. Prior to the start of the coronavirus pandemic:
 - a. The resettlement goal for FY 2020;
 - b. The number of USCIS circuit rides that were initially scheduled to achieve the resettlement goal;
 - c. The number of USCIS circuit rides that were planned to interview Iraqi P2s;
8. As a result of coronavirus in FY 2020:
 - a. The number and locations of USCIS circuit rides that were cancelled;
 - b. The number of refugee applicants who were scheduled to interview in the cancelled circuit rides;
 - c. The number of Iraqi P2s who were scheduled to interview in the cancelled circuit rides;
9. As a result of in-country security concerns in FY 2020:
 - a. The number and locations of USCIS circuit rides that were cancelled;
 - b. The number of refugee applicants who were scheduled to interview in the cancelled circuit rides;
 - c. The number of Iraqi P2s who were scheduled to interview in the cancelled circuit rides;

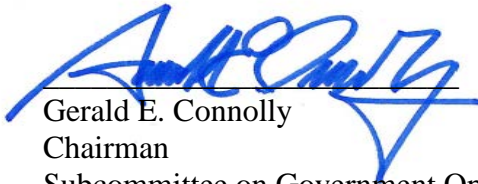
10. For any reason other than security and coronavirus:
 - a. The number and locations of circuit rides that were cancelled;
 - b. The reasons for these cancellations;
 - c. The total number of refugee applicants who were scheduled to interview in the cancelled circuit rides;
11. The dates, locations, and number of refugee applicants to be interviewed in all circuit rides planned in FY 2021 based on current and projected travel restrictions caused by the coronavirus pandemic, in-country security concerns, or any other restrictions;
12. All documents relating to plans for refugee interviews in FY 2021 for:
 - a. Iraqi P2s;
 - b. Iranian P2s;
 - c. embassy P1 referrals;
 - d. unaccompanied refugee minors;
 - e. any applicant populations with extreme protection concerns;
13. The number of remote interviews conducted by USCIS in FY 2020, by category of refugees;
14. All documents relating to plans to conduct remote interviews as an alternative to in-person interviews in FY 2021, including:
 - a. the number of planned remote interviews in FY 2021, by category of refugees;
 - b. any statutory authorities that require refugee adjudication to be conducted in-person, that prevent USCIS from expanding remote interviews, or that would be required for USCIS to do so; and
15. All documents relating to projections of refugee resettlement in FY 2021, in particular Iraqi P2s.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under

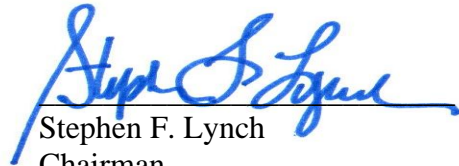
The Honorable Kenneth T. Cuccinelli
The Honorable Michael R. Pompeo
Page 6

House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

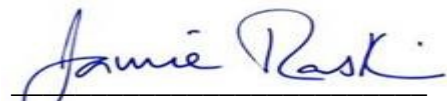
Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations



Stephen F. Lynch
Chairman
Subcommittee on National Security



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties

Enclosure

cc: The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.