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American Federation of Government Employees
National Citizenship and Immigration Services Council 119
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The Honorable Representative Zoe Lofgren
Ranking Member, House Subcommittee on
Immigration and Border Security
Committee on the Judiciary
US House of Representatives
H2-189 Ford Office Building
Washington, DC 20515

Subject: USCIS employees Union Statement of Opposition to H.R. 2826

Dear Ranking Member Lofgren:

I offer this statement of opposition to H.R. 2826 (“*Refugee Program Integrity Restoration Act of 2017*”) as President of the AFGE National Citizenship and Immigration Services Council 119 — the labor organization that represents over 10,000 bargaining unit employees at the Department of Homeland Security’s US Citizenship and Immigration Services. Among our constituents are the dedicated men and women of the USCIS Refugee Officer Corps, who selflessly serve our country by offering protection to the world’s most vulnerable individuals while ensuring the security of the American people.

We oppose the spirit and provisions of H.R. 2826 in the strongest terms possible. Frankly, this proposed bill might more appropriately be entitled: “Refugees Are Not Welcome Here Act” for its undermining of the US Refugee Program — one of the most successful programs in this nation’s history — and for its running afoul of basic American values by being needlessly cruel towards the world’s most vulnerable. Some of the provisions set forth in this legislation create layers of undue hardship upon refugees who not only have endured unimaginable persecution and terror in their home countries, but already undergo the most extensive and careful vetting process of any immigrant seeking admission to the United States.

Since 9/11, nearly one million refugees have been resettled in the United States and not one has committed an act of terrorism. Moreover, the world has not known a refugee and displaced

persons crisis of this scale since the end of the Second World War — with some estimates placing the number at over 60,000,000. Among other things, this bill would further erode and abdicate America’s historic leadership role in this vital area by capping the annual number of refugee admissions at 50,000. Now, more than ever, is the time for a robust refugee program that not only consists of the extremely thorough vetting practices currently in place and provides valuable intelligence, but embodies the shining example of core American values by which our country has influenced the world for decades.

Moreover, despite the recent rhetoric surrounding refugees and the alleged “lack” of vetting procedures, at the vanguard of the US Refugee Program is a corps of highly-qualified officers whose sole job is to adjudicate refugee applicants in order to determine whether they are eligible for admission and resettlement in the US. These officers go through months of specialized training and are among the best and brightest the US government has to offer. This process requires numerous layers of extremely careful vetting, including: scores of security checks, biometric reviews, multiple interviews, 100% supervisory review, and specialized Headquarters’ review for more complex cases — particularly when a national security concern is identified.

Refugee Officers carry great pride in their work. The Refugee Corps is an organization full of highly-educated and experienced individuals who bring their talents to a mission that is essential to the core identity of America as a beacon of freedom for the world. Since the creation of our protection mission, our officers have continually focused on innovation to improve and perfect our practices to the betterment of our nation. Practices developed by the Refugee Corps to improve national security have been replicated across USCIS and other agencies in a larger effort to improve inter-governmental cooperation on immigration and border security. We are acutely aware that keeping America’s promise to the world’s most vulnerable people is inextricably linked to public’s faith in our ability to maintain safe communities at home.

Over the past several years, Refugee Officers have seen their work vilified and their integrity impugned in the public discourse. Absent from this discussion is a serious attempt to understand who we are and what we actually do in the service of our country. Vetting and national security are central to our mission. The national security mission is not at odds with the historic identity of America as a welcoming place for people fleeing the ravages of war and persecution. This is not mere rhetoric. We wish members of this great body and the American public could see with their own eyes the courage and determination exhibited by the refugees who have risked all for freedom’s sake and who now seek our help.

This proposed legislation — purportedly intended to “thwart terrorism” and “prevent fraud,” according to one of the co-sponsors — appears to be strictly political in nature. It does not actually reform the refugee program in any meaningful or constructive way, as evidenced by the fact that the bill’s authors failed to consult with the very people within the refugee program who do this work and are experts in this field. Not only has the expertise and perspective of the Refugee Officers been ignored — but the leadership of our Agency’s refugee program was not consulted on this critical piece of legislation, which fundamentally alters the way the United States processes refugees. This lack of consultation and apparent indifference to the facts on the ground has resulted in a politically-driven bill that fails to achieve what it purports to accomplish. Instead, it seriously undermines American values and substantially alters a dynamic and successful program that has long been a model for the world community.

The following provisions are the most alarming and specific reasons we oppose H.R. 2826:

- **The 50,000 Cap ostensibly places the Refugee Affairs Division under Article I and removes the discretion of the Executive Branch**

The US has the capacity to safely resettle a significantly higher number of refugees and has done so in recent years. As explained above, this is not the time to abdicate our leadership role in the present global humanitarian crisis. Immigration typically falls under the purview of the executive branch and this provision hampers our government’s ability to respond to humanitarian crises. We have seen successive Presidents for over four decades apply appropriate judgment in establishing the numbers of refugees being admitted to the US. This included a drastic drop in refugees admitted directly following the attacks of 9/11. These numbers subsequently increased as the President saw the need to respond to various crises around the world — including the duty to protect those who directly aided the coalition effort in Iraq. We are now thrust into uncertain times, when the bedrock of American exceptionalism as protector of the world’s victims of conflict is in question.

- **Priority Consideration for favored religious minorities.**

This provision has absolutely nothing to do with the stated goals of this legislation to prevent terrorism and fraud. Moreover, favoring a particular subset of a protected ground significantly alters the character of American humanitarian assistance. Although the law deems religion as one of the five protected grounds, it is arbitrary to select those facing persecution based on a particular religion versus any of the other protected grounds as gaining priority for resettlement. The MOST vulnerable refugees should be the priority, regardless as to why the persecution takes

place. Prioritizing people for resettlement based on religious minority status undermines the integrity of the program and sets the stage for the US to selectively choose certain religious groups over others that are equally in need of protection from persecution. Refugees deserve resettlement assistance by the international community, through American leadership, based on grounds that need special protection: religion, political opinion, nationality, race and membership in a particular social group. Through this approach, we extend a hand to many from religious groups that are minorities in their home countries. Each Refugee Officer has heard countless stories of people legitimately yearning to breathe free from the oppression of societies that try to control where they place their faith. This is a true concern — one with which we deal with on a regular basis, and which requires no extra provision.

- **Recording of Interviews.**

The proposed recording of interviews presents a grave concern for our colleagues in the Refugee Corps. There is no indication that this provision will have any positive effect on the program and creates another layer of unnecessary bureaucracy. Currently, Refugee Officers type all questions and responses in their interviews nearly verbatim, and their work is subject to 100% supervisory review. The effectiveness of our interviews relies directly on our ability to elicit genuine information from the people we interview. Ensuring privacy and confidentiality is paramount for our ability to establish a setting where information will be shared. Try to imagine, for a moment, having to tell a complete stranger the story of your child being raped or your spouse being kidnapped or torture at the hands of an authoritarian regime. Now imagine telling that same story knowing the stranger is recording everything you say.

The individuals fleeing war, conflict and persecution bring endless stories of governments who betray the basic trust and humanity of their people. To perform their jobs effectively, America's Refugee Officers need to be in a position to establish an interview space where sensitive subjects can be explored, examined for consistency and analyzed in the context of our nation's laws. This provision basically tells our officers that Congress does not trust the work they do and therefore it must be recorded. More importantly this provision will undoubtedly re-traumatize certain refugee applicants and make them less willing to be forthcoming, particularly those who have endured persecution at the hands of a government.

- **Adjustment of status residence requirement moved from 1 to 3 years:**

This provision is just flat-out cruel and not based on any empirical data that this makes America safer. It leaves the refugees in a sort of limbo in which they are vulnerable, with no permanent

legal status. Refugees who finally make it to the United States have endured hardships beyond people's imaginations, already waited years and endured years of meticulous screening and vetting. We do, in fact, recognize that return to one's native country following conflict is one of the most complex situations a refugee can face. They invariably must ask: "Is it really safe to go back? Who is now occupying my house? Where will I live? Have those who tortured me and vowed my demise been brought to justice? Will they go after my children first, like they did with so many others?" These are all life and death scenarios faced by refugees when forced to repatriate, even while stories of violence in their country have retreated from the news stations.

Refugee Officers witness directly the unstable situation in which refugees find themselves, often exploited at the hands of human traffickers and corrupt policemen. Although host countries are often generous in providing temporary safe-haven to those forced to leave, many restrictions are placed upon basic rights for refugees — including the ability to work, move freely and have their children attend a proper school. In some host countries, security is precarious and many refugees suffer extreme poverty and serious human rights abuses. Resettlement in countries like the United States is an opportunity for refugees to find stability and some level of peace. The provision of this bill extending the period for residency in the US strips them of this stability and places them back into a limbo, where they risk being sent back to a dangerous country. The good work of our Refugee Officers would thereby be wiped out — wasting valuable resources and sending a message that refugees are not fully welcomed or truly protected in America.

- **Re-determination of refugee status of persons already admitted and resettled.**

As representatives of the adjudicators carrying out this work, we are deeply concerned about who will re-determine whether a refugee resettled to the US still meets the requirements of the refugee definition — and by what authority. We have seen over time that many post-conflict situations are not truly stable. Resolution of conflict, reconstruction and return to stability can take many years, sometimes decades. There may have been no car bombs in Baghdad this week or any attacks by Al Shabaab on Mogadishu for several months, but the significant danger to civilians in each location has not been eradicated.

America must remain steadfastly committed to the principle of *non-refoulement* and not force people fleeing violence to return to a lion's den. This is a key tenet of international refugee and human rights laws, to which we are bound by treaty and convention. When a young boy from Syria was asked by (*Homeland* actor) Mandy Patinkin on behalf of the International Rescue Committee what refugees need, the boy replied simply: "kindness." Forcing refugees to return to

dangerous situations after being traumatized is far from kind — and would be a grave breach of the very international laws that our country has long championed.

- **Limitation of Resettlement communities in certain states.**

H.R. 2826 also abrogates the responsibility of the Federal Government to equitably resettle refugees across our land by creating a patchwork approach that would be prone to the shifting winds of local politics. While the main focus of a Refugee Officer is to determine eligibility for admission to the US as a refugee, we are keenly aware that each family we interview goes on to a new life in our homeland. They are welcomed by compassionate Americans who help them adjust to a new culture. Allowing localities to reject their placement in a particular community rejects the freedom we all share in this country to live where we please.

This provision poses potential constitutional issues regarding the right to travel, in addition to hurting the unity of families who may be located in a state subject to this limitation. Moreover, refugee communities thrive in nearly every state in the Union, and they abound with incredible success stories of people who have built new lives after losing everything and given back to our society in countless ways. This provision says that refugees are only welcome in some parts of the US and not others — undermining our core American values and belittling the contributions of refugees to their local communities and the larger American society, including taxpayers. Refugees, who cherish their freedom dearly, have always helped make America great.

- **Waiver authority.**

This provision fully limiting the Secretary of Homeland Security's waiver authority for inadmissibility grounds is overly restrictive. This waiver authority is applied very carefully with the intent to prevent scenarios where refugees are doubly-victimized. USCIS has already established a separate process for specifically reviewing these cases for a potential waiver, applying dedicated attention to the situation and ensuring the public's interest is safeguarded. A trained immigration officer makes sure that a waiver is granted only where warranted.

- **Refugee Qualifications.**

This provision places a limitation on determining a refugee's qualification by stipulating that violence must have been directed at the person sitting in front of the interviewing officer. This scope limitation endangers victims of conflict by excluding various scenarios where they have experienced actual persecution. Refugee Officers have interviewed many individuals whose

family and friends were killed by “bad guys” as a way to get at the applicant who is now before us. As an example, journalists in many countries have seen their loved ones killed by enemies as a way to send them a message in retaliation for their reporting activities. Although such individuals applying for resettlement may not have been directly harmed — they most certainly have been threatened, traumatized and have a well-founded fear of persecution if returned to their countries. We cannot accept this provision that holds that the death of a loved one as a result of one’s identity does not constitute harm to the applying refugee.

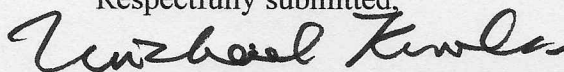
In conclusion, we implore this Committee to maintain the golden standard of American humanitarian assistance, while working with us to ensure that all measures and resources are in place to safeguard the public’s safety. To this end, we respectfully request that you reject Sections 2, 3, 4, 5, 7, 8, 9, 12 and 13 of this bill.

The integrity of the US Refugee Program — and the integrity of the men and women who carry out its sacred mission — remains very strong. We need the requisite support from Congress to make sure we have the tools and resources available to continue developing innovative practices for strengthening our program, which has been a leader in the international refugee protection system that has been in place since the Second World War.

Given all the points outlined in opposition to the bill above, the AFGE National CIS Council wishes to recognize those sections of the bill that present an opportunity to strengthen the refugee program. We greatly appreciate more resources for fraud detection. This is a constant effort that requires diligence and dedication. Congressional support for our ability to identify fraud goes a long way to bolster program integrity. Refugee Officers also welcome accountability reviews by the GAO. These reports result in important program improvements, in addition to building the public trust needed to continue our important work.

We thank the Committee for considering the views of our labor organization on behalf of our members. We do not presume to speak for USCIS; nor should our views be construed as the Agency’s position. We ask that this letter be entered into the Congressional Record. We are available to answer your questions and provide more information about the Refugee Program and the brave men and women who are devoted to its mission.

Respectfully submitted,



Michael A. Knowles

Council President