

May 4, 2017

The Honorable Rex Tillerson
Secretary
U.S. Department of State
2201 C St NW
Washington, DC 20520

The Honorable John F. Kelly
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20530

Dear Secretaries Tillerson and Kelly,

We write regarding current administration of the U.S. Refugee Admissions Program (USRAP), which has successfully resettled more than 3 million refugees from around the world to American communities in all 50 states. The USRAP is a critical pillar of our national foreign policy and enables the United States to fulfill key international commitments. Refugees come from the most vulnerable and persecuted populations around the world and are the most securely vetted travelers to the United States, spending an average of two years in the application process prior to approval.

According to the United Nations High Commissioner for Refugees, we are in the midst of the largest refugee crisis in modern history. More than a year ago, on March 17, 2016, then-Secretary of State John Kerry formally designated the actions of ISIS as genocide. As part of that declaration he said: “[ISIS] is... responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities... [ISIS] kills Christians because they are Christians; Yezidis because they are Yezidis; Shia because they are Shia. ...naming these crimes is important. But what is essential is to stop them.” While the recognition and need to address these horrific crimes is important, we must not lose focus of the need to also protect others fleeing persecution around the world.

As you know, Executive Order 13769, issued on January 27, aimed to place a temporary 120-day halt on the USRAP and reduce the total refugee admissions for Fiscal Year 2017 from 110,000 to 50,000. This Executive Order was subsequently rescinded by Executive Order 13780, issued on March 6. Executive Order 13780 also aimed to place a similar halt and reduction on the USRAP. However, the U.S. District Court of Hawaii issued a Temporary Restraining Order (TRO) on March 15 followed by a preliminary injunction on March 29, which currently prevents the implementation of portions of this Executive Order, including the entire section addressing the USRAP.

Given that there is currently no active provision from either of these Executive Orders affecting normal USRAP administration, we respectfully request a response to the following questions regarding the current status of USRAP operations, both domestically and internationally:

- 1) In light of the Hawaii District Court's decision to block enforcement of the EO dated March 6th, does the Administration anticipate admitting refugees consistent with the previous Administration's Presidential Determination for FY17 or will the Administration release a new Presidential Determination? How many refugees does the Administration anticipate admitting this Fiscal Year?
- 2) Is the U.S. continuing to conduct overseas interviews of both Priority-2 Direct Access applicants, including U.S.-affiliated Iraqis, and of applicants referred to the USRAP by the United Nations High Commissioner for Refugees? If so, how many individuals are currently going through this process and how long will this process take? If not, under what legal authority?
- 3) Given the genocide designation from the U.S. State Department, are survivors designated as a special humanitarian concern?
 - a. How many nationals and residents of Iraq or Syria who are members of a religious group subjected to genocide by ISIS and are at risk of forced migration have been admitted to the United States as refugees since March 17, 2016?
 - b. Under which mechanisms are these individuals able to apply and interview for admission to the United States as refugees?
 - c. Are survivors of genocide, crimes against humanity, or war crimes, eligible for Priority 2 processing under the refugee resettlement priority system? If not, why not?
 - i. If so, how many have been admitted since March 17, 2016?
- 4) During the seven weeks between the issuance of EO 13769 and the March 15 TRO, please describe any changes the Administration made to USRAP operations, including instructions given to all personnel responsible for carrying out USRAP duties in a way that continues to provide for the security of the American people while also maintaining the United States as a refuge for those fleeing persecution.
 - a) If changes were made, how will these changes continue to impact USRAP operations and capacity in the future?
 - b) If changes were made, what immediate effect have these changes already had on the USRAP's overall resettlement capacity, including the impact on overseas Resettlement Support Centers and on domestic resettlement agencies?
 - c) What steps have you taken since the issuance of the TRO, including the rescission of relevant instructions to USRAP personnel, to restart the administration of the program?

- 5) We understand that there are DHS-approved refugees awaiting final medical clearances and travel bookings. What is the Administration's timeframe for resettlement of these refugees?
- a) How many cases within this group are cases of reunification with family members already in the United States?
 - b) How many cases within this group are genocide survivors?
- 6) In addition to these DHS-approved refugees, there are more in earlier stages of the screening process. Are agencies continuing the application and screening process for these refugees? If so, are there any new difficulties that would have the effect of slowing down the review process? If not, under what legal authority?
- a) Of all refugees who have currently begun the resettlement process, how many are US-affiliated Iraqis?

Thank you for your attention to this matter, and we look forward to your timely response.

Sincerely,

Jeanne Shaheen
United States Senate

James Lankford
United States Senate

Cory A. Booker
United States Senate

Jeff Flake
United States Senate

Sherrod Brown
United States Senate

Michael S. Lee
United States Senate

Thomas R. Carper
United States Senate

Lisa Murkowski
United States Senate

Richard J. Durbin
United States Senate

Marco Rubio
United States Senate

Kirsten Gillibrand
United States Senate

Thom Tillis
United States Senate

Edward J. Markey
United States Senate

Jeffrey A. Merkley
United States Senate

Christopher S. Murphy
United States Senate

Elizabeth Warren
United States Senate

Ron Wyden
United States Senate

CC: The Honorable James Mattis, Secretary, U.S. Department of Defense
The Honorable Thomas Price, M.D., Secretary, U.S. Department of Health and Human Services
The Honorable James B. Comey, Director, Federal Bureau of Investigation
The Honorable Nicholas J. Rasmussen, Director, National Counterterrorism Center
The Honorable H.R. McMaster, Assistant to the President, National Security Advisor