

American Security Against Foreign Enemies Act Would Bring Resettlement of Iraqi and Syrian Refugees to a Standstill

Bill Would Also Abandon Iraqis who worked with the United States

H.R. 4038, the “American Security Against Foreign Enemies Act of 2015,” would bring the U.S. resettlement of Iraqi and Syrian refugees, which is already moving at a snail’s pace, to a grinding halt. It would leave vulnerable refugees, including targets of genocide, women fleeing gender-based violence, and Iraqis who worked with U.S. military forces or contractors, stranded for even longer in dangerous and difficult circumstances.

- **US Leadership and American ideals:** The United States has committed to resettle “at least 10,000” Syrian refugees, a very modest pledge compared to the numbers hosted by U.S. allies, the size and scale of the refugee crisis, and U.S. capacity. A bipartisan group of former government officials, including national security experts, recommended that the United States provide leadership in addressing the crisis and significantly increase its resettlement contribution. As Ryan Crocker, former U.S. Ambassador to Iraq, Syria, and Lebanon noted in an op-ed in *The Wall Street Journal*, the United States has a history of providing refuge to the persecuted, and should lead by example in this refugee crisis. The U.S. can provide refuge to victims of persecution while also safeguarding security.
- **Refugee Cases are the Most Vigorously Vetted:** The bill does not inject additional security checks in the system. Refugees are already more closely vetted than any population coming to the United States, as Department of Homeland Security (DHS) Secretary Jeh Johnson has testified. DHS has also initiated enhanced vetting for Syrian refugees. These security clearance processes are regularly updated and adapted to reflect new technology or sources of intelligence. Michael Chertoff, Secretary of Homeland Security under the administration of President George W. Bush, along with former DHS Secretary Janet Napolitano, confirmed in a November 19, 2015 letter that “[t]he process that is currently in place is thorough and robust and, so long as it is fully implemented and not diluted, it will allow us to safely admit the most vulnerable refugees while protecting the American people.”
- **Undermining Resettlement Undermines National Security, Sends the Wrong Signal:** As Ambassador Crocker explained in *The Wall Street Journal*, a major resettlement and aid initiative “would protect the stability of a region home to U.S. allies, including Jordan, NATO’s Turkey and Lebanon” by relieving strain on these refugee-hosting states, “[b]ut left unaddressed, the strain will feed instability and trigger more violence across the region, which will have consequences for U.S. national security.” National security experts have also made clear that steps that signal that the U.S. will close its doors to Syrian refugees send exactly the wrong message and play into ISIL propaganda. Former DHS Secretary Chertoff stated: “You don’t want to play into the narrative of the bad guy. That’s giving propaganda to the enemy.” Fran Townsend, homeland security advisor to President George W. Bush, has opined that resettling Syrian refugees advances U.S. national security interests. Counterterrorism expert Daveed Gartenstein-Ross has stated: “Politicians, government officials and thought leaders should recognize that signaling strong distaste in advance of Syrian refugees’ arrival is counterproductive from a national security standpoint.”

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- **Unworkable “Certification” Process, Diverts National Security Time:** H.R. 4038 would require—for each individual already vetted refugee from Iraq or Syria—that the secretary of homeland security, “with the unanimous concurrence of the Director of the Federal Bureau of Investigation and the Director of National Intelligence,” certify to 12 congressional Committees that the individual refugee is not a threat to security. House Homeland Security Committee Chairman Michael McCaul (R-TX), indicated that these officials would “themselves” be certifying each case, “rather than some underling.” To meet U.S. commitments to resettle 15,000 Iraqi and 10,000 Syrian refugee cases, these officials would need to certify **about 500 individual refugee cases each week**. This would take 2500 days if officials spend one hour per case, and 417 days if officials spend only 10 minutes per case, which would make it a pro forma review. Not only are there 365 days in a year, but the nation’s most senior national security officials should not be turned into full-time refugee-vetting certifiers for cases that have already been fully vetted. These officials must prioritize the nation’s top security threats.
 - **Bottlenecks and Delays Would Effectively Halt Resettlement:** Delays from the certification process would, as Doris Meissner and Jim Ziglar, former Immigration and Naturalization Services (INS) commissioners under the administrations of Presidents Bill Clinton and George W. Bush, detailed in a November 2015 letter, bring the resettlement system, which already moves at a slow pace, to a halt. Medical and security clearances would also expire while awaiting certification, so parts of the process would need to be repeated.
 - **Further Delaying Resettlement of Iraqis who worked with United States:** There is already a tremendous backlog of about 57,000 Iraqi resettlement cases, including Iraqis who worked with the U.S. military. The Refugee Crisis in Iraq Act, bipartisan legislation passed in 2007, gave at-risk Iraqis who have worked with the U.S. military, U.S. contractors, U.S. non-governmental organizations and U.S. media priority access to the U.S. refugee
 - resettlement system. But many have already been waiting for years to be brought to safety due to understaffing and delays in the resettlement system, as well as logistical and security challenges that impede U.S. interviews in a violence-ridden region. Their cases would be further delayed by the unworkable “certification” requirement.
 - **U.S. Authorities Have Information to Vet Syrian Refugee Applications:** FBI director James Comey has said he is deeply concerned about the House bill, which includes a separate provision that requires the FBI director to provide a formal certification, or guarantee, that the vetting process “is sufficient to determine whether the covered alien is a threat to the security of the United States.” U.S. authorities have a good deal of information to vet Syrian refugee applications against. In addition to significant levels of information from the U.N. Refugee Agency (UNHCR), including biometric data collected by UNHCR from all refugees over the age of three, identity and other documentation from Syria, repeated interviews conducted over many years (from initial registration in Jordan, Turkey or elsewhere), U.S. DHS officers also conduct extensive interviews with resettlement candidates and U.S. officials conduct biometric and background investigations through DHS, DOD, FBI and U.S. intelligence databases as detailed in this backgrounder. The United States also has intelligence relationships with countries like Jordan where refugees have been living for years.