SECTION-BY-SECTION ANALYSIS OF THE REFUGEE PROGRAM INTEGRITY RESTORATION ACT OF 2016[1]

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Bill Highlights

- **Annual Cap on Refugees.** Set an annual ceiling of 60,000 refugee admissions and require an affirmative act of Congress in order to exceed that cap;

- **Repeal Discretionary Waivers of Grounds of Inadmissibility for Minor Crimes.** Repeal provisions of current law that provide the Secretary of Homeland Security with discretion to waive minor crimes in order to admit and individual as a refugee, as well as to admit the refugee as a lawful permanent resident (LPR) at the time of adjustment;

- **Extend Period Before Refugees Can Adjust Status.** Triple the period in current law before a person admitted as a refugee can become a permanent resident, extending that period from the one year in current law to three years;

- **Require Continuing Refugee Status at Time of Adjustment.** Require that a refugee adjusting his or her status to LPR status meet the definition of a refugee at the time of adjustment and that they demonstrate this in an in-person interview when attempting to adjust their status;

- **Automatic Termination of Refugee Status if Return to Country of Persecution.** Provide that the refugee status of an individual must be terminated if the refugee returns to his or her country of persecution for any period of time;

- **Priority Consideration for Favored Religious Minorities.** Provide for "Priority Consideration" for refugee status individuals who are "practitioners of a minority religion" from countries that are "countries of particular concern"; and

- **State and Local Government Veto Power Over Refugee Resettlement.** Provide state and local governments with the right to shutdown refugee resettlement in their states and localities.

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[1] *This document was keyed to the March 11, 2016, 4:08 pm draft of the "Refugee Program Integrity Restoration Act of 2016"*

Section 1. Short Title

Description:
Section 1 of the Act establishes the bill's Short Title as the "Refugee Program Integrity Restoration Act of 2016" (hereafter in this analysis referred to as "the Act").

Section 2. Annual Adjustment of the Number of Admissible Refugees

Description:
Section 2 of the Act would establish a default annual ceiling on refugee admissions of 60,000, transfer the authority to establish the annual refugee admissions ceiling from the President of the United States to Congress, and provide that the President may only "recommend" a different level of refugee admissions.

More specifically –

- Sec. 2(a) of the Act would amend Section 207(a)(2) of the Immigration and Nationality Act (hereafter referred in this analysis as the INA) to set an annual ceiling of 60,000 refugee admissions. It would provide that the President could submit a "recommendation to Congress" for a revision of that number for a future fiscal year if, after appropriate consultation, he or she submits the recommendation "not later than six months prior to the beginning of the fiscal year." Any such recommendation would have to be predicated on humanitarian concerns or be otherwise in the national interest.

- Sec. 2(b) of the Act would amend Section 207(b) of the INA to provide that the President may "recommend" (rather than "fix" as is the case under current law) the number of refugees at a different level in the case of emergencies.

Analysis:
Section 2 of the Act would establish a permanent ceiling of 60,000 refugee admissions. It would provide that the President can "recommend" a different level after a consultation that takes place at least six months before the beginning of a fiscal year. However, it would provide no process for Congress to act on that recommendation and no guarantee that Congress would ever do so. [2]

The same would be the case for emergency situations. While the measure would permit the President to make a recommendation to Congress, the President would not be able to increase refugee admissions in times of emergency unless Congress enacted legislation increasing the ceiling.

Section 2 of the Act would tie the hands of the president, making it difficult -- if not impossible -- for him or her to utilize the U.S. Refugee Admissions Program to rescue refugees who are of special humanitarian concern to the United States or who have helped the United States in a time of war or other crisis. It also would make it difficult for the president to utilize the program as a tool to help ease tensions around the world and set an example for other nations in refugee protection.

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[2] *Section 201(b) of the Refugee Act of 1980 established an annual ceiling of 50,000 refugee admissions for the first three fiscal years after the measure's enactment (1980, 1981, and 1982). It provided that the President could establish a different ceiling in those years if he or she "determines, before the beginning of the fiscal year and after appropriate consultation" with Congress "that admission of a specific number of refugees in excess of such number is justified by humanitarian concerns or is otherwise in the national interest." Section 201(b) of the Refugee Act of 1980 provided, further, that in subsequent fiscal years, the number of refugees who may be admitted shall be such number as the President determines after appropriate consultation.*

Section 3. Termination of Refugee Status

Description:
Section 3 of the Act would require that refugee status be terminated if the individual was not a refugee at the time of admission or if the individual returned to the country of persecution, absent changed circumstances. The section also would require the Secretary of Homeland Security (hereafter in this analysis referred to as "the Secretary") to submit an annual report to the House and Senate Committees on the Judiciary that includes the number of terminations of status under the new provision of law, disaggregated by whether refugee status was terminated because the individual was not actually a refugee or because she returned to her country of persecution.

More specifically, Section 3 of the Act would amend Section 207(c) of the INA to provide for the mandatory termination of refugee status if a person previously granted refugee status returned to his or her country of nationality or habitual residence, absent changed conditions in the country. The section also would require the Secretary to submit an annual report to the House and Senate Judiciary Committees on the number of terminations of refugee status under the Act.

Analysis:
Under current law, Section 207(a)(4) of the INA provides that the refugee status of any alien (and of the spouse or child of the alien) "may" be terminated if it is determined "that the alien was not in fact a refugee within the meaning of section 101(a)(42) at the time of the alien's admission." The Code of Federal Regulations provides for the implementation of that provision. [3]

There is no provision in current law that explicitly requires the termination of refugee status if a refugee returns to his or her country of persecution for a short period of time. However, an individual's travel patterns after being admitted as a refugee could lead the Department of Homeland Security (hereafter in this analysis referred to as "DHS") to conclude that the individual was not a bona fide refugee at the time of admission or that the individual has re-availed himself or herself of the protection of the persecuting country, which would lead to the termination of the individual's refugee status.

Whereas DHS under current law has the power to analyze such situations on a case-by-case in order to determine if a return to the home country DID in fact constitute re-availment of the protection of that country's government, Sec. 3 of the Act would require the mandatory termination of an individual's refugee status if a refugee returns even briefly to the country of persecution, absent changed circumstances, without exception. This would prevent a refugee from returning briefly as part of a humanitarian mission, for instance, even if the refugee was briefly returning as part of an official U.S. humanitarian, diplomatic, or military effort or returning briefly as part of a journalistic endeavor. It also misunderstands the nature of risk that applies to different types of refugee claims: a refugee who is high-profile and is wanted by his or her country's national government, for example, may not be able to safely return to that country even briefly; for other refugees, however, including many whose claims are based, for example, on their religious beliefs or their sexual orientation, the problem is not that they could not stay in their country for a couple of weeks, but that they cannot actually reside their safely and/or without denying a core aspect of their identity.

Any provision requiring automatic termination of refugee status for any return to the country of nationality or last habitual residence is contrary to the international obligations of the U.S. and is unnecessary under existing U.S. law.

Refugees may have legitimate reasons for returning to their countries of origin, particularly years later once they have attained permanent resident status in the United States and the conditions that caused them to flee have changed. These can include visiting an ill relative, attending a funeral, or assisting with that country's reconstruction efforts, such as the recent example of the Lost Boys and Girls of Sudan. These circumstances must be considered individually rather than requiring an automatic termination, as this could lead to violations of U.S. and international law and result in returning an individual to persecution.

[3] *8 C.F.R. 207.9*

We have seen many instances in which people risk their lives to return home to see a dying or sick loved one for the last time, or to advance human rights causes in their country of origin. These individuals, who have endured such trauma and still risk their own safety to care for loved ones or improve conditions in their country, often do not have proof of the specific activities they are involved in (it's hard to find a doctor's note to vouch for a dying loved one when one is fearing apprehension by the government), and should not be in fear of having their protection revoked due to traveling home.

Section 4. Priority Consideration for Certain Applicants for Refugee Status

Description:
Section 4 of the Act would give priority consideration to "practitioners of a minority religion" whose applications for refugee status are based on persecution or a well-founded fear of persecution based on religion, where the country from which the applicant is seeking protection is listed as a "Country of Particular Concern" in the annual report of the Commission on International Religious Freedom under Section 203 of the International Religious Freedom Act of 1998 for the year prior to the concurrent year.

Analysis:
Current law does not mandate that any particular group of refugees receive "priority consideration." The Department of State, instead, has established a prioritization system for selecting refugee applicants for interviews that is based on the vulnerability of refugees, their ties to the United States, and whether they are of special humanitarian concern to the United States.

There are five grounds on which a person who has been persecuted or who has a well-founded fear of persecution can be granted refugee status by the United States: the individual's race, religion, nationality, political opinion, or membership in a particular social group.

Section 4 of the Act would, for the first time in our nation's history, lift one of those five grounds (religion) above all of the others for prioritization. Its enactment would raise the possibility that an individual facing persecution on one of the other four grounds could be denied access to the U.S. Refugee Admissions Program because the law requires that someone who is in less danger, has fewer ties to the United States, and is of lesser humanitarian concern to the United States be given priority consideration because he or she faces religious persecution, even though the person denied access to the program is in a more vulnerable circumstance, has closer ties to the United States, and or is of greater special humanitarian concern to the United States.

But if that was not concerning enough, Section 4 of the Act would single out some religions for lesser protection than others. Moreover, among religious persecution claims, it would deprioritize those involving persecution by members of a majority religion of other adherents of the same religion who understand the religion differently.

The 2015 version of the report that the bill relies on for determining which religious minorities in which countries would receive special prioritization for the U.S. Refugee Admission program lists 17 countries that would qualify for priority consideration: Burma, Central African Republic, China, Egypt, Eritrea, Iran, Iraq, Nigeria, North Korea, Pakistan, Saudi Arabia, Sudan, Syria, Tajikistan, Turkmenistan, Uzbekistan, and Vietnam. [4]

While the bill would require the prioritization of cases of Muslim refugees from the Central African Republic, for example, it would not give the same prioritization to, for example, a Saudi human rights defender who was sentenced to two years in jail and 200 lashes for, among other things, advocating for the rights of religious minorities in Saudi Arabia, because the human rights defender is himself Sunni and the Sunni are the majority sect in Saudi Arabia. Moreover, the bill would discriminate based on religion between refugees with

[4] *United States Commission on International Religious Freedom 2015 Annual Report*

otherwise identical claims: faced with two refugees from Pakistan, one Christian, one Sunni Muslim, both accused of blasphemy and facing imminent threats to their lives on that basis, the bill would require prioritizing the Christian. There is no principled basis for this, and it would have a very damaging effect on the international reputation of the U.S. Refugee Admissions Program.

Section 5. Limitation of Waiver Authority on Admission of Refugees

Description:
Section 5 of the Act would repeal a provision in current law that gives the Secretary broad discretion to waive most grounds of inadmissibility under Section 212(a) of the INA for refugees. The provision, instead, would limit that discretionary waiver authority to just the authority to waive Section 212(a)(1) of the INA, relating to health-related grounds of inadmissibility.

Analysis:
Under current law, the INA gives the Secretary broad discretion to waive grounds of inadmissibility for refugees, including discretion to waive inadmissibility based on minor criminal activity or convictions. This section would limit the waiver authority to only health related grounds, thus rendering refugees who have had committed minor criminal acts inadmissible to the United States.

The consequences of denying waiver authority could pose severe consequences. For instance, Section 5 of the Act would mean that a woman who was forced into prostitution in a war-torn area and who is inadmissible as a result would no longer be eligible for a waiver of that ground of inadmissibility. It would mean that an individual who provided key assistance to the United States during a military conflict in their country would be ineligible for a waiver of their inadmissibility if they had been convicted of a minor crime by their persecuting government.

Section 6. Recurrent Security Monitoring

Description:
Section 6 of the Act would authorize the DHS to "conduct recurrent background checks of an admitted refugee until such date as the refugee adjusts status."

More specifically, the Section would amend Section 207 of the INA by adding at the end a new subsection (g) providing the authority.

Analysis:
Section 6 of the Act would authorize but not require DHS to conduct recurrent background checks on individuals admitted to the United States as refugees. It is unclear why the provision is necessary, given that there is nothing in current law that prohibits the Department from doing this already. However, the underlying message behind this section is deeply problematic. Specifically authorizing surveillance monitoring and/or additional security checks without case, for no other reason than one's having arrived legally through the refugee program, creates stigma by treating refugees as potential criminals instead of as victims fleeing conflict and persecution. Since refugees in particular are individuals who have already fled state persecution (or fled states whose governments failed to protect them), it would be particularly detrimental to the psychosocial wellbeing of refugees to monitor them after arrival. It is simply un-American to treat war victims, who want nothing more than to start a new life in safe and welcoming communities, as potential criminals.

Section 7. Adjustment of Status of Refugees

Description:
Section 7 of the Act would extend the period before a refugee can adjust his or her status to that of an LPR from one year, as is the case under current law, to three years.

Analysis:
Enactment of Section 7 of the Act would result in refugees who are admitted to the United States remaining in a state of uncertainty for three years rather than for one year, as is the case under current law. Such an eventuality would delay their integration into the civic life of their new country and of the communities into which they have resettled.[5] That would hinder their achievement of self-sufficiency, make it more difficult for them to reunite with loved ones, leave them vulnerable for a longer period to being removed from the United States, and promote alienation from, rather than integration into, American society.

Tripling the period of uncertainty for refugees admitted to the United States would make it more difficult for them to achieve self-sufficiency. This is because LPR status is a more permanent and better known status than refugee status. Accordingly, prospective employers, driver's licensing agencies, and dispensers of professional and business licenses are far more familiar with LPR status and the identification documentation that is associated with it than they are with refugee status. That makes LPRs better positioned to obtain employment, business and professional licenses, and drivers licenses than refugees. Achieving LPR status also make individuals better positioned to obtain discretionary civilian services, such as private bank loans for mortgages or businesses than their counterparts who are not permanent residents. And it puts refugees on a path to U.S. citizenship, which is something many of them very much want.

Tripling the period of uncertainty for refugees admitted to the United States also might make it more difficult for them to reunite with family members. A person in refugee status can file refugee reunification petitions for close relatives. However, they may only do so within the first two years after arriving in the United States. Once they have adjusted to LPR status, however, they are eligible to file petitions for eligible spouses, children, and adult sons and daughters.

Technically, so long as an individual is a refugee who has not adjusted his or LPR status, such an individual can be removed to the country of persecution if circumstances in the country changes. Tripling the period of uncertainty for refugees would make them susceptible to such a removal for a longer period of time, increasing their uncertainty.

Finally, tripling the period of uncertainty for refugees admitted to the United States would send a message of alienation rather than welcome. One of the big differences between refugees and immigrants in the United States versus those in other places is that when refugees come to the United States, we make a strong commitment to them, signaling that the United States is both a safe haven and a new home. Enactment of Section 7 would send the wrong message.

Section 8. Limitation of Waiver Authority on Adjustment of Status of Refugees

Description:
Section 8 of the Act would limit the discretion of the Secretary to waive grounds of inadmissibility for refugees who are seeking to adjust to LPR status; provide that a refugee may not adjust status if he or she is deportable under Section 237 of the INA, require that refugees seeking to adjust to LPR status demonstrate by clear and convincing evidence in an in-person interview that they still meet the definition of a refugee;

[5] *Section 7 of the Act would not delay the process by which a person admitted to the United States as a refugee can obtain citizenship. This is because under Section 209(a)(2) of the INA and 8 C.F.R. 209.1(e), when an individual who was admitted to the United States as a refugee under Section 207 of the INA adjusts to lawful permanent residence (LPR) status, the individual is admitted as of the date of the alien's arrival in the United States.*

and require that refugees who are denied adjustment of status present themselves to DHS every five years in a removal proceeding in accordance with Sections 235, 240, and 241 of the INA.

More specifically Section 8 of the Act would —

- Amend Section 209(c) of the INA by repealing a provision in current law that gives the Secretary of Homeland Security broad discretion to waive most grounds of inadmissibility under Section 212(a) of the INA for refugees seeking to adjust to LPR status and providing the Secretary, instead, with the discretion to waive only Section 212(a)(1) of the INA, relating to health-related grounds of inadmissibility.

- Establish a new Section 209(d) of the INA providing that a person admitted as a refugee may not adjust status under Section 209 if he or she is deportable under Section 237 of the INA, except that Section 237(a)(5) of the INA (relating to becoming a public charge) shall not apply for the purposes of the subsection.

- Establish a new Section 209(e) of the INA providing that a refugee seeking to adjust status under Section 209 of the INA may not do so unless he or she establishes by clear and convincing evidence during an in-person interview that he or she continues to meet the definition of a refugee; and

- Establish a new Section 209(f) of the INA providing that a person admitted as a refugee who is denied adjustment of status must be returned to the custody of DHS every five years for inspection an examination for admission in accordance with Sections 235, 240, and 241 of the INA.

Analysis:
Taken together, the provisions in Section 8 of the Act would first, erect significant new unnecessary and burdensome barriers to refugees who are seeking to become integrated in American society; second, likely require refugees to secure counsel for simple things like adjustments of status; third, endanger the very ability of some law-aiding refugees to remain in the United States, further traumatizing them and subjecting them to the possibility of being separated once again from family members and their support systems here in the United States; and fourth, likely impose new financial, personnel, and time burdens on an already over-burdened U.S. Citizenship and Immigration Services component of DHS (hereafter in this analysis referred to as "USCIS"). The enormous resources it would require to, in effect, adjudicate every refugee application twice, would be better spent on efforts to promote the integration of those refugees.

The Section would require refugees seeking to adjust their status to demonstrate by clear and convincing evidence during an in-person interview that they are neither deportable nor inadmissible at the time of adjustment of status. This would be an onerous requirement for the refugee that no other applicant for adjustment has to establish.

The Section's requirement that all refugees seeking to adjust to LPR status undergo in-person interviews would be an onerous requirement for both the refugee and for USCIS which, under current law, has discretion on whether to conduct an in-person interview of such refugees. [6]

Current law and practice does not require a refugee adjusting his or status to continue to meet the definition of a refugee at the time of adjustment. [7] The requirement in Section 8 of the Act that refugees re-establish their claims for refugee status at the time of their applications for adjustment to LPR status would be a major change in law that could endanger deserving refugees who might have difficulty re-establishing such a claim without the assistance of counsel, as well as for derivative refugees, such as children.

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[6] *See 8 C.F.R. 209.1(d)*

[7] See *Volume 7, Part L, Chapter 2 F of the USCIS Policy Manual, Current as of February 25, 2016*

And the provision in Section 8 requiring refugees denied adjustment to be detained every five years for inspection and examination by DHS would present an enormous burden to both the Department and the refugee.

Section 9. Limitation on Resettlement

Description:
Section 9 of the Act would give state and local governments the authority to veto the resettlement of refugees in their jurisdictions.

More specifically, Section 9 of the Act would add a new subsection 412(g) to the INA providing that no refugee may be placed in a state where either the governor or the state legislature has taken any action formally disapproving of resettlement of refugees in the state or in any locality where either the chief executive officer or local legislature has taken any action formally disapproving of resettlement in that community.

Analysis:
This provision is problematic on a number of levels.

- First, it would improperly permit state and local governments to override the federal government on immigration and refugee policy, which would be an abrogation of federal responsibility, could lead to a chaotic patchwork of immigration and refugee policies throughout the country, and could deprive the president of the United States of a key foreign policy tool.

- Second, it would establish a vague standard by which state and local governments could block refugee resettlement in their jurisdiction. Under the Section, any "formal action" by a legislature could block refugee resettlement in a given jurisdiction. It is unclear whether that means a vote of the legislature on a formal piece of legislation that receives the concurrence of the governor or chief executive officer would meet the standard, or if a vote without on such a vehicle without such concurrence would suffice, or even if a mere letter from the presiding officer of the legislature would meet the standard.

- Third, it could subject the question of whether refugees are resettled in the United States to the loudest vicissitudes of the political climate, the whims of the loudest voices, or the momentary vagaries of a mob mentality in any given jurisdiction and any given time.

- Fourth, by ceding to state and local entities the possibility of vetoing at any moment the federal government's exercise of a power vested in the federal government by the U.S. Constitution, this bill would make it impossible for the federal government to plan the resettlement of refugees in a coherent way.

- Last, refugees have freedom of movement so this provision would not prevent them from setting in the community of their choosing. What this provision could result in, however, is the eventual resettlement of refugees in communities without the benefit of support and available resources. That would be detrimental both to their successful integration as well as detrimental to the communities receiving them.

Section 10. Benefit Fraud Assessment

Description:
Section 10 of the Act would require USCIS's Fraud Detection and National Security Directorate (hereafter in this analysis referred to as "FDNS") to complete a study on the processing of refugees by USCIS, including an identification of the most common ways fraud occurs in such processing and recommendations for the prevention of such fraud. The Section further requires the Directorate to submit a report of the study to the Judiciary Committees of the House and Senate.

Section 11. Document Fraud Detection Program

Description:
Section 11 of the Act would require DHS to establish a program for detecting the use of fraudulent documents in refugee processing. The Section would require that the program include—

- placement of FDNS officials at initial refugee screening on conjunction with the resettlement agency and with the authority to put a refugee application on hold until fraud or national security concerns are resolved; and

- the creation of a searchable database of scanned and categorized documents proffered by applicants at initial refugee screening to allow the discovery of fraud trends and random translation verification within such documents.

Analysis:
USCIS procedures already include robust anti-fraud measures as well as robust national security screening. In addition, USCIS is constantly improving its processes as new technologies become available.

USCIS already places cases on hold whenever needed, and USCIS has the authority to exercise discretion to deny a case when DHS (or any of the national security, intelligence and law enforcement agencies involved in vetting) are not satisfied with the information available on a case.

The language in this provision is imprecise in its description of new measures for "placement of USCIS Fraud Detention and national Security officials at initial refugee screening in conjunction with the resettlement agency" Does this mean USCIS officers would be present at Resettlement Support Centers refugee resettlement case files are prepared for review by the US? Such broad sweeping new requirements in a program that already has quite robust fraud prevention and security processes could be so burdensome as to create prolonged delays, while refugees' lives continue to be in danger.

Section 12. Recording of Interviews to Protect Refugees and Prevent Fraud

Description:
Section 12 of the Act would require that all USCIS interviews of potential refugee applicants be digitally recorded, that a random selection constituting 20 percent of such interviews be reviewed to determine if the interpreter correctly interpreted the interview, that no applicant who has been randomly selected may have their case adjudicated until a review of the accuracy of the translation be made, and that interpreters who do not accurately translate during the interviews be barred from serving as an interpreter for immigration purposes in the future.

Analysis:
While there is no objection to a process to ensure that interpreters are doing so accurately, there are several potential problematic aspects of this Section.

First, 20 percent of the annual interview caseload would constitute a large number. Conducting a review of this many recordings could be both costly and time consuming. The bill makes no provision for hiring additional personnel or authorizing additional funds to deal with the increased time.

Second, the requirement that an interpreter be barred from future immigration work if the interpretation was judged inaccurate might be a bit harsh, given normally occurring differences in interpretations. . It is not clear what "de minimis" would mean in this context; "material" would be a better standard. These interviews often go on for hours and maintaining quality of interpretation—even with a good interpreter—can be a challenge.

Third, the requirement that a refugee be re-interviewed in cases where an interpreter is judged to have been inaccurate could result in an unnecessary and burdensome delay in adjudications, particularly if the inaccuracy was not material to the applicant's refugee claim. Yet the Section makes no differentiation between an error that is material to the refugee claim and one that is not material to the claim.

Section 13. Limitation on Qualification as a Refugee

Description:
Section 13 of the Act would amend the definition of a refugee to provide that a person may not be considered a refugee solely or in part because the person is displaced due to, or is fleeing from, violence in the country if that violence is not specifically directed at the person or, if it is directed specifically at the person, it is not directed at the person on account of the person's race, religion, nationality, membership in a particular social group, or political opinion.

Analysis:
This provision would contradict the long-established understanding in refugee law that while an applicant needs to present a particularized claim of persecution or a well-founded fear of persecution, he/she does not need to prove that he/she would be "singled out" for persecution.

This change would have nonsensical results in refugee cases, including for applicants who are fleeing some of the worst and most widespread forms of harm. A Syrian family who fled after surviving a chemical attack directed against their whole community by their government because the area where they lived was seen as supporting the opposition would have a particularized claim of persecution on account of imputed political opinion, but under Section 13, each member of the family would be required to show that that state violence was "directed specifically at" him or her. It is quite unclear what that would mean—armies that gas civilians in their homes are directing that violence at those civilians generally based on who they are or who they are perceived to be as a group—they do not care (in any sense) about them as individuals. Similarly Iraqi Kurds gassed by Saddam Hussein, or Rwandan Tutsis massacred when the church in which they were hiding was set on fire—targeted, but not targeted specifically as individuals.

Section 14. Security Requirements for Refugees

Description:
Section 14 of the Act would require that prior to admitting a refugee to the United States, the Secretary shall ensure that the alien does not pose a threat to the national security of the United States based on a background check that the Secretary conducts, which includes a review of the alien's open source interactions on and posting of material to the Internet (including social media services).

Analysis:
U.S. defense and national security agencies have the flexibility they need to adapt screening processes based on evolving circumstances. Specific Congressional mandates such as this are not helpful and have the potential to slow down or halt an already extremely thorough and lengthy process.

Section 15. GAO Report on U.S. Refugee Admissions Program

Description:
Section 15 of the Act would require the Government Accountability Office (GAO) to conduct a study and issue a report to Congress on the security of the U.S. Refugee Admissions Program, the Federally-funded programs for which aliens admitted under the program are eligible, and the extent to which refugees

participate in such programs. The GAO would have be required to issue the report not later than 18 months after the date of enactment of the Act.

With respect to the elements of the report relating to the security of the Refugee Admissions Program, the GAO would be required to examine how the U.S. government conducts security screening and background checks, how the U.S. government determines whether applicants are eligible for refugee resettlement and admissible to the United States, and the number of individuals who were admitted to the United States as refugees and subsequently convicted as a result of a terrorism-related investigation by the U.S. government since fiscal year 2006.

Analysis:
A GAO report into the refugee resettlement program should be focused on other data points – such as refugee self-sufficiency, employment, and integration outcomes.