

Congress of the United States
Washington, DC 20515

November 22, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable John Kerry
Secretary
Department of State
Washington, D.C. 20520

Dear Secretaries Johnson and Kerry:

On November 11, a press report surfaced disclosing that the United States Government was finalizing a deal with Australia in which the United States would take refugees located on certain Pacific island nations that Australia has refused to admit. Congress learned, through the media, that 1,800 migrants interdicted before reaching Australia's shores, could be transferred from detention facilities in Papua New Guinea and Nauru to U.S. soil.

Upon requesting confirmation of the news report, our staffs were briefed by officials from U.S. Citizenship and Immigration Services and the State Department's Bureau of Population, Refugees and Migration. Officials from your departments confirmed that an agreement between the U.S. and Australia has been signed by a representative of the State Department, that the United Nations High Commissioner for Refugees (UNHCR) would refer individuals for resettlement to the United States, and that interviews and operations would begin almost immediately.

Your employees reported that 2,465 individuals currently reside in detention facilities in Papua New Guinea and Nauru. When asked how many of the 2,465 individuals in the detention facilities the U.S. agreed to consider for resettlement in the U.S., the briefers said that number was **classified**.

However, your employees confirmed that the individuals being detained and who will be eligible to seek resettlement are largely from the following countries:

- Iran
- Stateless
- Sri Lanka
- Pakistan
- Afghanistan
- Somalia
- Iraq
- Sudan

This situation is concerning for many reasons. First, your departments negotiated an international agreement regarding refugees without consulting or notifying Congress. Such information was not disclosed to Congress during the annual refugee consultation that occurred on September 13, 2016, even though your staff confirmed that the agreement had, at the time, been negotiated “for months.” Second, the agreement and the number of refugees to be resettled has been deemed by your departments as classified, thus the American people are left in the dark as to the rationale for this agreement. Third, the individuals who will be resettled are coming from countries of national security concern. In fact, two of the countries are officially designated by the State Department to be State Sponsors of Terrorism. Finally, it begs the question why Australia and other countries refuse to admit these individuals, what other countries are doing to help alleviate the situation, what kind of precedent this sets for future refugees interdicted at sea by Australian forces and prevented from entering Australia, and how a similar situation will be prevented in the future.

We appreciate the offer to provide a classified briefing on the matter, but we also firmly believe the American people should be fully aware of the specific details of this agreement and why it was done in secret. We ask that you immediately make the agreement available to members of the House of Representatives and the Senate, and we ask for your cooperation to better understanding every aspect of this resettlement agreement.

Sincerely,



Charles E. Grassley
Chairman, Committee on the Judiciary
U.S. Senate



Bob Goodlatte
Chairman, Committee on the Judiciary
U.S. House of Representatives