

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

EXODUS REFUGEE IMMIGRATION, INC., )  
)  
Plaintiff, )  
)  
v. )  
) Civil Action No. 1:15-cv-1858-TWP-DKL  
MIKE PENCE, in his official capacity as )  
Governor of the State of Indiana, JOHN )  
WERNERT, M.D, in his official capacity as )  
the Secretary of the Indiana Family and Social )  
Services Administration, )  
)  
Defendants. )  
\_\_\_\_\_ )

**DECLARATION OF JANET NAPOLITANO**

I, JANET NAPOLITANO, hereby declare as follows:

1. I was the U.S. Secretary of Homeland Security from 2009 to 2013. Prior to my service as the head of the U.S. Department of Homeland Security, I was the Governor of Arizona (from 2003 to 2009), Attorney General of Arizona (from 1999 to 2003), and U.S. Attorney for the District of Arizona (from 1993 to 1997). I have extensive knowledge of U.S. national security and foreign relations interests relating to refugee resettlement. Except where otherwise noted, I make this declaration based upon my personal knowledge.

2. I have personal knowledge of the U.S. process for refugee resettlement. Refugees who have been admitted to the United States have passed through the highest levels of scrutiny from a law enforcement and national security perspective.

3. As an initial matter, only refugees who have been identified as the most vulnerable—particularly survivors of violence and torture, those with severe medical conditions, and women and children—are permitted even to begin the U.S. screening process. These most vulnerable of refugees are identified for consideration by the United

States through a screening process conducted by the United Nations High Commissioner for Refugees (UNHCR). The UNHCR collects identification documents, biographical data, and biometrics, including iris scans for Syrians and other refugee populations in the Middle East, and interviews applicants to confirm their refugee status and the need for resettlement. Only applicants who are strong candidates for resettlement move forward (less than 1% of global refugee population). Typically the UNHCR process occurs in a country to which the refugee has fled for safety. In the case of Syrian refugees, most are currently screened for resettlement while living temporarily in Jordan, Lebanon, or Turkey.

4. The U.S. refugee screening process takes an average of 18 to 24 months to complete and it takes place while the refugee is still outside the United States.

5. Once a candidate for U.S. resettlement is identified, he or she is subjected to biographic and biometric security reviews based on the latest intelligence from the U.S. Department of Homeland Security (DHS), the National Counterterrorism Center, the FBI's Terrorist Screening Center, the U.S. Department of State, and the U.S. Department of Defense.

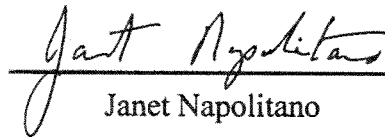
6. After clearing security checks by all of the foregoing agencies, the candidate is personally interviewed by specially trained DHS personnel to ensure that they are qualified to be admitted to the United States as a refugee.

7. After the personal interview, the candidate is subjected to recurrent vetting up to the final point of departure. The candidate is then again subjected to a final interview at the point of entry before being admitted to the United States.

8. On November 19, 2015, I submitted a letter with former U.S. Secretary of Homeland Security Michael Chertoff to President Barack Obama stating my informed view that the continued resettlement of refugees pursuant to the screening process described above is fully consistent with U.S. national security interests. A true and correct copy of that letter is attached hereto as Exhibit A.

I hereby declare that the foregoing is true and correct under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed at Oakland, California, this 22<sup>nd</sup> day of January, 2016.

  
Janet Napolitano

# Exhibit A

November 19, 2015

The Honorable Barack Obama  
President of the United States  
The White House  
Washington, D.C. 20500

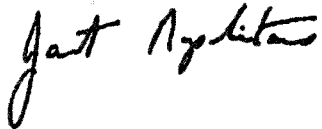
Dear Mr. President:

Following the creation of the Department of Homeland Security, substantial progress has been made in protecting our nation's homeland. The ongoing efforts by our national security experts have provided tools and resources to make a coordinated attack like the one in Paris last week much more difficult to achieve here at home. As a nation, we have strengthened security at our air, land, and sea ports; we have strengthened the ability to monitor the travel of bad actors and detect fraud in our visa process; we have strengthened partnerships with state and local law enforcement across the nation to ensure that they are prepared; and we have engaged with minority and ethnic communities to prevent homegrown radicalization.

As former Secretaries of the U.S. Department of Homeland Security, it is our view that the American people are safer due to these efforts, but the Paris attacks remind us that we must remain ever-vigilant in this effort and that the highest priority of our government is to keep American's safe. It is our view that we can achieve this mission in a manner that is consistent with American values of openness and inclusiveness. With respect to refugees seeking to resettle here, it is our view that we can admit the most vulnerable of these refugees into this country safely as long as we do not compromise the already established protections. The process for any refugee seeking entry to the United States requires the highest level of scrutiny from a law enforcement and national security perspective. The process takes place while the refugees are still overseas, and it is lengthy and deliberate – taking an average of 18-24 months with no waiver of any steps. First, we consider only the most vulnerable -- particularly survivors of violence and torture, those with severe medical conditions, and women and children – for potential admittance to the U.S. Once a candidate is selected they are subjected to biographic and biometric security reviews based on the latest intelligence from the Department of Homeland Security (DHS), the National Counterterrorism Center, the FBI's Terrorist Screening Center, the Department of State, and the Department of Defense. If they pass these national security checks, they will then be personally interviewed by specially trained DHS personnel to ensure they are qualified for admittance. They are then subjected to recurrent vetting up to the final point of departure and a final interview at the border before being admitted into the U.S.

The 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. Fortunately, these goals are not mutually exclusive.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Napolitano". The signature is fluid and cursive, with the first name "Janet" written in a larger, more prominent script than the last name "Napolitano".

Janet Napolitano  
Former Secretary (2009-2013)  
Department of Homeland Security

A handwritten signature in black ink, appearing to read "Michael Chertoff". The signature is highly stylized and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Chertoff".

Michael Chertoff  
Former Secretary (2005-2009)  
Department of Homeland Security