

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 RYAN C. CROCKER

I, RYAN C. CROCKER, hereby declare as follows:

1. I am a former high-ranking member of the diplomatic corps of the United States. Since retiring from the U.S. Foreign Service in 2012, I have been in academia, specializing in the field of foreign affairs and government. I am currently a resident of Bryan, Texas. Except where otherwise noted, I make this declaration based upon my personal knowledge.

2. I have deep knowledge of U.S. national security and foreign relations interests relating to refugee resettlement, with particular experience in the Middle East and Central Asia regions. I have served in the following positions: U.S. Ambassador to Afghanistan from 2011 to 2012, U.S. Ambassador to Iraq from 2007 to 2009, U.S. Ambassador to Pakistan from 2004 to 2007, U.S. Ambassador to Syria from 1998 to 2001, U.S. Ambassador to Kuwait from 1994 to 1997, and U.S. Ambassador to Lebanon from 1990 to 1993. I served as Deputy Assistant Secretary of State for Near Eastern Affairs from August 2001 to May 2003. From May to August 2003, I served as the first



resettled to the United States. That process includes multiple interviews and extensive security clearance inquiries. Refugees are interviewed abroad by U.S. Department of Homeland Security officers before they are approved for resettlement. Extensive security vetting is conducted, including through multiple U.S. intelligence and law enforcement agencies. This process is described in the letter, attached as Exhibit A, sent by Department of Homeland Security Secretary Jeh C. Johnson and Secretary of State John F. Kerry to the Governor of Massachusetts and published in the Boston Globe.

8. Current and former homeland security and national security officials have confirmed that the U.S. vetting process for resettling refugees—including Syrian and Iraqi refugees—is the most stringent vetting process applied to any category of travelers to the United States. This is consistent with my knowledge of the program. A bipartisan group of former high-level U.S. national security officials recently signed on to a statement to Members of Congress stating as follows: “The process that refugees undergo in order to be deemed eligible for resettlement in the United States is robust and thorough. They are vetted more intensively than any other category of traveler, and this vetting is conducted while they are still overseas. Those seeking resettlement are screened by national and international intelligence agencies; their fingerprints and other biometric data are checked against terrorist and criminal databases; and they are interviewed several times over the course of the vetting process, which takes 18-24 months and often longer.” This group of former officials included: Former Secretaries of Homeland Security Michael Chertoff and Janet Napolitano, Former National Security Advisor Stephen Hadley, Former CIA Directors General Michael Hayden, U.S. Air Force (Ret.) and General David Petraeus, U.S. Army (Ret.), and Former Secretaries of State Madeleine Albright and Henry Kissinger. A complete copy of their statement is attached hereto as Exhibit B.

9. The United States resettles Syrian refugees who have been identified as being the most vulnerable. I am informed and believe that they are overwhelmingly

provide refuge to those fleeing violence and persecution without compromising the security and safety of our nation. To do otherwise would be contrary to our nation's traditions of openness and inclusivity, and would undermine our core objective of combating terrorism." They also noted in that letter, "resettlement initiatives help advance U.S. national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees." *See* Exhibit B. U.S. leadership on resettlement will also encourage other countries, including countries in the Middle East, to do more.

13. Moreover, denying refuge to Syrians fleeing horror and violence in the Middle East is a counterproductive response in terms of U.S. national security. In fact, ISIL is looking for proof that the West stands against Arabs and Muslims. As the bipartisan group of former top national security officials wrote: "Refugees are victims, not perpetrators, of terrorism. Categorically refusing to take them only feeds the narrative of ISIS that there is a war between Islam and the West, that Muslims are not welcome in the United States and Europe, and that the ISIS caliphate is their true home. We must make clear that the United States rejects this worldview by continuing to offer refuge to the world's most vulnerable people, regardless of their religion or nationality."

14. After the fall of Saigon, the United States welcomed more than a million Vietnamese refugees, who quickly earned a reputation for achievement. Syrians would do likewise. I served as U.S. Ambassador to Syria for three years. I know how highly Syrians value hard work and education. They are precisely the people I would want living next door to me and attending my children's schools.

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

Executed at Bryan, TX this 25th day of January, 2016.

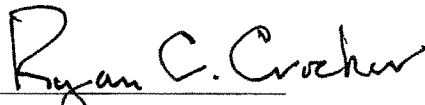

Ryan C. Crocker

EXHIBIT A



November 20, 2015

The Honorable Charlie Baker
Governor
Commonwealth of Massachusetts
State House
Office of the Governor, Room 281
Boston, MA 02133

Dear Governor Baker:

In response to ongoing discussions by governors across the country regarding our refugee resettlement program, we would like to describe for you in detail the rigorous security vetting process refugee applicants undergo, particularly as it pertains to the population of refugees fleeing from the conflict in Syria.

In short, the security vetting for this population—the most vulnerable of individuals—is extraordinarily thorough and comprehensive. It is the most robust screening process for any category of individuals seeking admission into the United States. The process is multi-layered and intensive, involving multiple law enforcement, national security, and intelligence agencies across the Federal Government. Additional precautions have been added with regard to Syrian refugees. We continually evaluate whether more precautions are necessary.

Today, the world faces an unprecedented outpouring of more than four million refugees from Syria, presently in Turkey, Lebanon, Jordan, Iraq, Egypt, Europe, and beyond. A number of nations, including our closest allies, have pledged to share some of this responsibility and accept Syrian refugees into their borders. For example, the new government of our neighbor to the north, Canada, has pledged to accept 25,000 Syrian refugees this calendar year. President Hollande of France, while his country reels from the terrorist attacks of last week, subsequently reiterated his nation's commitment to accepting Syrian refugees.

Meanwhile, our Government has pledged to increase the number of Syrian refugees we will accept, from approximately 1,682 last fiscal year to at least 10,000 this fiscal year. This represents a modest commitment by our Government to accept less than one percent of the approximately four million Syrian refugees in the world.

Further, it is important to note that the overwhelming majority of Syrian refugees we have accepted and will accept are families, victims of torture, and children. We have prioritized the most vulnerable of Syrian refugees for resettlement—which means those who are the principal victims of the violence perpetrated by both the Assad regime and ISIL in Syria. A very small proportion of these refugees have been or will be adult males who are not accompanied by children nor joining family in the U.S., and those adult males who are accepted will generally be especially vulnerable individuals, such as survivors of torture, LGBT individuals, or those with disabilities.

A refugee applicant cannot be approved for travel and admission to the United States until all required security checks have been completed and cleared. Bottom line—under the current system, if there is doubt about whether an applicant would pose a security risk, that individual will not be admitted to the United States as a refugee. Below is a detailed description of the process for vetting refugees.

First, many candidates for refugee resettlement in the United States are interviewed by the United Nations High Commissioner for Refugees (UNHCR) to determine whether they meet the definition of refugee—i.e., persons who have been persecuted, or have a well-founded fear of persecution, based on political opinion, social group, race, religion, or nationality.

In the interview, UNHCR identifies any “red flags” which would render individuals ineligible for resettlement under our laws and security protocols. UNHCR also screens applicants to determine whether they fall within the priorities the United States has established for resettlement—those refugees who are deemed most vulnerable. Examples of priority profiles include families, unaccompanied children, victims of torture, and individuals with family ties in the United States.

Second, a refugee applicant is referred by the UNHCR to the United States along with a package of information. At that point, the State Department takes over the process. Resettlement support centers, operated by faith-based and international organizations contracting with the State Department, first interview the applicant to confirm information about the case and collect any identification documents and aliases used by the refugee applicants and initiate security checks, which are exclusively conducted by the U.S. Government. These interviews provide the U.S. Government a very useful tool for gathering information about a potential refugee that may not already exist in a database.

For every single refugee applicant, the Department of State conducts biographic checks of the refugee's primary name and any aliases against its Consular Lookout and Support System database (CLASS). CLASS includes watchlist information from the Terrorist Screening Database (TSDB), the Drug Enforcement Agency, the FBI's Terrorist Screening Center and Interpol, including criminal history, immigration history, and records of any prior visa applications submitted by the applicants. Significantly, for individuals meeting certain criteria, the Department of State also requests a Security Advisory Opinion name check against law enforcement and intelligence databases. In addition, the Department of State initiates an interagency check against intelligence community holdings, including the National Counterterrorism Center. These enhanced biographic checks are conducted for all refugee applicants within a designated age range, regardless of nationality. This vetting occurs throughout the process.

Third, refugee applicants screened by the Department of State are then referred to the United States Citizen and Immigration Services (USCIS) at the Department of Homeland Security (DHS), where USCIS oversees rigorous refugee status interviews and additional security vetting. Security checks are an integral part of this process.

USCIS collects biometric information, consisting of fingerprints, for each refugee applicant, ages 14 to 79. USCIS coordinates the screening of refugee applicant fingerprints against the vast biometric holdings of the Federal Bureau of Investigation's Next Generation Identification system, and DHS's Automated Biometric Identification System (IDENT). Through IDENT, applicant fingerprints are screened not only against watchlist information, but also for previous immigration encounters in the United States and overseas—including, for example, cases in which the applicant previously applied for a visa at a U.S. embassy.

Working with the Department of Homeland Security, the Department of Defense augments biometric screening on refugee applicants of all nationalities who fall within the prescribed age ranges by checking the fingerprints of refugee applicants against their own database.

At the same time, a team of highly-trained USCIS refugee officers is responsible for personally conducting the refugee status interviews. These officers undergo five weeks of specialized and extensive training that includes comprehensive instruction on all aspects of the job, including refugee law, grounds of inadmissibility, fraud detection and prevention, security protocols, interviewing techniques, credibility analysis, and country conditions research.

Before deploying overseas, officers also receive additional weeks of pre-departure training, which focuses on the specific population that they will be interviewing, detailed country of origin information, and updates on any fraud trends or security issues that

have been identified. Officers conducting interviews of Syrian applicants now undergo an additional one-week training focusing on Syria-specific topics, including classified intelligence briefings.

USCIS has officers providing intelligence-driven support to adjudicators to identify threats and lines of inquiry, as well as watchlisting and dissemination of intelligence information reports on applicants determined to present national security threats. Every officer's decision, whether it is to approve or deny a refugee's application, is reviewed by a supervisor. Refugee status is granted by USCIS only after supervisory review, once the application is deemed complete. Applications are often placed on hold until supplemental information is obtained.

Fourth, before an approved refugee arrives in the United States, U.S. Customs and Border Protection (CBP) at DHS receives a manifest of all refugees who have prior approval to travel to the United States. CBP receives this manifest eight days before a refugee's scheduled travel. The agency performs initial vetting before they arrival at a Port of Entry, then conducts additional background checks of these subjects upon arrival.

Fifth, and finally, the Department of State and the Department of Health and Human Services work together to determine an appropriate resettlement site in the United States, transport the refugee, and provide services to help the refugee make the transition to self-sufficiency and become contributing members of the community.

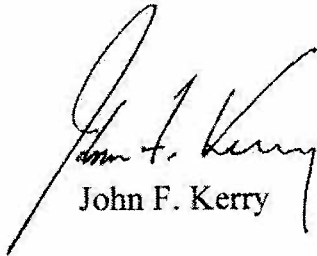
We want to emphasize that no one has a right to be resettled in the United States as a refugee. All refugees, including Syrians, may only be admitted the United States after USCIS receives all the security checks run by the intelligence and law enforcement communities and all issues are resolved. With every refugee application, the burden of proof is on the applicant—the refugee must show that he or she qualifies for refugee status. The law requires the applicant to provide information that establishes their identity and allows us to assess whether they present a security risk to the country. If the expert screener fails to be satisfied on either score, the applicant will not be resettled in the United States.

Our multi-agency system for vetting refugees is strong, and it has been significantly enhanced over the past few years. Indeed, applicants for refugee admission are screened more carefully than any other type of traveler to the United States. We have tremendous faith in this system's ability to detect, investigate, and disrupt terrorist plotting in this country, as it has done repeatedly. With these measures in place, we believe that we are able to both protect the American people and maintain this Nation's long standing position as the world's beacon of hope and freedom.

The Honorable Charlie Baker
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Our highest priority is the protection of the American people. We look forward to continuing to work with you to ensure our Nation lives up to its humanitarian heritage while keeping the American people safe.

Sincerely,



John F. Kerry



Jeh Charles Johnson

EXHIBIT B

December 1, 2015

Dear Senator/Representative,

We write to express our opposition to proposals that would effectively halt the resettlement of Syrian and Iraqi refugees in the United States following the terrorist attacks in Paris. We believe that America can and should continue to provide refuge to those fleeing violence and persecution without compromising the security and safety of our nation. To do otherwise would be contrary to our nation's traditions of openness and inclusivity, and would undermine our core objective of combating terrorism.

The process that refugees undergo in order to be deemed eligible for resettlement in the United States is robust and thorough. They are vetted more intensively than any other category of traveler, and this vetting is conducted while they are still overseas. Those seeking resettlement are screened by national and international intelligence agencies; their fingerprints and other biometric data are checked against terrorist and criminal databases; and they are interviewed several times over the course of the vetting process, which takes 18-24 months and often longer.

Given the stringent measures in place, we are especially concerned by proposals that would derail or further delay the resettlement of Iraqis who risked their lives to work with the U.S. military and other U.S. organizations. These refugees were given priority access to U.S. resettlement under the Refugee Crisis in Iraq Act. The United States has a moral obligation to protect them.

We must remain vigilant to keep our nation safe from terrorists, whether foreign or homegrown, and from violence in all its forms. At the same time, we must remain true to our values. These are not mutually exclusive goals. In fact, resettlement initiatives help advance U.S. national security interests by supporting the stability of our allies and partners that are struggling to host large numbers of refugees.

Refugees are victims, not perpetrators, of terrorism. Categorically refusing to take them only feeds the narrative of ISIS that there is a war between Islam and the West, that Muslims are not welcome in the United States and Europe, and that the ISIS caliphate is their true home. We must make clear that the United States rejects this worldview by continuing to offer refuge to the world's most vulnerable people, regardless of their religion or nationality.

Sincerely,

(Names in alphabetical order)

Madeleine K. Albright
Former Secretary of State

Samuel R. Berger
Former National Security Advisor

Zbigniew Brzezinski
Former National Security Advisor

General George W. Casey, Jr., U.S. Army (Ret.)
Former Chief of Staff, U.S. Army

Henry A. Kissinger
Former Secretary of State
Former National Security Advisor

General Richard B. Myers, U.S. Air Force (Ret.)
Former Chairman, Joint Chiefs of Staff

Janet A. Napolitano
Former Secretary of Homeland Security

Leon E. Panetta
Former Secretary of Defense
Former Director, Central Intelligence Agency

Michael Chertoff

Former Secretary of Homeland Security

William S. Cohen

Former Secretary of Defense

Stephen J. Hadley

Former National Security Advisor

Chuck Hagel

Former Secretary of Defense

General Michael V. Hayden, U.S. Air Force (Ret.)

Former Director, Central Intelligence Agency

General James L. Jones, U.S. Marine Corps (Ret.)

Former National Security Advisor

Former NATO Supreme Allied Commander

Former Commandant of the Marine Corps

General David H. Petraeus, U.S. Army (Ret.)

Former Director, Central Intelligence Agency

Former Commander, U.S. Central Command

William J. Perry

Former Secretary of Defense

Brent Scowcroft

Former National Security Advisor

George P. Shultz

Former Secretary of State

Admiral James G. Stavridis, U.S. Navy (Ret.)

Former NATO Supreme Allied Commander

Former Commander, U.S. Southern Command

General John W. Vessey, Jr., U.S. Army (Ret.)

Former Chairman, Joint Chiefs of Staff

