

**DOCUMENTS REGARDING EXECUTIVE ORDERS 15-07 and 16-01**

**“PROTECTING KANSAS FROM TERRORISM”**

Item

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EXECUTIVE ORDER 15-07

Protecting Kansas From Terrorism

WHEREAS, the well-being of the State of Kansas and its citizens is threatened by the scourge of international terrorism; and

WHEREAS, Kansas locations previously have been targeted for terrorist acts of violence, and the perpetrators have been apprehended and prosecuted; and

WHEREAS, the recent terror attacks in Paris have heightened concerns about protecting Kansas and ensuring the safety and security of our citizens; and

WHEREAS, the terrorist perpetrators of the Paris attacks appear to have ties to the Syrian refugee population; and

WHEREAS, I have concluded that the admission of Syrian refugees to the State of Kansas presents an unacceptable risk to the safety and security of the State of Kansas.

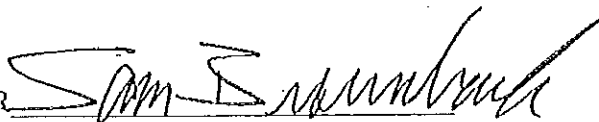
NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order and direct as follows:

No department, commission, board, or agency of the government of the State of Kansas shall aid, cooperate with, or assist in any way the relocation of refugees from Syria to the State of Kansas. This Order includes, but is not limited to, the Kansas Refugee Program, the Refugee Resettlement Program, and the Refugee Social Service Program administered within the Kansas Department for Children and Families, and the Kansas Refugee Preventive Health Program administered within the Kansas Department of Health and Environment. Furthermore, this Order also includes the funding or administration of any grant program under the authority of the State of Kansas.

This document shall be filed with the Secretary of State as Executive Order No. 15-07 and shall become effective immediately.

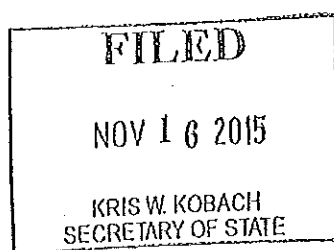
THE GOVERNOR'S OFFICE

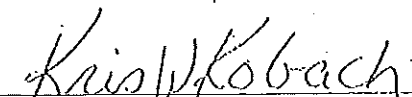
BY THE GOVERNOR



DATED

Nov 16, 2015



  
Secretary of State

  
Asst. Secretary of State

Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

### EXECUTIVE ORDER 16-01

#### Protecting Kansas From Terrorism

WHEREAS, the well-being of the State of Kansas and its citizens continues to be threatened by the scourge of international terrorism; and

WHEREAS, Kansas locations previously have been targeted for terrorist acts of violence, and the perpetrators have been apprehended and prosecuted; and

WHEREAS, recent terror attacks in Paris and San Bernardino have heightened concerns about protecting Kansas and ensuring the safety and security of our citizens; and

WHEREAS, the terrorist perpetrators of the Paris attacks had ties to refugee populations; and

WHEREAS, we have learned just this week of federal charges filed in Texas and California against terrorist operatives that entered the United States as refugees; and

WHEREAS, I have concluded that the admission of some refugees to the State of Kansas presents an unacceptable risk to the safety and security of the State of Kansas, and thus State government must take action to ensure that it does not assist in the relocation of such refugees to Kansas from anywhere in the world; and

WHEREAS, Kansas should and will remain welcoming to refugees as to which we can be assured there is no risk to the safety and security of our citizens.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order and direct as follows:

No department, commission, board, or agency of the government of the State of Kansas shall aid, cooperate with, or assist in any way the relocation of refugees that present a safety and security risk to the State of Kansas, until such time as an adequate vetting process is in place with adequate assurances to the State. This Order includes, but is not limited to, the Kansas Refugee Program, the Refugee Resettlement Program, and the Refugee Social Service Program administered within the Kansas Department for Children and Families, and the Kansas Refugee Preventive Health Program administered within the Kansas Department of Health and Environment. Furthermore, this Order also includes the funding or administration of any grant program under the authority of the State of Kansas.

Executive Order 15-07 dated November 16, 2015, is hereby rescinded and replaced with this Executive Order 16-01. This document shall be filed with the Secretary of State as Executive Order No. 16-01 and shall become effective immediately.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

Sam Sunback

DATED

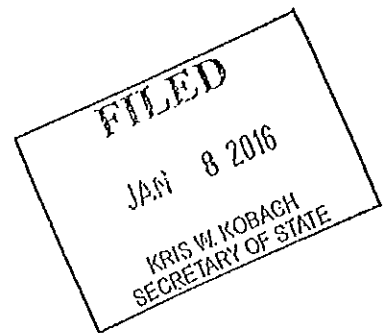
January 8, 2016

Kris W. Kobach

Secretary of State

Dessie Talafem

Asst. Secretary of State



STATE OF KANSAS  
OFFICE OF THE GOVERNOR

RE: Guidance on Executive Order 16-01 "Protecting Kansas From Terrorism"

DATE: February 18, 2016

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In connection with the application of Executive Order 16-01 (the "Order"), State agencies taking action based on the Order should be mindful of the following:

- The State of Kansas has specifically requested, from multiple agencies and levels of the federal government, access to all documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas. There has been no response to these requests, which were made directly to The White House, the Department of State, the Department of Homeland Security, and the Office of Refugee Resettlement. The Order requires an "adequate vetting process" with "adequate assurances to the State," and agencies may cite these facts in furtherance of any actions taken pursuant to the Order. Note: If new refugees from other places of origin are relocated to Kansas and are deemed to present a safety and security risk pursuant to the Order, the State will renew these requests if necessary.
- In determining whether a particular refugee should be deemed to present a safety and security risk pursuant to the Order, State agencies may rely on the United States Department of State official list of countries determined to be state sponsors of terrorism. This list is available at: <http://www.state.gov/j/ct/list/c14151.htm>. Currently, there are three countries designated to the list: Iran, Sudan, and Syria. These countries have been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism, and are already subject to numerous sanctions imposed by the federal government.



November 20, 2015

The Honorable Sam Brownback  
Governor  
State of Kansas  
Capitol, 300 SW 10th Avenue,  
Suite 241S  
Topeka, KS 66612

Dear Governor Brownback:

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.

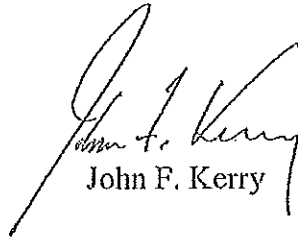
We want to emphasize that no one has a right to be resettled in the United States as a refugee. All refugees, including Syrians, may only be admitted the United States after USCIS receives all the security checks run by the intelligence and law enforcement communities and all issues are resolved. With 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 Sam Brownback  
Page 5

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



Jeff Charles Johnson



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 370 L'Enfant Promenade, S.W., Washington, DC 20447  
[www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

## Resettlement of Syrian Refugees

DCL-16-02

Date: November 25, 2015

Dear Colleague,

The Office of Refugee Resettlement (ORR) remains committed to serving some of the world's most vulnerable people, those seeking refuge in the United States. ORR's role, which is a collaborative effort with you, the states, local governments, resettlement agencies and community-based organizations, is to help refugees achieve economic self-sufficiency and integration as quickly as possible after they arrive in the United States so they can begin new lives free from war, persecution and conflict.

We appreciate the continued strong commitment that many state and local leaders have expressed for the U.S. resettlement program and pledge to work with all states implementing the President's plan to resettle at least 10,000 Syrian refugees in the United States in FY 2016.

ORR is aware that state and local leaders, including some governors, have expressed concern about the resettlement of Syrian refugees in their states. In light of these concerns, we note that the resettlement process begins with the work of our federal agency partners in screening and vetting refugees. All refugees are subject to the highest level of security checks of any category of traveler to the United States, a multi-layered and intensive screening and vetting process involving multiple law enforcement, national security, and intelligence agencies across the Federal Government. Syrian refugees are subject to even more precautions than other refugees. It is the most robust screening process for any category of individuals seeking admissions into the United States, and it is only after admission that ORR and our partners in resettlement begin our work.

The Refugee Act of 1980 requires states to provide "assistance and services . . . to refugees without regard to race, religion, nationality, sex, or political opinion." 8 U.S.C. §1522(a)(5). Through the state plan process, states and ORR agree on the resettlement activities in each state. Consistent with the Refugee Act, state plans must include an assurance that "assistance and services funded under the plan will be provided to refugees without regard to race, religion, nationality, sex, or political opinion." 45 CFR §400.5(g). States must certify that their state plan is current and continues in effect each fiscal year. See 45 CFR §400.4.

States that continue to use ORR funding must ensure that assistance and services are delivered without regard to race, religion, nationality, sex, or political opinion. States may not deny ORR-funded benefits and services to refugees based on a refugee's country of origin or



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of Refugee Resettlement | 370 L'Enfant Promenade, S.W., Washington, DC 20447  
[www.acf.hhs.gov/programs/orr](http://www.acf.hhs.gov/programs/orr)

religious affiliation. Accordingly, states may not categorically deny ORR-funded benefits and services to Syrian refugees. Any state with such a policy would not be in compliance with the State Plan requirements, applicable statutes, and their own assurances, and could be subject to enforcement action, including suspension or termination. In addition to these authorities, Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, prohibits discrimination on the bases of race and national origin in all programs or activities that receive Federal financial assistance. Thus, it is not permissible to deny federally funded benefits such as Medicaid or TANF to refugees who otherwise meet the eligibility requirements.

ORR is committed to ensuring that all refugees receive the assistance and services vital to achieving their potential in the United States and becoming self-sufficient, integrated members of our communities. You play an important role in the refugee resettlement program. We will continue to consult with you closely in the implementation of the program and to allay any concerns you may have about the program. We look forward to continuing our partnership with you.

Sincerely,

Robert Carey, Director  
Office of Refugee Resettlement

THE WHITE HOUSE  
WASHINGTON

November 30, 2015

The Honorable Sam Brownback  
Governor  
State of Kansas  
300 SW 10th Avenue, Suite 212S  
Topeka, KS 66612

Dear Governor Brownback:

As part of our ongoing conversation with Governors across the country regarding the refugee resettlement program, I am writing today to follow up on a Governors call I hosted on November 17.

On the call and in follow up conversations and correspondence, we have provided Governors a detailed description of the process for vetting refugees and we continue to believe the security vetting for this population 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 and we continually evaluate whether more precautions are necessary.

Notwithstanding this thorough vetting process, I wanted to follow up on requests from Governors for more consistent and official communication from the Administration about the placement process.

To that end and given NGA's role as the collective voice of the nation's Governors on matters related to national policy, I am proposing establishing a new process through the NGA for the U.S. Department of State to accept individualized requests from Governors for more regular access to refugee resettlement information.

Upon receipt of a Governor's request, the State Department would compile a tailored report for the individual state submitting the request. The report would include information on refugees resettled during the prior month and fiscal year-to-date.

In addition, at the request of the Governor, the State Department would provide this information on a monthly recurring basis via a password protected website. The monthly report would include the total number of refugees resettled in the state broken down by nationality, age range and gender.

This proposal responds to Governors' input while protecting the privacy of refugee families.

Furthermore, the U.S. Department of State and the U.S. Department of Health and Human Services are prepared to brief Governors on the refugee resettlement process and to discuss working together to improve the program at NGA's next convening. Additionally, the Secretary of Homeland Security is prepared to work with NGA to provide further information to Governors on the refugee vetting process and to discuss options for enhanced collaboration.

Finally, enclosed with this letter is a brief overview of the resettlement process here in the United States, as well as contact information for points of contact within the key Federal agencies responsible for administering and supporting the refugee resettlement program.

We look forward to continuing to work with you to maintain this successful program that over the last four decades has made the United States a leader in welcoming refugees.

Sincerely,

A handwritten signature in dark ink, appearing to read "DMcDonough", with a stylized flourish at the end.

Denis R. McDonough  
Assistant to the President  
and White House Chief of Staff

## Overview of Domestic Resettlement Through the U.S. Refugee Admissions Program

Since 1975, Americans have welcomed over 3 million refugees from all over the world. Refugees have built new lives, homes and communities in towns and cities in all 50 states.

For refugees in the U.S. Refugee Admissions Program approved to be admitted to the United States, the International Organization for Migration, a State Department partner organization, arranges air travel to the United States. The Department of State works with nine domestic non-governmental organizations (NGOs) to facilitate the initial placement of refugees into U.S. communities and provide transitional assistance to each refugee or refugee family. Every week, representatives from these NGOs use information on refugees approved for admission to the United States, which is sent by U.S.-funded Resettlement Support Centers abroad, to determine where within the United States to resettle each refugee or refugee family.

In making this determination, the NGOs work to match the particular needs of each incoming refugee with the specific resources available in a local community. For instance, if a refugee has relatives in the United States, he/she is likely to be resettled near or with them. The nine NGOs, which maintain a nationwide network of 304 affiliated offices in 173 locations, also take into account factors such as language abilities in the community, and housing and labor market conditions in their areas of operation. In addition, the NGOs take into account views expressed in regular consultations with officials such as State Refugee Coordinators, State Refugee Health Coordinators, public health, school, social welfare and other service representatives. These officials are able to receive information on the resettlement program through these consultations, and basic data on refugee arrivals is also provided through the public website, [www.wrapsnet.org](http://www.wrapsnet.org).

As concerns support for resettled refugees, federal government funds, from the Department of State and Department of Health and Human Services (HHS), supplemented by funds and in-kind contributions from private sources help to cover transitional assistance for the initial months after arrival in the United States. Additionally, representatives of the non-governmental organizations welcome refugees at the airport, find safe and affordable housing, and provide a variety of other services to promote early self-sufficiency and cultural adjustment. This includes providing basic furnishings, clothing, food, assistance in applying for social security cards, registering children in school, helping refugees learn how to access public transportation and grocery stores, arranging medical appointments, and connecting refugees with employment, English language classes, and other services. HHS also works through the states and with NGOs to provide longer-term cash and medical assistance, as well as English language, employment, and social services.

Through the collaborative effort of several components of the federal government, a range of NGOs, including faith-based NGOs, countless everyday Americans, and state and local leaders all over the country, the U.S. Refugee Admissions Program has sustained decades of success in ensuring that refugees achieve their potential in the United States and become integrated members of our communities. Inquiries from state and local officials about the program and related procedures can be directed to Lawrence Bartlett, Director of Admissions in the State Department's Bureau of Population, Refugees, and Migration ([BartlettLE@state.gov](mailto:BartlettLE@state.gov)) or to Robert Carey, Director for the Office of Refugee Resettlement in the Department of Health and Human Service's Administration for Children and Families ([Robert.Carey@acf.hhs.gov](mailto:Robert.Carey@acf.hhs.gov)).

Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

December 31, 2015

Mr. Denis R. McDonough  
Assistant to the President & Chief of Staff  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Mr. McDonough:

Thank you for your correspondence dated November 30, 2015 regarding refugee resettlement. I am writing to follow up on the offer of additional information contained in that letter. It is my understanding that one or more refugees have been or are about to be relocated to Kansas from Syria. Notwithstanding Kansas Executive Order 15-07, which prevents state government from assisting in such relocations, the refugee resettlement organizations have demanded state government assistance, and the federal Office of Refugee Resettlement has threatened the state with alleged legal violations.

Your November 30 letter indicated that Governors could request a "tailored report" for their individual state to include "information on refugees resettled during the prior month and fiscal year-to-date." You also have indicated that these individuals are subject to "the most robust screening process for any category of individuals seeking admissions into the United States." Accordingly, I hereby request on behalf of the State of Kansas a copy of all such documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas since November 16, 2015. The state is prepared to enter into an appropriate agreement to maintain the confidentiality and security of these documents.

Although the State of Kansas appreciates the many assurances contained in your November 30 letter, along with those of Secretary Kerry and Secretary Johnson in their November 20 letter and the Office of Refugee Resettlement in its November 25 letter, we are also mindful of contradictory statements made by other federal officials. Your offer of additional information and production of the information requested herein should be helpful in confirming those assurances. Thank you for your attention to this request.

Sincerely,

Sam Brownback  
Governor of Kansas

cc: Sec. Kerry, Sec. Johnson



Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

December 31, 2015

The Honorable John Kerry  
Secretary of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Jeh Johnson  
Secretary of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528

Dear Secretary Kerry and Secretary Johnson:

Thank you for your correspondence dated November 20, 2015 regarding refugee resettlement.

It is my understanding that one or more refugees have been or are about to be relocated to Kansas from Syria. Notwithstanding Kansas Executive Order 15-07, which prevents state government from assisting in such relocations, the refugee resettlement organizations have demanded state government assistance, and the federal Office of Refugee Resettlement has threatened the state with alleged legal violations.

You have indicated that these individuals are subject to "the most robust screening process for any category of individuals seeking admissions into the United States." I hereby request on behalf of the State of Kansas a copy of all such documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas since November 16, 2015. The State is prepared to enter into an appropriate agreement to maintain the confidentiality and security of these documents.

Although the State of Kansas appreciates the many assurances contained in your November 20 letter, we are also mindful of contradictory statements made by other federal officials. Production of the information requested herein should be helpful in confirming those assurances.

Thank you for your attention to this request.

Sincerely,

Sam Brownback  
Governor of Kansas

cc: Mr. Denis R. McDonough



United States Department of State

*Assistant Secretary*

*Bureau of Population, Refugees, and Migration*

*Washington, D.C. 20520*

February 16, 2016

The Honorable Sam Brownback  
Governor  
Capitol Building  
Room 241 South  
300 SW 10th Street  
Topeka, Kansas 66612

Dear Governor Brownback:

Thank you for your letter of December 31 to Secretary of State John Kerry, in follow up to his letter of November 20 regarding refugee resettlement, in which you request a copy of all documentation and files concerning any individual refugee relocated or proposed to be relocated from Syria to Kansas since November 16, 2015. I am responding on behalf of Secretary Kerry.

Kansas has a long tradition of welcoming vulnerable refugees, many of whom have fled violence and persecution in their home countries. Per your request, the State Department is happy to compile and send to your office tailored reports with information on refugees recently resettled in Kansas. We will schedule these reports so they are sent on the fifth of every month. As required by U.S. federal law, individual refugee records are considered confidential. However, additional general information about refugees, including statistics showing refugee arrivals in the previous month by nationality and city, is available publicly on our website <http://www.state.gov/j/prm/releases/statistics/index.htm>

I hope that this information proves helpful. Please do not hesitate to contact me again if I can be of further assistance.

Sincerely,

Anne C. Richard

cc: Secretary Jeh Johnson, Secretary of Homeland Security  
Assistant to the President and Chief of Staff Dennis R. McDonough

Office of the Secretary  
DCF Administration Building  
555 S. Kansas Ave., 6th Floor  
Topeka, KS 66603



Phone: (785) 296-3271  
Fax: (785) 296-4685  
[www.dcf.ks.gov](http://www.dcf.ks.gov)

Phyllis Gilmore, Secretary

Sam Brownback, Governor

February 24, 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

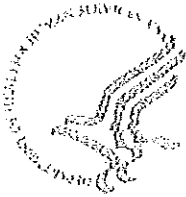
Your application for refugee cash assistance received on January 26, 2016 has been denied as the administration has requested from multiple agencies of the federal government, access to all documentation and files on any refugees relocated to Kansas from countries listed on the United States Department of State official list of countries determined to be state sponsors of terrorism. The requested documentation has not been provided nor have adequate assurances been provided to the State by those federal agencies as called for in Executive Order 16-01.

**Right to Request a Fair Hearing** You have the right to ask for a fair hearing if you do not agree with a decision made on your case. For cash, child care and medical programs, you must request an appeal in writing within 33 days of the date of this notice. If your written request is received prior to the effective date of the adverse action, you may continue receiving benefits at the current level if you request to do so. For food assistance, you may ask for a fair hearing in writing, in person, or by calling your DCF Service Center anytime within 90 days of this notice. If your request is received within 10 days of the date of this notice, your benefits may continue at the current level while waiting for the fair hearing. In addition, you may request a pre-hearing conference to discuss your fair hearing request. This pre-hearing shall in no way delay or replace the fair hearing process. For any program, if you request to continue receiving benefits at the current level while awaiting the fair hearing, you may have to pay back any benefits you receive if the fair hearing decision is not in your favor.

Sandra Kimmons  
Kansas Department for Children and Families  
Economic Employment Services Director

555 SW Kansas, 4th Floor  
Topeka, KS 66603  
Phone: (785) 296-8867

*Strong Families Make A Strong Kansas.*



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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March 17, 2016

Ms. Shannon Connell  
Benefits Director  
Kansas Department for Children and Families  
Economic and Employment Support  
555 S. Kansas Ave.  
Topeka, KS 66603

**Re: Denial of Refugee Cash Assistance and report of discrimination in delivery of  
federally funded refugee assistance**

Dear Ms. Connell:

In follow up to a number of conversations, we are writing because we have received information concerning two apparent violations of federal law by the Kansas Department for Children and Families (KDCF) in the administration of its federally funded refugee resettlement programs.

1. We have received a copy of a letter dated February 24, 2016, in which KDCF apparently denied a refugee's application for federal Refugee Cash Assistance (RCA) because, according to the letter, the federal government has not provided Kansas with "access to all documentation and files" requested by the state nor has it provided "adequate assurances" to Kansas. Denying RCA to an otherwise eligible refugee on these grounds, which are wholly unrelated to the individual refugee's eligibility, is inconsistent with the Kansas state plan and invalid under federal law. Indeed, neither the Refugee Act, 8 U.S.C. § 1522, nor the relevant Office of Refugee Resettlement (ORR) regulations permit a State to condition a refugee's receipt of RCA on the grounds asserted in KDCF's February 24 denial letter. *See* 45 C.F.R. § 400.40; *id.* § 400.50(a); *id.* § 400.53(a); *id.* § 400.66(a); *id.* § 400.67.
2. We understand that a different refugee submitted an application with the Sedgwick County Health Department for federal Refugee Medical Assistance (RMA) on December 22, 2015. We previously inquired about this refugee in our letter of December 24, 2015. Under federal law, Kansas "must provide any individual wishing to do so an opportunity to apply for medical assistance and *must determine the eligibility of each applicant.*" 45 C.F.R. § 400.93(a) (emphasis added). In determining eligibility for medical assistance, Kansas must comply with regulations governing applications, determinations of eligibility, and furnishing Medicaid. 45 C.F.R. § 400.93(b). Under the applicable Medicaid regulation, State agencies must determine eligibility within 45 days for most applicants, including the one at issue, except in unusual circumstances that we do not believe to be present here. 42 C.F.R. § 435.912. Consistent with this regulation, it is our understanding that a decision on the application of December 22, 2015, was required by

February 5, 2016. However, we understand that no determination has yet been made or benefits granted.

We also understand that each incident described above involves a Syrian refugee. The Refugee Act of 1980, 8 U.S.C. § 1522(a)(5), requires that federally funded assistance and services "be provided to refugees without regard to race, religion, nationality, sex, or political opinion." The Kansas state plan also assured us that Kansas would not discriminate based on these factors in its administration of its refugee programs. Similarly, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its implementing regulation at 45 C.F.R. Part 80 prohibit discrimination in the programs and activities of federal- fund recipients "on the ground of race, color, or national origin." Accordingly, Kansas must ensure that ORR-funded assistance and services are delivered to refugees without regard to these factors. Kansas must also ensure that all those who are eligible for ORR-funded assistance and services are provided an equal opportunity to apply for and receive such assistance and services.

Within three business days of the date of this letter, please transmit by email to Kenneth Tota ([kenneth.tota@acf.hhs.gov](mailto:kenneth.tota@acf.hhs.gov)) a response to this letter (1) documenting evidence of a commitment by the State of Kansas to both reverse the denial of RCA benefits to the individual named in the attached February 24, 2016, letter and remedy any harm such denial has caused, (2) providing a report on the status of the application for RMA for the aforementioned individual who applied for such assistance on December 22, 2015, including the date by which you will make a determination, and (3) assuring that Kansas will provide federally funded assistance and services to refugees without discrimination on the basis of race, color, religion, nationality, national origin, sex, or political opinion, and regardless of whether Kansas receives the information and assurances it desires from the federal government. Failure to provide a timely and satisfactory response could result in the termination of your current grants from ORR, an investigation of whether you have violated federal civil rights statutes, and/or other appropriate action.

Thank you for your immediate attention to this matter.

Sincerely,



Robert Carey  
Director  
Office of Refugee Resettlement

Attachment: February 24, 2016 Letter

cc: Jocelyn Samuels  
Director, Office for Civil Rights  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Room 509F, HHH Building  
Washington, D.C. 20201

Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

March 22, 2016

Mr. Robert Carey  
Director  
Office of Refugee Resettlement  
330 C Street SW  
Washington, DC 20201

Dear Mr. Carey:

This follows up on our telephone call of yesterday, and your correspondence of March 17, 2016 addressed to Ms. Sharon Connell of the Kansas Department for Children and Families.

As we discussed yesterday, the State of Kansas continues to seek the security information necessary to assure the safety and security of Kansans in connection with refugee resettlement. Toward that end, I appreciate your assistance in facilitating a call with Assistant Secretary Richards at the Department of State, which occurred today. Ms. Richards has committed to raise this issue with Secretary Johnson this week, and provide me with a response. Once this has occurred, the State of Kansas will provide a response to your March 17 letter.

Thank you again for your attention to this matter.

Sincerely,

Sam Brownback  
Governor of Kansas



U.S. Citizenship  
and Immigration  
Services

March 18, 2016

The Honorable Sam Brownback  
Governor of Kansas  
Capitol Building  
Room 241-South  
300 SW 10<sup>th</sup> Street  
Topeka, KS 66612

RECEIVED

MAR 28 2016

OFFICE OF CHIEF COUNSEL

Dear Governor Brownback:

Thank you for your December 31, 2015 letter. The Secretary has asked that I respond on his behalf.

Decisions on where to resettle refugees in the United States are coordinated by the Department of State, Department of Health and Human Services, and refugee resettlement agencies. The Department of Homeland Security (DHS) does not play a role in such decisions. Therefore, requests for information on where refugees are being resettled should be made to the Department of State and the Department of Health and Human Services.

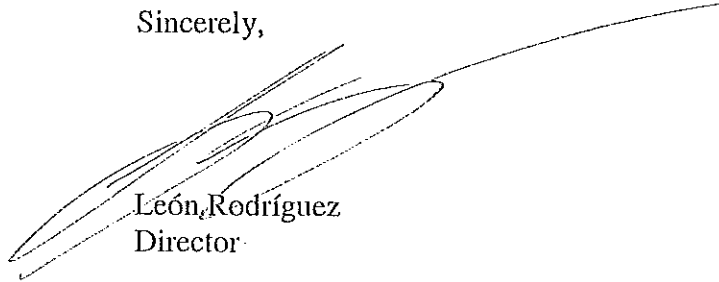
DHS policies protect the confidentiality of documentation and case files of refugees. The confidentiality of asylum applications is protected by regulation at 8 CFR § 208.6. This regulation generally prohibits the disclosure to third parties of information contained in or pertaining to asylum applications. As a longstanding matter of policy, DHS has applied the confidentiality and non-disclosure protections of asylum applications to DHS information pertaining to individual refugee applications.

Additionally, the Department of State's visa and refugee information, even that which is held by DHS, is subject to certain statutory restrictions on disclosure. The DHS policy generally prohibits the sharing of information regarding protected cases without the written consent of the individual. There are certain exceptions and waivers, including a waiver that permits DHS to share refugee information, upon request, with counterterrorism partners, provided certain conditions are met. These conditions stipulate that the need to examine the information or the request is made in connection with an authorized intelligence or counterterrorism function and that the information received will be used only for the authorized purpose for which it was requested.

DHS remains committed to continuing our Nation's strong history and tradition of accepting vulnerable refugees who fear persecution in their home countries. We are also mindful that this important humanitarian interest must be coupled with proper security vetting, the specific details of which were outlined in the November 30, 2015 letter you reference in your correspondence.

Thank you again for your letter and your shared commitment to protecting the American people. I look forward to continuing to work with you to ensure our Nation lives up to its humanitarian heritage while keeping the American people safe. Should you wish to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read 'León Rodríguez', with a long, sweeping horizontal stroke extending to the right.

León Rodríguez  
Director

cc: Secretary of State John Kerry





ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

Office of the Assistant Secretary | 330 C Street, S.W., Suite 4034  
Washington, DC 20201 | [www.acf.hhs.gov](http://www.acf.hhs.gov)

April 13, 2016

RECEIVED

APR 13 2016

OFFICE OF CHIEF COUNSEL

The Honorable Sam Brownback  
Governor of Kansas  
300 SW 10<sup>th</sup> Avenue, Suite 241S  
Topeka, KS 66612-1590

Re: Continued Operation of the U.S. Refugee Resettlement Program in the  
State of Kansas

Dear Governor Brownback:

I write in follow up to your letter of March 22, 2016, concerning several issues that are critical to the continued administration of the refugee resettlement grant program by the State of Kansas. I understand that you and members of your security team will meet with representatives of the U.S. Department of State on April 19, 2016, for a briefing on the security measures in place for the screening of refugees prior to their entry into the United States, and that the Office of Refugee Resettlement (ORR) can expect a response from you shortly after the meeting. Although the interest in receiving a security briefing does not provide a legal basis for withholding federally funded benefits, we will allow the state until April 25, 2016, to respond substantively to our letter dated March 17, 2016.

In the letter signed by Robert Carey, the Director of ORR, dated March 17, 2016, to the Kansas Department for Children and Families Benefits Director Shannon Connell, we provided our understanding of the facts in two cases in which refugees in Kansas have not received ORR benefits—one concerning a denial of Refugee Cash Assistance (RCA) and one concerning a failure to act on an application for Refugee Medical Assistance (RMA). Based on conversations between our offices, we further understand that the state does not dispute our understanding of the facts in these cases. ORR has requested: (1) evidence of a commitment by the State of Kansas to both reverse the denial of RCA benefits to the individual named in the enclosed February 24, 2016, letter and remedy any harm such denial has caused; (2) a report on the status of the application for RMA for the aforementioned individual who applied for such assistance on December 22, 2015, including the date by which you will make a determination; and (3) assurances that Kansas will provide federally funded assistance and services to refugees without discrimination on the basis of race, color, religion, nationality, national origin, sex, or political opinion. Consistent with Director Carey's March 17, 2016, letter, if you do not comply with these requests, we will initiate action to terminate your current grants from ORR.

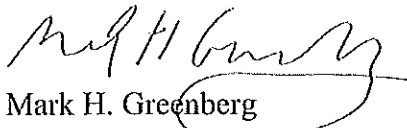
States that continue to use ORR funding must ensure that assistance and services are delivered without regard to nationality. Any state that discriminates on the basis of nationality in the use of ORR funds would not be in compliance with the Refugee Act, State Plan requirements, and its

own assurances. In addition to these authorities, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, prohibits discrimination on the basis of national origin in all programs and activities that receive federal financial assistance. Thus, it is not permissible to deny federally funded benefits to refugees who otherwise meet the eligibility requirements on the ground that the refugees are from a particular nation or set of nations.

As you know, in states that do not operate a refugee resettlement program, ORR may designate a not-for-profit, non-governmental organization to receive ORR funding and to provide oversight and administer the program through an alternative model. Should the State of Kansas determine that it is no longer willing to participate in the refugee resettlement program and abide by its terms, or if ORR terminates the state's participation in the refugee resettlement program, the Department of State and ORR will work directly with local resettlement agencies, and refugees will continue to arrive in the state. Accordingly, if the state were to cease participating in the refugee resettlement program, it would have no effect on the placement of refugees by the State Department in Kansas, or the ORR-funded benefits they can receive.

I ask that no later than April 25, 2016, you or an appropriate state official respond to this letter providing the evidence and report requested above and in our March 17, 2016, letter, as well as assurance that you will operate the refugee resettlement program in full compliance with ORR policies and applicable statutes and regulations. If the requested action is not completed by April 25, 2016, we will initiate action to terminate your current grants from ORR for violations of the Refugee Act, HHS regulations, and State Plan requirements. Please respond to Robert Carey, Director, ORR, at: [robert.carey@acf.hhs.gov](mailto:robert.carey@acf.hhs.gov) or 330 C Street SW, 5<sup>th</sup> Floor, Washington, DC 20201. Thank you for your attention to this matter.

Sincerely,



Mark H. Greenberg  
Acting Assistant Secretary  
for Children and Families

Enclosure

Capitol Building  
Room 241-South  
300 SW 10th Street  
Topeka, KS 66612



Phone: (785) 296-3232  
Fax: (785) 368-8788  
governor@ks.gov

Sam Brownback, Governor

April 19, 2016

 COPY

Mr. Mark H. Greenberg  
Acting Assistant Secretary for Children and Families  
330 C Street SW, Suite 4034  
Washington, DC 20201

Dear Mr. Greenberg:

This concerns your April 13, 2016 correspondence. The State of Kansas repeatedly has made its position clear in these matters, in correspondence and meetings with your agency, the White House, the State Department, and the refugee service organizations.

Kansas state government may not aid, cooperate with, or assist in any way the relocation of refugees that present a safety and security risk to the state, until such time as an adequate vetting process is in place with adequate assurances to the state. See Executive Order 16-01 "Protecting Kansas from Terrorism" dated January 8, 2016. This Order was entered after the Paris attacks in November 2015 and the federal indictments in January 2016 of two defendants with terrorist credentials who had been admitted to the United States as refugees. In an attempt to work with the federal government on these matters, I requested all documentation and files on refugees relocated or proposed to be relocated to Kansas, and offered to enter into an appropriate agreement to maintain the confidentiality and security of these documents. To date, Kansas has received no information or adequate assurances.

While our preference is to preserve the state's long history of participation in the refugee resettlement program, that may no longer be possible in the current security environment. I will decide this matter and provide a final response to your correspondence no later than close of business on April 25.

Sincerely,

Sam Brownback  
Governor of Kansas

April 25, 2016

Mr. Robert Carey  
Director  
Office of Refugee Resettlement  
330 C Street SW  
Washington, DC 20201

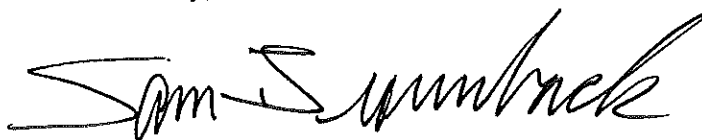
Dear Mr. Carey:

The State of Kansas hereby withdraws its Refugee Resettlement Program State Plan and terminates its participation in all federal refugee resettlement grants and programs, effective at the earliest possible date or pursuant to 45 CFR 400.301(a).

As we have informed you previously, this action is being taken to protect the safety and security interests of the State of Kansas. See Executive Order 16-01 "Protecting Kansas from Terrorism" dated January 8, 2016. The federal government has failed to provide adequate assurances to our state regarding the refugees that it is resettling here, thus leaving us with no option but to end our cooperation with and participation in the program. While our preference would have been to preserve the State's long history of participation in the refugee resettlement program, that is no longer possible in the current security environment.

Please direct any inquiries regarding implementation to the Kansas Department for Children and Families, Office of the General Counsel.

Sincerely,



Sam Brownback  
Governor of Kansas