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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

September 19, 2016

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
GABRIELLE A. BATKIN, MINORITY STAFF DIRECTOR

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Johnson:

I write to express serious concerns with information sharing among component entities of the Department of Homeland Security (DHS) relating to immigration and citizenship determinations. Without leadership to address these shortcomings, our national security may be jeopardized by an inability to adequately assess whether foreign nationals pose a security risk.

The DHS Office of Inspector General (OIG) recently released a report indicating that United States Citizenship and Immigration Services (USCIS) granted U.S. citizenship to at least 858 ineligible individuals with a previous removal order issued against them under another identity.<sup>1</sup> According to the report, these naturalization requests were granted because U.S. Immigration and Customs Enforcement (ICE) failed to digitize approximately “148,000 fingerprint records of aliens with final deportation orders or who are criminals or fugitives” into the Automated Biometric Identification System (IDENT).<sup>2</sup> Moreover, the report revealed that the Federal Bureau of Investigation’s (FBI) digital fingerprint repository—the Next Generation Identification system—is also missing fingerprint records due to ICE’s past practices of not forwarding fingerprint records.<sup>3</sup>

This failure represents a significant risk to America’s national security as these naturalized individuals have access to serve in positions of public trust and the ability to obtain security clearances and sponsor other aliens’ entry into the United States.<sup>4</sup> In fact, at least one person identified in the OIG report is now a law enforcement official, while three other naturalized citizens obtained licenses to conduct security-sensitive work at U.S. airports or maritime facilities.<sup>5</sup>

During multiple hearings before the Homeland Security and Governmental Affairs Committee, DHS and State Department officials insisted that IDENT served as an effective tool to make determinations on the criminal history of an individual for immigration, law

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<sup>1</sup> Department of Homeland Security, Office of the Inspector General, Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records, OIG-16-130, (Sept. 19, 2016).

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 6.

enforcement, and national security purposes.<sup>6</sup> Specifically, this system is used to vet foreign nationals who enter the United States under the Visa Waiver Program, as well as applicants seeking refugee status in our country. The OIG report indicates that IDENT is missing key information, and has been for some time.

In fact, this is not the first time that this problem has been highlighted. According to the OIG, in 2008, U.S. Customs and Border Protection (CBP) identified 206 aliens who obtained immigration benefits despite having final deportation orders.<sup>7</sup> This finding was particularly alarming because these individuals were either special interest aliens or from countries that shared borders with a special interest country.<sup>8</sup> In response, DHS components formed the Operation Janus working group to remedy this problem.<sup>9</sup> However, according to the OIG, DHS disbanded Operation Janus in 2016.<sup>10</sup>

The OIG report highlights the current shortcomings in information databases used to make national security determinations. As the OIG concluded:

As long as older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing more individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.<sup>11</sup>

In order to assist the Committee's oversight of these issues and ensure the Committee is fully aware of DHS's actions to address this pressing matter, I request that the Department provide the following information and material:

1. A detailed summary of the 90 investigations closed by ICE in March 2015 and an update on the 32 investigations ICE opened in March 2015;
2. The number of civil and criminal cases that have been opened against all 858 individuals who erroneously obtained U.S. citizenship;
3. The number of individuals who erroneously received U.S. citizenship and then:
  - a. obtained a security clearance;

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<sup>6</sup> *Visa Waiver Program: Implications for U.S. National Security: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs*, 114th Cong. (2015) (statement of Edward Ramotowski, Deputy Assistant Secretary, Visa Services, U.S. Department of State); *The Impact of ISIS on the Homeland and Refugee Resettlement: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs*, 114th Cong. (2015) (statement of Leon Rodriguez, Director, U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security); *The Security of U.S. Visa Programs: Hearing Before the S. Comm. on Homeland Sec. and Governmental Affairs*, 114th Cong. (2016) (statement of Sarah R. Saldana, Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security).

<sup>7</sup> Department of Homeland Security, Office of the Inspector General, Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records, OIG-16-130, (Sept. 19, 2016) at 1.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 7.

<sup>11</sup> *Id.* at 3.

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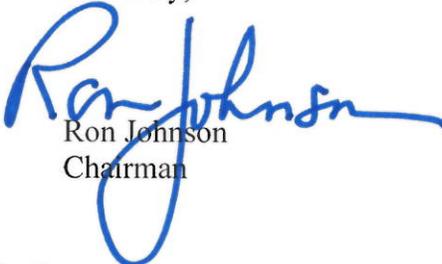
- b. served in a position of public trust, including a position that enable a person to have unescorted access to secure areas of maritime facilities and vessels and in secure areas of commercial airports; or
  - c. petitioned for immigration status for a foreign national.
4. The rationale for eliminating Operation Janus; and
  5. The steps ICE has taken to fully digitize fingerprint records.

Please provide this information and material as soon as possible but no later than 5:00 p.m. on September 30, 2016.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”<sup>12</sup> Additionally, S. Res. 73 (114th Congress) authorizes the Committee to examine “the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.”<sup>13</sup> For purposes of this request, please refer to the definitions and instructions in enclosure.

If you have any questions about this request, please contact Brooke Ericson of the Committee staff at (202) 224-4751. Thank you for your prompt attention to this matter.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Thomas R. Carper  
Ranking Member

Enclosure

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<sup>12</sup> S. Rule XXV(k); see also S. Res. 445, 108th Cong. (2004).

<sup>13</sup> S. Res. 73 § 12, 114th Cong. (2015).