

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

CHRISTOPHER R. HIXON, STAFF DIRECTOR  
MARGARET E. DAUM, MINORITY STAFF DIRECTOR

November 6, 2017

The Honorable Elaine Duke  
Acting Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Acting Secretary Duke:

The Committee on Homeland Security and Governmental Affairs is continuing to examine the new phase in our nation's generational war on terror.<sup>1</sup> On October 31, 2017, Sayfullo Saipov, an Uzbek national, converted a rental truck into a weapon by driving it down a bike path in Lower Manhattan, killing eight and injuring eleven people, in an ISIS-inspired terrorist attack.<sup>2</sup> Mr. Saipov reportedly entered the United States in 2010 legally under the Diversity Visa Lottery Program.<sup>3</sup>

Even though the end of the physical ISIS caliphate is in sight, ISIS-inspired attacks have continued. Congress must understand and evaluate the Department's efforts to address this new phase in the war on terror. Accordingly, I respectfully request the following information and material:

1. Please produce Mr. Saipov's Alien File.
2. Please provide all documents relating to any foreign travel conducted by Mr. Saipov.
3. Please provide all documents relating to any visa or Green Card application for Mr. Saipov.
4. Please provide all documents relating to any citizenship application or proceedings for Mr. Saipov.

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<sup>1</sup> See, Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Gov't Affairs to Jeh Johnson, Secretary, Dep't of Homeland Security, Sept. 20, 2016 (writing to ask for documents concerning two separate terror attacks in New York/New Jersey and Minnesota); Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Gov't Affairs to Jeh Johnson, Secretary, Dep't of Homeland Security, Dec. 9, 2015 (requesting information on San Bernardino terrorist Tashfeen Malik).

<sup>2</sup> Complaint, United States of America v. Sayfullo Habibullaevic Saipov, (S.D.N.Y.) Nov. 1, 2017.

<sup>3</sup> Nicole Chavez, et. al, *New York attack suspect charged with federal terrorism offenses*, CNN, Nov. 2, 2017, <http://www.cnn.com/2017/11/01/us/new-york-attack/index.html>.

5. The Diversity Visa Program allows recipients' spouses and dependent children to accompany them to the United States as "derivatives."<sup>4</sup> Please explain how Department of Homeland Security (DHS) components process "derivatives" in the Diversity Visa Program.
6. According to State Department data, the United States issued 617,752 immigrant visas at foreign service posts in FY 2016.<sup>5</sup> Of that total, the United States issued 215,498 visas to individuals who qualified under the Family-Sponsored Preference.<sup>6</sup>
  - a. Please explain how individuals admitted under the Family-Sponsored Preference are assessed for potential threats to national security prior to admission to the United States.
  - b. Please explain how DHS components coordinate with the State Department to assess potential threats to national security within chain migration populations.
7. According to news reports, Mr. Saipov served as the "point of contact" for 23 individuals to travel or immigrate to the United States.<sup>7</sup> Please explain how Mr. Saipov assisted or facilitated the admission of these 23 individuals into the country, and how the Department evaluated whether any of these 23 individuals posed a threat to national security.

Please provide a response as soon as possible, but by no later than 5:00 p.m. on November 20, 2017. Any classified information provided in response to this letter should be provided under separate cover through the Office of Senate Security.

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>8</sup> Additionally, S. Res. 62 (115th Congress) authorizes the Committee to examine "the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes . . . ."<sup>9</sup>

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<sup>4</sup> American Immigration Council, *The Diversity Visa System: A Fact Sheet*, Apr. 4, 2011, <https://www.americanimmigrationcouncil.org/research/diversity-visa-system-fact-sheet>.

<sup>5</sup> U.S. State Dep't, *Immigrant and Nonimmigrant Visas Issued at Foreign Service Posts Fiscal Years 2012-2016*, Table I.

<sup>6</sup> Individuals that qualify under the Family-Sponsored Preference visas include unmarried children of U.S. citizens (first preference), spouse or children of an alien resident and their children (second preference) the unmarried children of alien residents and their children (second preference subject to country limitations), married children of a U.S. citizen, their spouse and children (third preference), and the sibling of U.S. citizen, their spouse and children (fourth preference). *See Id.*, Table II.

<sup>7</sup> Aaron Katersky, et. al, *Feds interviewed accused NYC truck attacker in 2015 about possible terror ties*, ABC News, Nov. 1, 2017, <http://abcnews.go.com/US/feds-interviewed-suspected-nyc-truck-attacker-2015-terror/story?id=50859185>.

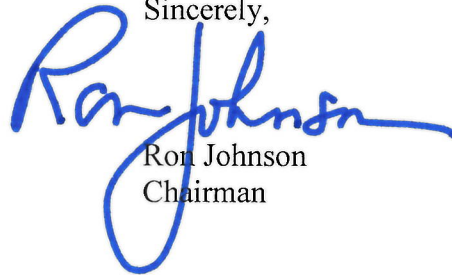
<sup>8</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>9</sup> S. Res. 62 § 12, 115th Cong. (2017).

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If you have any questions regarding this letter, please ask your staff to contact Kyle Brosnan or Brian Downey of my staff at (202) 224-4751. For purposes of this request, please refer to the definitions and instructions in the enclosure. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is written in a cursive style with a large, looping "R" and a long, sweeping underline.

Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

Enclosure