

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

February 27, 2018

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

The Honorable Rex W. Tillerson  
Secretary  
Department of State  
2201 C Street, N.W.  
Washington, DC 20520

Dear Secretary Tillerson:

The Committee on Homeland Security and Governmental Affairs is continuing to conduct oversight of the security of visa programs and operations. On or about October 24, 2011, the State Department approved an F-2 nonimmigrant visa application submitted by a Saudi Arabian national, Naif Abdulaziz Alfallaj.<sup>1</sup> On February 6, 2018, the Justice Department indicted Mr. Alfallaj for allegedly procuring this visa based on fraudulent representations.<sup>2</sup> Mr. Alfallaj's admission into the United States had potential consequences to homeland security, as he had allegedly attended an al Qaeda training camp in or around September 2000.<sup>3</sup>

In light of Mr. Alfallaj's alleged visa fraud and the potential consequences for homeland security, I write to respectfully request a staff-level briefing about the Department's administration of nonimmigrant visas and its oversight of these programs. In particular, I ask that the briefing address the following issues:

1. Please provide a timeline of Mr. Alfallaj's nonimmigrant visa vetting process.
  - a. Has the Department implemented changes to the vetting process since Mr. Alfallaj's 2011 nonimmigrant visa was granted?
  - b. According to the indictment against Mr. Alfallaj, he allegedly made fraudulent representations on his nonimmigrant visa application.<sup>4</sup> Please explain how the Department verifies the accuracy of an applicant's answers on a visa application.
2. Please explain the resources available to the State Department in verifying an applicant's nonimmigrant visa application.

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<sup>1</sup> Aff. in Supp. of an Application for Compl. at ¶ 4, *United States v. Alfallaj*, No. M-1876-BMJ (W.D. Okla. Feb. 5, 2018). The indictment against Mr. Alfallaj, however, notes the date of the approval of his visa application as on or about October 23, 2011. Indictment, *United States v. Alfallaj* ¶ 5, No. CR-18-29-SLP (W.D. Okla. Feb. 6, 2018).

<sup>2</sup> Indictment, *Alfallaj*, No. CR-18-29-SLP. See also Press Release, U.S. Dep't of Justice, Saudi Citizen Charged in Oklahoma with Concealing Attendance at Al Qaeda Training Camp (Feb. 6, 2018).

<sup>3</sup> Indictment at ¶ 3-4, *Alfallaj*, No. CR-18-29-SLP.

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

- a. Does the State Department have access to fingerprint analyses performed by the FBI regarding terrorism materials obtained overseas?<sup>5</sup>
  - b. Does the State Department have access to the same databases and information as the Department of Homeland Security for the purpose of vetting visa applicants?
  - c. The Transportation Security Administration (TSA) revoked Mr. Alfallaj's pilot license after finding that Mr. Alfallaj posed or was suspected of posing a risk of air terror.<sup>6</sup> Does the State Department have access to the vetting tools that enabled the TSA to suspect that Mr. Alfallaj posed a threat to airline or passenger safety?
3. According to an FBI affidavit supporting the Justice Department's complaint, Mr. Alfallaj's wife held an F-1 nonimmigrant visa as of October 2011 and Mr. Alfallaj's father applied for a nonimmigrant visa in 2014.<sup>7</sup> Please explain the visa or immigration status of Mr. Alfallaj's family members in light of his indictment for visa fraud.
  4. Please provide data on the number of open and pending investigations relating to potential visa fraud or public safety concerns on immigrant and nonimmigrant visa holders in the United States.

Please respond as soon as possible but no later than 5:00 p.m. on March 7, 2018, to arrange the briefing.

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 all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs."<sup>9</sup>

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<sup>5</sup> See Aff. in Supp. of an Application for Compl. at ¶ 14, *Alfallaj*, No. M-1876-BMJ (FBI access to fingerprint analysis of Mujahedeen Data Forms).

<sup>6</sup> *Id.* at ¶ 16 n. 6.

<sup>7</sup> *Id.* at ¶ 4 & ¶ 15 n. 5.

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

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

The Honorable Rex W. Tillerson

February 27, 2018

Page 3

If you have any questions about this request, and to schedule the requested briefing, please ask your staff to contact Amber Selig or Brian Downey of the Majority staff at (202) 224-4751 and Caitlin Warner of the Minority Staff at (202) 224-2627. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is stylized with a large, sweeping "R" and a long horizontal stroke at the end.

Ron Johnson  
Chairman

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is cursive and somewhat compact.

Claire McCaskill  
Ranking Member

cc: The Honorable Steve A. Linick  
Inspector General