

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 Rex. W. Tillerson
Secretary
Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Tillerson:

The Committee on Homeland Security and Governmental Affairs is continuing to examine the new phase in our nation's generational war on terror.¹ 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.² Mr. Saipov reportedly entered the United States in 2010 under the Diversity Visa Lottery program.³

Congress established the Diversity Visa Lottery program in the Immigration Act of 1990.⁴ The State Department administers the Diversity Visa Lottery program.⁵ The program makes 50,000 visas available annually to applicants from countries with historically low rates of immigration to the United States.⁶ In FY 2015, the State Department notified 125,514 applicants that they were eligible to apply for an immigrant visa, out of 9,388,986 qualified entrants.⁷ Ultimately, the State Department issued 48,097 Diversity Visas in FY 2015.⁸

¹ 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 (requesting documents concerning two separate terror attacks in the New York metropolitan area and Minnesota); Letter from Sen. Ron Johnson, Chairman, S. Comm. on Homeland Security and Gov't Affairs to John Kerry, Secretary, U.S. Dep't of State, Dec. 9, 2015 (requesting information on the K-1 visa program and San Bernardino terrorist Tashfeen Malik).

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

³ 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>.

⁴ Pub. L. 101-649.

⁵ U.S. State Dep't, *The Diversity Visa Process*, <https://travel.state.gov/content/visas/en/immigrate/diversity-visa/entry.html>.

⁶ *Id.*

⁷ U.S. State Dep't, *DV 2015 – Selected Entrants*, <https://travel.state.gov/content/visas/en/immigrate/diversity-visa/dv-2015-selected-entrants.html> (the State Department noted that “since it is likely that some of the first 50,000 persons registered will not pursue their cases to visa issuance, this larger figure [more people were allowed to apply for visas than were authorized to receive visas] should insure that all DV-2015 numbers will be used during fiscal year 2015 (October 1, 2014 until September 30, 2015)).

⁸ U.S. State Dep't, *Immigrant and Nonimmigrant Visas Issued at Foreign Service Posts Fiscal Years 2012-2016*, Table I.

Even though the end of the physical ISIS caliphate is in sight, ISIS-inspired attacks have continued. To assist the Committee in evaluating potential vulnerabilities with the Diversity Visa Lottery program, I respectfully request the following information and material:

1. Please provide the following documents relating to Mr. Saipov's application and selection for entry under the Diversity Visa Lottery Program:
 - a. Mr. Saipov's entry application;
 - b. Mr. Saipov's visa application and supporting documents;
 - c. Any information on derivative individuals associated with Mr. Saipov's Diversity Visa application;
 - d. All notes from Mr. Saipov's applicant interview; and
 - e. Any assessment of Mr. Saipov's potential threat to national security.
2. Please provide any State Department assessment or analysis of the potential national security vulnerabilities associated with the Diversity Visa Lottery program.
3. The Diversity Visa Program allows recipients' spouses and dependent children to accompany them to the United States as "derivatives."⁹ Please explain how "derivatives" in the Diversity Visa Program are assessed for potential threats to national security prior to admission to the United States.
4. According to State Department data, the United States issued 617,752 immigrant visas at foreign service posts in FY 2016.¹⁰ Of that total, the United States issued 215,498 visas to individuals who qualified under the Family-Sponsored Preference.¹¹
 - 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 the State Department coordinates with Department of Homeland Security components, particularly the United States Citizenship and Immigration Services (USCIS) and Immigrations and Customs Enforcement (ICE), to assess potential threats to national security within chain migration populations.
5. According to news reports, Mr. Saipov served as the "point of contact" for 23 individuals to travel or immigrate to the United States.¹² Please explain how Mr. Saipov assisted or

⁹ American Immigration Council, *The Diversity Visa System: A Fact Sheet*, Apr. 4, 2011, <https://www.americanimmigrationcouncil.org/research/diversity-visa-system-fact-sheet>.

¹⁰ U.S. State Dep't, *Immigrant and Nonimmigrant Visas Issued at Foreign Service Posts Fiscal Years 2012-2016*, Table I.

¹¹ 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.

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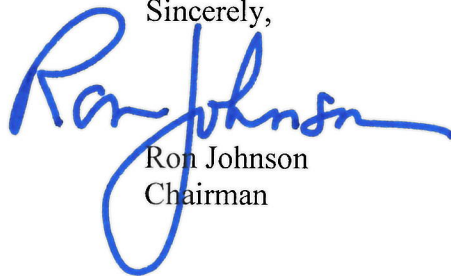
facilitated the admission of these 23 individuals into the country, and how the Department evaluated whether any of these 23 individuals posed a threat to national security.

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.”¹³ 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”¹⁴

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,



Ron Johnson
Chairman

cc: The Honorable Claire McCaskill
Ranking Member

Enclosure

¹² 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>.

¹³ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

¹⁴ S. Res. 62 § 12, 115th Cong. (2017).