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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

December 1, 2017

CHRISTOPHER R. HIXON, STAFF DIRECTOR
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The Honorable Elaine C. Duke
Acting Secretary
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Dear Madam Acting Secretary:

I am writing in response to a report released by the Special Inspector General for Afghanistan Reconstruction (SIGAR) on October 19, 2017, reporting on the issue of Afghan National and Defense Security Forces (ANDSF) personnel going absent from U.S.-based training in excess of 24 hours without proper authority.¹ ANDSF personnel going Absent Without Leave (AWOL)² is a concern for the operational readiness, effectiveness, and morale of the ANDSF in Afghanistan, but it is also a concern for public safety in the United States.³

Since 2001, the United States has spent billions of taxpayer dollars as part of its effort to promote a stable Afghan government.⁴ A significant portion of the effort has been to build the Afghan government's capacity to provide for its own security by equipping and training the ANDSF. One aspect of the effort is the U.S.-based training where personnel from various aspects of the ANDSF are brought to the United States to participate in numerous military training programs.⁵

From 2005 to 2017, 2,537 individuals from Afghanistan came to the United States for training through various programs, including the Counter Drug Training Support, International Military Education and Training, and multiple military leadership courses. During this time 152

¹ Special Inspector General for Afghanistan Reconstruction, *U.S.-Based Training for Afghanistan Security Personnel: Trainees Who Go Absent Without Leave Hurt Readiness and Morale, And May Create Security Risks* (SIGAR 18-03-SP) (Oct. 2017).

² AWOL is a legal term referring to a violation of the United States' Code of Military Justice; however, it is used in this letter to refer broadly to a period of prolonged unexcused absence by ANDSF personnel in the United States.

³ Letter from Senator Claire McCaskill to Secretary James Mattis, Department of Defense (Oct. 20, 2017).

⁴ Department of Defense, *Combined Education and Training Program Plan for Afghanistan Budget Year 2018* (Dec. 9, 2016).

⁵ Special Inspector General for Afghanistan Reconstruction, *U.S.-Based Training for Afghanistan Security Personnel: Trainees Who Go Absent Without Leave Hurt Readiness and Morale, And May Create Security Risks* (SIGAR 18-03-SP) (Oct. 2017).

of the trainees went AWOL, representing approximately 6% of all Afghans who received training in the United States, and over 47% of the total number of foreign military trainees that went AWOL. According to SIGAR, as of March 7, 2017, 139 of the AWOL trainees had fled the United States, gained legal status in the United States, were no longer AWOL for various reasons, or were removed or in the process of being removed, leaving 13 individuals still unaccounted for.⁶

SIGAR reported that 11 trainees went AWOL from Ft. Leonard Wood in my home state of Missouri. It is unclear from SIGAR's report whether all of those trainees are accounted for.⁷

SIGAR also noted an increase in the rate of trainees going AWOL. In 2016, the percentage of trainees from Afghanistan going AWOL doubled from the historical average of approximately 7% to 13%, mostly attributed to an uptick in violence in Afghanistan during that period.⁸

SIGAR reports the most significant reasons for the trainees to go AWOL relate to personal and job security of the trainees once they return to Afghanistan. Several Afghans who went AWOL interviewed by SIGAR indicated they were in fear for the safety of themselves and their families if they were to return there. Several also indicated they were unsure they would have a job when they returned because their billets would have been given to another Afghan soldier or police officer. During their investigation, SIGAR interviewed several Afghan trainees who went AWOL; seven of them went AWOL and were subsequently granted asylum in the United States.⁹

Afghan trainees going AWOL creates coordination challenges that heighten risks to our national security and public safety. In the case of AWOL Afghan trainees, Immigration and Customs Enforcement (ICE) has primary responsibility for locating the AWOL trainee. ICE indicated in the report that the limited vetting of visas for Afghan trainees hampers its ability to locate AWOL Afghan trainees. Additionally, ICE must go through a cumbersome process with the State Department and the Department of Defense (DoD) to determine if an Afghan trainee is, in fact, AWOL and then a separate process to revoke the official status of the trainee. Afghan trainees come to the United States on A-2 visas which denote a trainee's official status and reason for being in the United States. SIGAR also found that ICE's efforts to detain or deport Afghan trainees may be impacted by a lack of coordination with United States Citizenship and Immigration Services (USCIS) and the Department of Justice (DOJ) Executive Officer for Immigration Review (EOIR).¹⁰

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

In the report, SIGAR suggested that USCIS and ICE develop policies or procedures that will ensure communication between the agencies before AWOL Afghan trainees are able to enter into the asylum process. In response to the report, DHS did not concur with SIGAR's recommendation as such coordination between USCIS and ICE prior to the potential acceptance of an asylum application might be viewed as tampering with the asylum process and in violation of legal and international agreements. SIGAR subsequently revised the recommendation in response to DHS's concerns.¹¹

In order to understand DHS's response to this report, as well as how it responds when such instances occur, please provide a written response to the following questions no later than December 22, 2017:

1. The SIGAR report indicated that as of March 7, 2017, 13 trainees from Afghanistan remained AWOL. At this time, have those individuals been located? If not, why? If so, what is their status?
2. Of those trainees that went AWOL from Fort Leonard Wood, Missouri, when did they go AWOL and what is their current status?
3. In the report, ICE's Counterterrorism and Criminal Exploitation Unit (CTCEU) stated that the limited vetting of A-2 via applications from Afghan trainees and the lack of visibility into the trainees' International Military Student (IMS) records make it more difficult for ICE to locate Afghan trainees once they have gone AWOL.¹² What can DHS do to ensure that ICE has sufficient information on the Afghan trainees?
4. USCIS uses the TECS system to review information about a specific asylum application; law enforcement is also able to input data into the TECS system about individuals, including ICE. As mentioned in the report, the amount of detail in any given entry in the TECS system is highly dependent on the individual inputting the data and may not be in the system at the time that the AWOL Afghan trainee is applying for asylum.¹³ What can DHS do to ensure that data is input into the TECS system in a timely and standardized manner so that it is helpful to both ICE and USCIS?
5. Are there steps that DHS, the State Department, and DoD can take to streamline the process to revoke the official status of an Afghan trainee that has gone AWOL?

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

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6. Is DHS taking any other actions to reduce the number of Afghan trainees going AWOL, find any that are currently AWOL, and improve the process to locate and apprehend ones when they go AWOL?

If you have any questions please contact Jackson Eaton with my staff at (202) 224-2627 or Jackson_Eaton@hsgac.senate.gov. Please send any official correspondence related to this request to Lucy Balcezak at Lucy_Balcezak@hsgac.senate.gov. Thank you for your prompt attention to this matter.

Sincerely,



Claire McCaskill
Ranking Member

cc: Ron Johnson
Chairman