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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 25, 2018

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

Thomas D. Homan
Deputy Director
U.S. Immigrations and Customs Enforcement
500 12th St SW
Washington, DC 20536

Dear Mr. Homan:

On January 5, 2018, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released a report regarding the failure of Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) to consistently comply with the Known or Suspected Terrorist Encounter Protocol (KSTEP) process which is used to screen all aliens in custody to determine whether they have ties to known or suspected terrorists.

DHS OIG found that under current policy only individuals in ICE custody, meaning those held in detention facilities, are screened against federal databases to determine whether they have ties to known or suspected terrorists. ICE ERO policy does not require non-detained individuals on the ICE ERO docket, who are released into the community after an initial screening while in custody, to be periodically screened for ties to terrorist organizations. Additionally, while all 24 ERO field offices screen non-detained aliens during scheduled appearances or check-ins, this screening is not mandated. Of the approximately 2.4 million aliens on ICE's docket in fiscal year 2017, only 33,701 were in custody, meaning that ICE does not have a policy in place to require further screening for the approximately 2.37 million aliens reporting to ICE or subject to ICE's jurisdiction.¹

Additionally, DHS OIG found that where terrorism screening took place, ICE did not consistently "follow all procedures for running the initial checks; contact the appropriate external personnel at the required points in the process; or fully document its actions." Further complicating this screening process, DHS OIG also found that many field offices do not have access to classified networks which would allow them to share "intelligence or derogatory information about known or suspected terrorists" with other law enforcement agencies after screening.²

As a part of its review, DHS OIG made four recommendations to improve ICE's screening for potential terrorists. First, DHS OIG recommended that ICE expand screening to their non-detained docket. Second, DHS OIG recommended that ICE address and correct

¹ Department of Homeland Security, Office of Inspector General, *ICE Faces Challenges to Screen Aliens Who May Be Known or Suspected Terrorists* (OIG-18-36) (Jan. 5, 2018).

² *Id.*

limitations and challenges associated with ensuring that ICE offices can communicate regarding suspected terrorists. Third, DHS OIG recommended that ICE assess the resources necessary to expand screening and allocate its resources accordingly. Finally, DHS OIG recommended that ICE strengthen internal controls to ensure consistency in the terrorist screening process. ICE agreed with all four recommendations and provided estimated completion dates for their implementation.

Given ICE's mission to "identify, arrest and remove aliens who present a risk to national security or public safety" I am concerned that ICE has not ensured that the individuals that ICE has contact with are thoroughly screened for ties to terrorism and prioritized for removal based on that screening.³ To better understand ICE's plans to implement the OIG's recommendations, I request the following information:

1. Is ICE currently on track to meet all estimated completion dates provided in response to DHS OIG's recommendations? Please provide a description of the progress that ICE has made in implementing each of the recommendations thus far.
2. ICE estimated that it would complete the implementation of OIG's third recommendation, the assessment and allocation of ICE resources, by March 30, 2018. Has this implementation been completed? If not, why not?
3. For each fiscal year since 2008, how many individuals on ICE's docket have been identified as having ties to terrorism?
 - a. Were those individuals in ICE custody when the determination was made? If not what was their release status?
 - b. What steps did ICE take to prioritize their removal?

I request that you provide this information as soon as possible, but in no event later than May 16, 2018. In addition, I request a briefing on the measures that ICE is taking to implement DHS OIG's recommendations.

If you have any questions regarding this request, please contact Caitlin Warner of my staff at Caitlin_Warner@hsgac.senate.gov. Please send any official correspondence related to this request to Caitlin_Warner@hsgac.senate.gov and Rina_Patel@hsgac.senate.gov. Thank you for your prompt attention to this matter.

³ *Id.*

Thomas D. Homan
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Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" and last name "McCaskill" clearly legible.

Claire McCaskill
Ranking Member

cc: Ron Johnson
Chairman