

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906  
judiciary.house.gov

October 22, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3017 7th St. S.W.  
Washington, DC 20528

Dear Secretary Mayorkas:

On October 7, 2024, the Federal Bureau of Investigation (FBI) arrested 27-year-old Nasir Ahmad Tawhedi, an Afghan national who resided in Oklahoma City, Oklahoma.<sup>1</sup> According to the FBI's criminal complaint, Tawhedi "conspired to provide and attempted to provide material support to a designated foreign terrorist organization (ISIS), . . . and received and attempted and conspired to receive, firearms and ammunition to be used to commit a felony or a Federal crime of terrorism."<sup>2</sup> Press reports indicate that Tawhedi and a juvenile co-conspirator were "plotting to kill Americans on Election Day on behalf of the terror group ISIS."<sup>3</sup>

The FBI's criminal complaint states that Tawhedi "entered the United States on September 9, 2021, on a special immigrant visa and is currently on parole status pending adjudication of his immigration proceedings."<sup>4</sup> That assertion, however, is inconsistent with the fact that if Tawhedi entered the U.S. on a special immigrant visa (SIV), he would not need a subsequent grant of parole.<sup>5</sup> Consequently, it is more likely that the complaint incorrectly noted Tawhedi's entry status, and that the Biden-Harris Administration paroled Tawhedi into the

---

<sup>1</sup> Crim. Complaint at 6, *United States of America v. Nasir Ahmad Tawhedi*, W.D. Okla. (2024) (No.M-24-760-SM).

<sup>2</sup> *Id.* at 26

<sup>3</sup> Alexander Mallin et. al., *FBI foils alleged ISIS-inspired Election Day terror plot by Afghan national*, ABC NEWS (Oct. 8, 2024, 8:08 PM), <https://abcnews.go.com/Politics/afghan-national-charged-election-day-terror-plot-benefit/story?id=114619290>.

<sup>4</sup> See *Tawhedi*, *supra* note 1, at 6.

<sup>5</sup> Afghan Allies Protection Act, Pub. L. No. 111-8, Div. F. (The Afghan Allies Protection Act of 2009 created a special immigrant visa program for certain Afghan nationals. An immigrant visa provides a path to lawful permanent residency for an alien who meets certain requirements. Parole, however, is a discretionary authority provided to the Secretary of the Department of Homeland Security by section 212(d)(5) of the Immigration and Nationality Act, pursuant to which the Secretary can allow an alien to enter the country "temporarily." An alien who enters the United States pursuant to a visa that leads to lawful permanent residence has no need for a grant of temporary parole.)

country despite conclusive evidence that he was eligible for an SIV. Subsequent press reports have indicated as much.<sup>6</sup>

In the wake of the Biden-Harris Administration's severely miscalculated and mismanaged withdrawal of U.S. military personnel from Afghanistan, on August 29, 2021, "President Biden directed the Department of Homeland Security (DHS) to lead and coordinate ongoing efforts across the federal government to support" Afghan evacuees being resettled in the United States.<sup>7</sup> Under this initiative, known as Operation Allies Welcome (OAW), "[m]ost Afghan nationals arriving as part of the evacuation effort [would] be paroled into the United States on a case-by-case basis, for humanitarian reasons, for a period of two years."<sup>8</sup> By September 9, 2021, the date on which Tawhedi entered the United States,<sup>9</sup> the Biden-Harris Administration was well on its way to paroling into the country the "more than 77,000 Afghans" who have entered the United States as part of OAW.<sup>10</sup>

While the Administration repeatedly assured Americans that Afghan evacuees were being adequately vetted prior to their arrival in the United States,<sup>11</sup> subsequent U.S. government investigations and other evidence have proven the opposite. According to a February 15, 2022, U.S. Department of Defense (DoD) Office of Inspector General (OIG) report:

Afghan evacuees were not vetted by the [National Counter-Terrorism Center] using all DoD data prior to arriving in [the continental United States]. Specifically, the NCTC did not have access to some DoD biometric and contextual data . . . or to intelligence databases used by the DoD . . . when they vetted Afghan evacuees.<sup>12</sup>

The OIG noted that "[t]his occurred because CBP enrollments forwarded to the NCTC by the [National Targeting Center] for vetting purposes were compared against the CBP IDENT data, which did not initially include all biometric data located in the . . . database . . . ."<sup>13</sup> The OIG also

---

<sup>6</sup> Jacqui Heinrich (@JacquiHeinrich), X (Oct. 10, 2024, 7:24 PM), <https://x.com/JacquiHeinrich/status/1844519416265888024>.

<sup>7</sup> *Operation Allies Welcome*, U.S. DEP'T OF HOMELAND SECURITY, <https://www.dhs.gov/allieswelcome> (last visited Oct. 10, 2024).

<sup>8</sup> *Id.*

<sup>9</sup> See *Tawhedi*, *supra* note 1, at 6.

<sup>10</sup> Camilo Montoya-Galvez, *Tens of thousands of Afghans in U.S. could lose deportation protections unless Congress acts*, CBS NEWS (Feb. 16, 2023), <https://www.cbsnews.com/news/afghan-adjustment-act-evacuees-parole-legal-status-deportation-protections/>.

<sup>11</sup> *Remarks by President Biden on Tropical Storm Henri and the Evacuation Operation in Afghanistan*, THE WHITE HOUSE (Aug. 22, 2021) <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/08/22/remarks-by-president-biden-on-tropical-storm-henri-and-the-evacuation-operation-in-afghanistan/> (On August 22, 2021, President Biden stated, "At these sites where they're landing, we are conducting thorough scrutiny — security screenings for everyone who is not a U.S. citizen or a lawful permanent resident."); *U.S. Withdrawal from Afghanistan: Hearing Before the S. Comm on Foreign Relations*, 117th Cong. (2021) (statement of Antony Blinken, Sec'y, U.S. Dep't of State) (Secretary Blinken testified that "no one came to the U.S. without being checked somewhere else first to make sure that they don't pose a security threat.").

<sup>12</sup> INSPECTOR GEN., U.S. DEP'T OF DEF., OIG-2022-065, EVALUATION OF THE SCREENING OF DISPLACED PERSONS FROM AFGHANISTAN (2022).

<sup>13</sup> *Id.* at 8.

found that the Defense Department “identified Afghans with derogatory information from the DoD [Automated Biometric Identification System] database who were already in the United States.”<sup>14</sup> The OIG concluded that “[a]s a result of the NCTC not vetting Afghan evacuees against all available data, the United States faces potential security risks if individuals with derogatory information are allowed to stay in the country.”<sup>15</sup> The case of Nasir Ahmad Tawhedi is one example of those grave national security risks.

Aliens who intend to commit terrorist activities exploit vulnerabilities in our nation’s immigration system to the detriment of those in the United States. The Biden-Harris Administration’s border and immigration policies only increase the likelihood that such aliens will successfully enter and remain in the U.S. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of federal immigration policy and procedures.<sup>16</sup> To assist the Committee with its continued oversight of federal immigration policy and procedures, we ask that you please provide the following materials regarding Nasir Ahmad Tawhedi:

1. Case history documents and information, including, but not limited to, the alien’s immigration history, immigration benefits applications, the alien file (A-file) or consular file (including all consular notes), and immigration detention status and history.
2. Documents sufficient to show the time, date, and place of any and all of the alien’s entries into the United States.
3. Documents sufficient to show the alien’s processing by U.S. Customs and Border Protection (CBP) officials, including whether CBP officials were alerted to derogatory information about the alien and what questions were asked of the alien during the screening process.
4. A briefing regarding the immigration issues, including processes and procedures, concerning this case.

---

<sup>14</sup> *Id.* at 9.

<sup>15</sup> *Id.*

<sup>16</sup> Rules of the U.S. House of Representatives, R. X (2023).

The Honorable Alejandro Mayorkas

October 22, 2024

Page 4

Please provide this information as soon as possible, but no later than 5:00 p.m. on November 5, 2024. If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signature of Jim Jordan in blue ink.

Jim Jordan  
Chairman

Handwritten signature of Tom McClintock in blue ink.

Tom McClintock  
Chairman  
Subcommittee on Immigration  
Integrity, Security, and Enforcement

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration  
Integrity, Security, and Enforcement