

BOB GOODLATTE, Virginia
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
LAMAR S. SMITH, Texas
STEVE CHABOT, Ohio
DARRELL E. ISSA, California
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
JASON CHAFFETZ, Utah
TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
RAÚL R. LABRADOR, Idaho
BLAKE FARENTHOLD, Texas
DOUG COLLINS, Georgia
RON DeSANTIS, Florida
MIMI WALTERS, California
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
DAVE TROTT, Michigan
MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan
RANKING MEMBER

JERROLD NADLER, New York
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
PEDRO R. PIERLUISI, Puerto Rico
JUDY CHU, California
TED DEUTCH, Florida
LUIS V. GUTIÉRREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
SUZAN K. DeLBENE, Washington
HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
SCOTT PETERS, California

ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

September 22, 2016

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Johnson,

We write regarding the September 8, 2016, U.S. Department of Homeland Security's Office of Inspector General (IG) report entitled, "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records."

The IG report stated that, "USCIS granted U.S. citizenship to at least 858 individuals ordered deported or removed under another identity when, during the naturalization process, their digital fingerprint records were not in the DHS digital fingerprint repository, IDENT."¹ In addition, the IG found that, "U.S. Immigration and Customs Enforcement (ICE) has identified about 148,000 older fingerprint records that have not been digitized of aliens with final deportation orders or who are criminals or fugitives."² Thus, still more individuals could have been naturalized despite their ineligibility to do so.

Administration officials repeatedly tell those of us in Congress and the American people that the immigration benefits vetting process is robust and secure. Concerns we raise about the process are continuously dismissed in favor of Administration actions to expand the scope of eligibility for immigration benefits.

Yet time and time again, those concerns are proven valid. Whether it is with the improper grant of a fiancée visa to an individual who goes on to commit a terrorist attack in California, or with the improper naturalization of hundreds of individuals whose fingerprints were never automated, there is no doubt that U.S. Citizenship and

¹ U.S. Department of Homeland Security Office of Inspector General, "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records," Sept. 8, 2016, OIG-16-130, at 2.

² Id.

Immigration Services' (USCIS) adjudication is not the secure and robust process that we are asked to believe.

USCIS' first responsibility is to the American people, and that responsibility is to ensure that foreign nationals approved for immigration benefits are, in fact, who they claim to be. Without such elementary knowledge of the individuals seeking immigration benefits, the U.S. immigration system and any claimed security protections therein are rendered useless.

In addition, naturalization not only bestows rights and benefits to the individual naturalized, but also for their family members. So through chain migration, one individual fraudulently naturalized can result in hundreds of additional naturalizations. Such actions make a mockery of U.S. immigration law and policy.

As you also know, federal law allows USCIS to refer an individual to the Department of Justice for denaturalization proceedings in the case of an individual who USCIS believes to have "illegally procured or procured by concealment of a material fact or by willful misrepresentation," naturalization.³ Federal law also allows such referrals for criminal prosecution.

Thus, we request that you initiate a plan to investigate and refer for criminal prosecution and denaturalization proceedings, each individual in the group described by the IG to have been naturalized based on a fraudulent identity and despite having fingerprints that were not previously entered into the system.

In addition, we request the following information:

- 1) For the 858 individuals who were found to have been naturalized despite being ordered deported or removed under a different identity:
 - a) How many have been investigated to determine whether they were truly eligible at the time of naturalization?
 - b) How many aliens have been naturalized or received other immigration benefits based on the U.S. citizenship status of the fraudulently naturalized individual? What, if any, action has been taken to denaturalize or revoke immigration benefits from such individuals?
 - c) How many have been referred to the U.S. Department of Justice (DOJ) for criminal prosecution?
 - d) How many have been referred to DOJ for denaturalization proceedings?
 - e) Of the cases referred for criminal prosecution, how many cases has DOJ agreed to prosecute and how many have been prosecuted? Please indicate the outcomes of any such prosecutions.
 - f) Of the cases referred for denaturalization proceedings, how many cases has DOJ agreed to take and how many proceedings have been initiated? Please indicate the outcomes of those cases.

³ 8 C.F.R. § 340.2.

- g) How many have been determined, through investigation, to have been eligible for naturalization despite the fraud used to gain naturalization? For each individual found to have been eligible, please indicate the reasons for such a finding.
 - h) Please provide us monthly updated numbers on a) through g) above as the process continues.
- 2) For the 148,000 fingerprint records that have not been digitized of aliens with final deportation orders or who are criminals or fugitives:
- a) What is your plan to investigate the number of those individuals who have been naturalized or have received other immigration benefits?
 - b) Please provide monthly updated statistics regarding those of the 148,000 who were naturalized and the number who were naturalized under a new identity.
 - c) Of the number who have already been naturalized, how many have been referred to DOJ for criminal prosecution? How many has DOJ agreed to prosecute?
 - d) Of the number who have already been naturalized, how many have been referred to DOJ for denaturalization proceedings? Against how many has DOJ agreed to begin denaturalization proceedings?

Please respond to the above questions no later than October 5, 2016. If you have questions regarding this letter, please contact Andrea Loving on the House Judiciary Committee staff at (202) 225-3926.

We appreciate in advance, your prompt response.

Sincerely,


Bob Goodlatte
Chairman


Trey Gowdy
Subcommittee Chairman

cc: The Honorable Leon Rodriguez, Director, U.S. Citizenship and Immigration Services
The Honorable Sarah Saldana, Director, U.S. Immigration and Customs Enforcement
The Honorable Loretta Lynch, United States Attorney General