

United States Senate

WASHINGTON, DC 20510

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By ESEC at 8:22 am, Feb 03, 2021

February 2, 2021

The Honorable Tony Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20530

Dear Secretary Blinken and Secretary Mayorkas:

I write regarding the security of the U.S. Refugee Admissions Program's Direct Access Program for U.S.-affiliated Iraqis and the alarming criminal indictment filed by the U.S. Department of Justice on January 22.

The allegations detailed in this indictment are enormously disturbing. This alleged criminal conspiracy has flagrantly and corruptly violated the security of the Direct Access Program. The indicted individuals have allegedly flouted American security measures and corruptly manipulated American processes for the evaluation and vetting of U.S.-affiliated Iraqi individuals applying for resettlement to the U.S as refugees via the Direct Access Program.

The Direct Access Program for U.S.-affiliated Iraqis, created by the Refugee Crisis in Iraq Act of 2008, is critical to our mission in Iraq. American operations in Iraq rely on the assistance of local individuals, including those who work as interpreters and translators, who provide invaluable services to the U.S. government and military, as well as to nongovernmental organizations. The Direct Access Program allows the United States to protect these brave allies, as well as their families, who face tremendous danger as a result of their assistance to American operations in Iraq.

The Administration must thoroughly investigate and prosecute this criminal case and address the security vulnerabilities it has exposed. I understand that the Administration has indicated its belief that this alleged criminal conspiracy appears to have been confined specifically to the Direct Access Program for U.S.-Affiliated Iraqis and not to have impacted the broader U.S. Refugee Admissions Program or the Afghan Special Immigrant Visa program. However, the Administration must do more to ensure that no such criminal scheme threatens or can compromise these programs.

I am requesting a briefing for my office regarding these issues, as well as answers to the following questions:

- How does the Administration ensure the integrity and security of foreign service nationals or locally engaged staff it employs, especially those with access to secure information?

- What changes to staff vetting and oversight processes is the Administration making as a result of the vulnerabilities exposed in this case?
- What is the Administration doing to protect the security of the Worldwide Refugee Admissions Processing System (WRAPS)?
- What is the Administration doing to investigate the degree of involvement of the individuals whose applications were affected by these alleged crimes and to determine what measures must be taken regarding their cases?
- How is the Administration utilizing the current 90-day freeze of the Iraqi Direct Access Program to ensure the future security of the program and protect its ability to rescue American allies in danger?

Please contact Erica Anhalt on my staff at Erica_Anhalt@shaheen.senate.gov to schedule a time for this briefing.

Thank you for your prompt response to this letter.

Sincerely,

A handwritten signature in blue ink that reads "Jeanne Shaheen". The signature is fluid and cursive, with the first name "Jeanne" and last name "Shaheen" clearly distinguishable.

Jeanne Shaheen
United States Senator



**U.S. Citizenship
and Immigration
Services**

March 23, 2021

The Honorable Jeanne Shaheen
United States Senate
Washington, DC 20510

Dear Senator Shaheen:

Thank you for your February 2, 2021 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf.

U.S. Citizenship and Immigration Services (USCIS) is deeply committed to safeguarding the American public from threats to public safety and national security, as well as fulfilling its obligation under U.S. law and policy to assist those fleeing persecution. We appreciate your keen interest in the U.S. Refugee Admissions Program and specifically, the Direct Access U.S.-affiliated Iraqi Program. We have provided responses to your questions in the attached document.

Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 272-1940.

Respectfully,

A handwritten signature in black ink that reads "Tracy L. Renaud".

Tracy L. Renaud
Senior Official Performing the Duties of the Director

Enclosure

**The Department of Homeland Security's Response to
Senator Shaheen's February 2, 2021 Letter**

1. How does the Administration ensure the integrity and security of foreign service nationals or locally engaged staff it employs, especially those with access to secure information?

The Department of State (DOS) conducts background checks for all locally engaged staff (LES),¹ including foreign service nationals (FSNs) employed at U.S. Citizenship and Immigration Services (USCIS) international offices pursuant to personal service agreements. Prior to providing LES access to Department of Homeland Security (DHS) systems, USCIS confirms that the DOS background checks have been completed and are current and conducts additional checks. All LES employed at USCIS international offices are supervised by U.S. citizen federal employees and are required to complete all mandatory ethics and privacy training. No LES employed at USCIS offices have access to classified information. Their access to DHS and USCIS systems is limited to certain systems and certain user roles within those systems.

2. What changes to staff vetting and oversight processes is the Administration making as a result of the vulnerabilities exposed in this case?

This is an ongoing criminal investigation. USCIS initiated a review to identify any gaps in policies and procedures. As a result of that review, USCIS will develop and implement any necessary changes in policies and procedures to mitigate this type of incident from occurring in the future. USCIS would be pleased to report back after the conclusion of this review.

3. What is the Administration doing to protect the security of the Worldwide Refugee Admissions Processing System (WRAPS)?

DOS has already taken a number of steps to address vulnerabilities in WRAPS and is in the process of developing a replacement system, START. At the same time, USCIS is in the process of developing its own refugee case management system in Global, a USCIS database. Both systems are being developed in a way that would address certain vulnerabilities identified in the investigation by providing system-to-system updates of information and limiting the amount of adjudicative information available to those without a need to know.

¹ Locally Engaged Staff (LES) are employees hired under the local compensation plan at a U.S. mission abroad under Chief of Mission authority. USCIS employs LES under Department of State Personal Services Agreements. LES generally are foreign nationals – often referred to as foreign service nationals (FSNs), but they may also be U.S. citizens. Frequently, the terms LES and FSN are used interchangeably.

4. What is the Administration doing to investigate the degree of involvement of the individuals whose applications were affected by these alleged crimes and to determine what measures must be taken regarding their cases?

Because this is an ongoing criminal investigation, we cannot provide additional information regarding the involvement of individuals associated with this criminal scheme. As part of the USCIS administrative investigation and review of implicated applications, USCIS will assess the degree of involvement of the individuals and take appropriate actions including potential denial of pending applications, termination or revocation of status, and referral to U.S. Immigration and Customs Enforcement for further investigation and actions, as appropriate.

5. How is the Administration utilizing the current 90-day freeze of the Iraqi Direct Access Program to ensure the future security of the program and protect its ability to rescue American allies in danger?

Suspending this program is not a decision we take lightly, but it is necessary to ensure its integrity. We will be working as quickly as possible to complete our review and implement any additional safeguards to resume processing as soon as practical. The suspension enables DOS and DHS to further examine cases tied to the fraud scheme, establish processes for re-verification of proper access and eligibility for all other Iraqi Priority 2 cases in the U.S. Refugee Admissions Program (USRAP) pipeline, and identify any additional vulnerabilities in order to strengthen the program by mitigating existing vulnerabilities to ensure the integrity of the USRAP.