Table of Contents

OCC Guidance for HFE Denatz cases

The guidance below is based on the last available information as of the "LAST UPDATED" date contained in the header. This document aims to provide procedural guidance and best practices specific to a certain subset of denaturalization cases. To the extent that USCIS is standing up a denaturalization project for the first time since the creation of the agency, the procedural guidance and best practices will necessarily remain fluid as the agency develops additional expertise in this area. If you identify matters not covered in this document that should be covered, or if items in this document are different from what you are experiencing in your cases, you may access an editable version of this document on the OCC ECN where you may provide comments or make recommended changes.

Background

On September 8, 2016, the DHS Office of Inspector General issued a report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records." Based on those findings, USCIS established a unit within the LOS District Office – known as the HFE[1] FOD Unit --to review potential denaturalization cases.

The officers assigned to the HFE FOD Unit initially review potential denaturalization cases and draft the statutorily required Affidavit of Good Cause (AGC) in appropriate cases. Because the A files are physically located in LOS and will initially remain in LOS (unless they are already digitized in EMDS), the HFE FOD Unit will scan the files and upload them to the HFE FOD Unit ECN. Once the HFE FOD Unit has finalized its initial review and completed the draft AGC, the case is referred to OCC for review and further action as necessary.

OCC has established a centralized inbox (CISOCCDENATZ) to receive all cases from the HFE FOD Unit. The incoming email from the HFE FOD Unit will list the ISO and IO assigned to the case and will also contain links to the A files and draft AGC located in the HFE FOD Unit ECN. A sample email is contained in Appendix A. The CISOCCDENATZ box will then forward the case to the appropriate OCC managers, based on jurisdiction, for assignment to a specific OCC attorney. Once OCC has cleared the case for referral, CISOCCDENATZ will refer the case to OIL. A sample email is contained in Appendix B.

In addition to the HFE FOD Unit ECN, where the A Files and case specific documents are accessed, attorneys may also access the OCC ECN, which contains the latest background documents, training materials, templates, and samples.

[1] The cases identified as part of the OIG report are referred to as HFE cases because the ICE-led project to upload old paper fingerprint cards into IDENT, called the Historical Fingerprint Enrollment (HFE), is what resulted in the identification of cases where individuals with multiple identities received immigration benefits. While the OIG report identified a discrete group of HFE cases based on old fingerprints that had been uploaded into IDENT as of a certain date, additional fingerprint cards continue to be uploaded to IDENT. Any potential denaturalization cases identified as part of HFE will be handled the same way, regardless of whether they were initially part of the OIG report or were identified later.

General Order of Events

While the steps you take in any particular case may differ, the general lifecycle of an HFE Denaturalization Case will be as follows (and each point is described more fully in the remainder of the document):

1. Upon receipt of the case, contact the HFE FOD Unit to advise that you have been assigned a case.

2. Review the A file and draft AGC provided by the HFE FOD Unit.

3. Work with the HFE FOD Unit to ensure legal bases for denaturalization contained in draft AGC are legally sufficient.

4. If any basis for denaturalization requires information from an officer who adjudicated an immigration benefit, coordinate with the HFE FOD Unit to contact those potential witnesses.

5. If potential witnesses are interviewed, work with the HFE FOD Unit to memorialize the conversation as appropriate.

6. Finalize the AGC in coordination with the HFE FOD Unit.

7. Submit the AGC to the OCC supervisor who is responsible for reviewing the denaturalization case, as established by your Division, for review and concurrence.

8. Prepare Referral Packet and Referral Cover Sheet.

9. Once the AGC is executed, finalize referral packet, including list of attachments and the Referral Cover Sheet.

10. If possible, create one PDF of all documents so long as the PDF size does not exceed 18MB. If the PDF exceeds 18MB, create multiple PDFs as necessary.

11. Email PDF(s) to the CISOCCDENATZ mailbox, encrypted as necessary.

12. Update PMT throughout the process as necessary.

13. Once the case has been referred to OIL, update the monthly report with a summary of the denaturalization case.

14. RESERVED – additional steps addressing coordination with OIL, including settlement discussions, discovery, and litigation holds will be added later. Additionally, post denaturalization action items will also be added later.

Guidance

I. PMT

A. In General

1. OCC is using PMT to, among other things, track cases referred to OCC from the HFE FOD Unit, track OCC hours devoted to specific cases, track cases referred to OIL once the case has been cleared by OCC, and run various reports. Accordingly, entering information into PMT for these cases is crucial.

B. Specific PMT guidance for HFE Cases

1. Service Item Owner

a. Please ensure the Service Item Owner is completed according to your Division's guidance. In some Divisions, the Service Item Owner is the attorney handling the case, in others it's a paralegal or legal assistant.

b. To change the Service Item owner, follow these steps:

- Look for your case – it will generally be assigned to Kayla Kostelac
- Click on detail view
- Next to service item owner there is a place to click "change" and enter the correct owner

2. Location of Case: Client Office, Field Office, and Division

a. These fields should already be updated in PMT when you are assigned a case. For purposes of these cases, PMT is being updated as follows:

- The Client Office and Field Office fields should indicate the office that adjudicated the naturalization application, not necessarily the office that is providing litigation support.
- The Division data field should indicate the OCC Division that is responsible for handling the denaturalization matter, regardless of where the naturalization adjudication occurred. Accordingly, the Client Office and Field Office may not match the Division in these cases.

3. Hours

a. Update the number of hours spent by **any** OCC personnel on these cases. Step-by-step instructions to report hours for the HFE cases can be found here.

b. The hours should be reported as one cumulative number. The update may be done by anyone, so long as there is one responsible party per case ensuring that the hours are appropriately updated. Accordingly, if the practice within your Division is for attorneys to update the hours, please ensure the attorneys are also accounting for work done by supervisors, legal assistants, paralegals, support staff, etc. Similarly, if the practice in within your Division is for a paralegal or legal assistant to update the hours, please ensure they are accounting for work done by others.

4. Reports

a. Various reports have already been developed in PMT to track cases. You may access the reports under the "Reports" tab. The reports are contained within the JANUS folder.

b. While you may access any of the reports, please do not change any of the report data fields unless you first save the report to your own folder.

5. PMT Updates

a. Please ensure that PMT is appropriately updated with case specific action. Once the case is referred from the CISOCCDENATZ inbox, responsibility to update PMT transfers to the appropriate Division.

II. HFE FOD Unit

A. The HFE FOD Unit is responsible for all operational aspects of the HFE denaturalization cases. The Unit takes the place of the local field office for most operational matters, except as otherwise specifically noted. The POCs from the HFE FOD Unit should be updated regarding matters in these cases the same way you would update your local office.

B. Upon receipt of the case, email the HFE ISO alerting him/her that you will serve as the OCC POC for the case.

C. The assigned HFE ISO is listed in the HFE email assigning the case to you. See Appendix A. The HFE ISO will serve as your primary operational contact for the case; however, if you cannot reach the HFE ISO or have general questions regarding operational matters, you may also send an email to the HFE FOD Inbox which is monitored daily. Please note that OCC has a standing call with the HFE FOD Unit every two weeks and process issues affecting more than your individual case should be raised to the CISOCCDENATZ inbox for general discussion with the HFE FOD Unit.

D. For FDNS assistance, reach out to the HFE FDNS officer (HFE FDNS IO), who is also listed in the email assigning the case to you.

E. You may inform management from the appropriate Field Office that you have received an HFE Denaturalization case but you should not be using local field office resources if your issues can be resolved through your HFE ISO, HFE FDNS IO, or the HFE FOD Unit, **unless** you are advised by the HFE FOD Unit to specifically coordinate locally.

III. OCC Denatz ECN

The OCC ECN contains 5 main libraries: Referral Documents, Samples, HFE/Denatz Pending Questions, Reports, and Training/Background Documents. Each is described further below.

A. Referral Documents -- This library contains the latest version of the template AGC, the Referral Cover Sheet, and outline of the AGC grounds, as well as a synopsis of recent updates to the AGC.

1. Referral Cover Sheet

a. The Referral Cover Sheet was developed in coordination with OIL to quickly highlight the type of denaturalization case that is being referred to OIL. It must be completed in every case.

b. The cover sheet also contains a "notes" section. Any issues or concerns regarding a case should be highlighted for OIL in that section. For example, if false testimony is not included in a specific case, the "notes" section would highlight that false testimony was considered but excluded from the AGC. It is not necessary that this section contain a detailed explanation of the issues; it is meant to highlight the matter for further discussion with OIL at a later time.

c. The "Submitted by" section at the bottom of the Referral Cover Sheet is already prepopulated with John Miles's information. You only need to enter the correct date in that section.

2. AGC

a. The OCC ECN contains two template AGCs –one entitled "AGC Comprehensive Template – Redline" and the other entitled "AGC Comprehensive Template – Clean."

b. Both versions should be the same. The redline version simply exists to highlight what edits have been made to the "clean" version recently. Generally, the redlines will remain for at least a month to ensure that all attorneys have had a chance to review any recent changes to the template.

c. Attorneys assigned to work on HFE cases should review the AGC template with some frequency to determine whether any updates have been included.

3. Outline of AGC Grounds

a. This document is simply an outline of the order in which the AGC grounds appear within the template

4. Recent Updates to AGC

a. This document is simply a list of recent changes that have been made to the AGC.

B. Samples

1. This section of the ECN contains various sample documents:

a. Complaints

b. Lit Holds

c. Memos

d. Referral Packets

2. Attorneys are encouraged to upload samples to the ECN that present new issues than the samples already available.

C. Reports

1. This section of the ECN contains a monthly report summarizing the cases referred that month.

2. The current month's report will appear as a Word document. Once a case has been referred to OIL, the attorney should update the Word document with a summary of the case.

3. The summary should be brief. An example is provided below:

- On ___ __, 2017, USCIS referred the case of _____, A__-___-___, aka _____, A__-___-___, to OIL for civil denaturalization. [Ms./Mr.][NAME] initially entered the United States without inspection, and when encountered by INS gave a false name and claimed to be a U.S. citizen. She eventually admitted that she was not a U.S. citizen, but then gave INS a second false name. She was criminally prosecuted and convicted under 18 U.S.C. 911, False Claim to Citizenship. Following her conviction, she was placed in deportation proceedings under the second false name, and after failing to appear for a scheduled hearing was ordered deported in absentia. Subsequently, using the name [NAME], she became a permanent resident based on her marriage to a lawful permanent resident. She did not reveal her criminal conviction, her previous identity, or her immigration history. She ultimately naturalized under the [NAME] identity. The USCIS OCC field attorney assigned to this case is _____(phone number).

4. Reports from previous months are also contained in this library as PDF documents.

D. HFE/Denatz Pending Questions

1. This section of the ECN contains draft options papers addressing some pending legal questions related to the HFE cases for leadership consideration. Each legal issue is initially assigned to an OCC attorney for drafting and the various options are discussed by a working group for each issue. Recommendations will be presented to the Chief Counsel soon.

E. Training/Background Documents

1. This section of the ECN contains general background and training documents, including notes from the Denaturalization Brown Bag meetings.

IV. Reviewing the Denaturalization Case

Once you have received a denaturalization case, review the draft AGC, A-File, and Preliminary Case Review sheet. All these items will be found on the HFE FOD Unit ECN and links to them will also be included in the email assigning the case to you.

A. A files

1. If you are not physically in LOS, you will not have access to the paper A file. The A-file(s) you will review will be the scanned copies of A files uploaded to the HFE FOD Unit ECN, unless the file has already been digitized in EDMS, in which case you will review the digitized A file.

2. Other A files.

a. Currently, the HFE FOD Unit is not routinely requesting related files in advance of drafting the AGC.

b. If after your review of the case you determine that additional files may be relevant to the legal sufficiency determination, you may discuss the need for additional files with the HFE ISO. At this time, there is no standardized practice for having the HFE FOD Unit receive related files for scanning and posting on the HFE FOD Unit ECN. Accordingly, decisions on who should request the file and where it should be received will necessarily be handled on a case by case basis. Generally, the local office in which the OCC attorney is located may be amenable to facilitating the request and storage of these related files. If so, you should coordinate with the appropriate POC in your office. If you believe additional files are necessary for your review of the case, and the HFE FOD Unit and your local office raise objections to requesting the additional files, please advise your supervisor.

B. Certification of A Files or Other Documents

1. A File Certifications

- Based on an agreement with OIL, USCIS will not certify A files until there is a sufficient indication that the case will not be resolved by way of consent judgment or settlement. Accordingly, if you receive a certification request from OIL when the case is initially referred or shortly thereafter, in advance of any meaningful settlement discussions, please advise the OIL attorney to speak with his or her supervisor about the request. CAVEAT: the agreement on A file certification is with OIL, not DOJ writ large; accordingly, in cases being handled individually by USAOs , USCIS may need to certify the A file earlier. Nonetheless, since DOJ receives a PDF copy of the A file, USCIS should explain that certification of the file adds an additional burden to the client that may not be necessary if the case settles and an attempt should be made to delay certification until it is necessary.

- When necessary, requests for A file certification from DOJ should be sent to the ISO assigned to your case. Until advised otherwise, the HFE Unit will be responsible for certifying A files in these cases.

2. Certified Copies of Other Documents

- It may be necessary to obtain certified copies of other documents in advance of referring a case to OIL. For example, if denaturalization is sought based on a criminal conviction, the certified record of conviction should be obtained in advance of referring the case to OIL. Similarly, if evidence regarding birth, marriage, death is relevant to a specific ground of denaturalization, certified records establishing those facts should be obtained in advance of referring the case to OIL. For example, in case alleging that a bigamous marriage cannot convey immigration benefits, certified marriage documents for the first marriage are necessary. However, by and large for the HFE cases, certified copies of foreign birth, marriage, or death certificates will not be necessary for the grounds generally alleged because the grounds of denaturalization do not generally rely on the truth of any of those dates. Stated differently, the inability to obtain a certified foreign birth record on any or all the claimed identifies in a given case does not affect the grounds that are normally alleged in these cases.

- When necessary, requests for certified copies of these documents should be sent to the ISO and/or IO assigned to your case for action.

C. AGC Review

1. Review the AGC in detail to confirm all facts and citations, ensure the legal accuracy of all grounds contained in the AGC, and determine whether additional grounds may be applicable. OCC review necessarily includes a determination about whether a case is legally sufficient, such as consideration of specific circuit precedent where the case will be filed that may affect one or more grounds included in the AGC. Additionally, evidentiary issues that may affect the legal viability of the case should also be considered and addressed with the HFE FOD Unit. If OCC believes a case is not legally sufficient, but the HFE FOD Unit disagrees with the OCC determination, please raise the matter to your supervisor.

2. The latest AGC template can be obtained on the OCC ECN.

3. Be mindful of unresolved legal issues (which will be listed in the OCC ECN) that should not be included in AGC unless cleared by a supervisor.

4. Common mistakes in AGCs:

a. Citing 245(a) when the adjustment occurred under 209 or 245(i).

b. Citing the current version of 212(a)(6), when the earlier version of the inadmissibility ground was applicable.

c. Citing to adjustment when the person was admitted on an immigrant visa.

D. EOIR ROPs

1. It may be necessary to obtain an EOIR ROP or to listen to a recorded hearing. To date, we do not have a centralized request system with EOIR. If information from EOIR is necessary, please work with your local ICE counterpart. Raise any issues in receiving the information you need to your supervisor.

E. Witness Interviews

1. Depending on the grounds contained in the AGC, it may be necessary to interview an officer who adjudicated the N-400 or an officer who adjudicated another application in the A file.

2. If it is determined that such an interview is necessary, work with the HFE FOD Unit POC to identify the officer and schedule an appropriate time to discuss the case with the officer.

3. When interviewing the officer, the HFE ISO should also participate in the interview. Both OCC and the ISO may ask questions of the officer, but OCC may lead the interview.

4. If concerns arise regarding the witness's personal circumstances that would affect his or her ability to be a witness, have that discussion on a separate call with the witness, without the HFE ISO.

5. If the officer is still employed with the government, the relevant applications may be sent by email, encrypted as necessary, if the officer is not co-located with either the OCC POC or the HFE FOD Unit POC.

6. If the officer is no longer employed with the government, and it is not possible to interview that former officer in person, please consult with your supervisor before sending documents from the A file to a non-governmental email account.

7. The OCC ECN contains a list of sample questions that may be asked during such an interview. The questions are simply a sample and the questions in the interview in your case may differ.

8. The interview with the officer may be memorialized in short memo prepared by the HFE FOD Unit POC. Memorializing the conversation is not required.

9. **IMPORTANTLY**: OCC must assess whether the officer's testimony supports the particular ground of denaturalization for which that officer's testimony is sought. If there are concerns about an officer's testimony, the case may be referred without inclusion of that particular denaturalization ground, assuming other grounds of denaturalization exist. If it is referred without this ground, please include that information in the "notes" section of the referral cover sheet.

10. Unavailability of Officer:

    a. Deceased -- If the officer is deceased, another officer, generally one who was in a supervisory position over that officer at the time of the adjudication, may be interviewed to establish the deceased officer's pattern and practice.

    b. Retired -- if the officer is retired and cannot be located, another officer, generally one who was in a supervisory position over that officer at the time of the adjudication, may be interviewed to establish the retired officer's pattern and practice.

c. Retired and unwilling to participate – if the officer is retired and unwilling to assist the government, OCC should assess the need for the particular denaturalization ground and whether the case should be referred without including any allegations that require the officer's testimony.

F. Union Issues

1. In consultation with CALD, it has been determined that these officer interviews, which are being conducted solely to determine whether a legal basis exists to allege a particular ground of denaturalization, are not the types of engagements for which union representation would be appropriate.

2. HQ FOD sent out an email to the DDs, FODs, the NBC, and Service Center Directors advising them of this determination; accordingly, an officer should not request union representation in these cases. However, should an officer insist on union representation in these cases, please ensure the HFE FOD Unit POC is aware of the request, and also advise your supervisor.

3. **Do not** conduct an officer interview for purposes of denaturalization if the officer insists on union representation. Instead, raise the matter to your supervisor.

4. After consultation with your supervisor, a denaturalization case may be referred without a particular ground for denaturalization if that ground is dependent upon an officer's testimony and there are concerns or issues with that officer's testimony. In such cases, please include a brief description of the issue on the Referral Cover Sheet.

G. Fingerprint Comparisons for Litigation

1. As of December 2017, the HFE FOD Unit will be requesting and obtaining fingerprint comparisons from the ICE Forensic Lab in advance of referring a case to OCC for review.

2. The fingerprint request from the HFE Unit to ICE should contain a list of all encounters for which there are fingerprints within US VISIT for comparison. The request should not exclude any available prints from comparison. Importantly, the type of comparison done by ICE (i.e. whether it be a one-print or 10-print comparison) is a matter decided by the forensic lab policies and procedures. However, there should be a comparison of at least one fingerprint for each encounter.

3. For any cases referred before December 2017, OIL will request the fingerprint comparison. Any issues regarding fingerprints should be raised to your supervisor.

4. In contested denaturalization cases, OIL will determine at a later date whether to use the fingerprint specialist who completed the ICE fingerprint report as the witness or to rely on local law enforcement. The decision will be based on the jurisdiction in which the case is filed and will necessarily vary on a case-by-case basis.

H. Finalizing the Denaturalization Case

1. Once you have finalized your review of the denaturalization case, refer the case to the supervisor who is responsible for reviewing the denaturalization case, as established by your Division.

2. After the case is approved by the supervisor, prepare the case for referral to OIL.

3. To refer the case to OIL the following items must be completed:

a. Referral Cover Sheet

b. Index/List of Attachments

c. Executed AGC

- The original AGC remains with the A file. A scanned copy of the AGC is what is referred to OIL.

d. Attachments that support the allegations in the AGC

- The attachments should include a fingerprint comparison from the ICE Forensic Lab along with the US VISIT printout.

4. If possible, all these documents should be scanned into 1 PDF, so long as the PDF size does not exceed 18MB. If the PDF exceeds 18MB, create multiple PDFs as necessary. The PDF(s) will then be emailed, encrypted as necessary, to the CISOCCDENATZ inbox.

a. Any documents with full social security numbers must be encrypted when sent by email, even when the email is being sent internally. As many forms (including most N-400s) have full social security numbers listed, it is important these forms not be sent by email without encryption.

b. Please review the Office of Privacy Connect Page for guidance on how to handle PII and SPII. Some relevant links to documents dealing with PII and SPII are included below:

- USCIS Management Directive Handling Sensitive and Non-Sensitive PII.
- Privacy Newsletter 4 and 1 Issue Final (See page 4)
- Office of Privacy webpage – Q&A
- Privacy Newsletter – Combined 2nd and 3rd Quarter

c. As established by the Office of Privacy, documents containing SPII may be sent using PKI, the information may be attached in an encrypted file, or the information may be redacted. Please ensure any one of the appropriate methods is used when sending SPII.

5. The CISOCCDENATZ inbox will notify you once the case has been referred to OIL and again when the OIL POC is assigned.

6. The CISOCCDENATZ inbox will notify the HFE FOD Unit once the case has been referred to OIL.

7. The CISOCCDENATZ inbox will also notify the ICE DENATZ INBOX that the case has been referred to OIL.

V. Post Referral to OIL

A. A File Requests

1. The OIL attorney will request a copy of the subject's A-files by email. Until a decision is made on other procedures for file sharing, an uncertified, encrypted copy of the A file may be transmitted to OIL by email in cases where there is no classified information in the A file.

B. A File Certification:

1. USCIS will not certify A files upon initial referral to OIL. There are ongoing discussions regarding the timing of the certification of the A file. Any requests to certify the A file in advance of a complaint being filed should be referred to the CISOCCDENATZ mailbox.

C. AGC

1. The OIL attorney may want to discuss aspects of the AGC and the case in general, including why certain allegations were included or omitted; issues implicating unresolved USCIS legal positions should be elevated through your supervisor within USCIS OCC.

2. If an additional ground of denaturalization is added, or a ground is deleted, in advance of filing the complaint, OIL will ask that the AGC be amended and executed again. It is OIL's preference that the AGC and Complaint contain the same grounds of denaturalization at the time the Complaint is filed.

3. In cases where the subjects address changes in advance of filing of the complaint, OIL will ask that the AGC be executed again.

D. Litigation Hold

1. OIL attorney will send litigation hold memo to USCIS, ICE, CBP. OCC is currently working with OIL regarding the litigation hold notices. Until further notice, proceed with litigation holds in these cases as you would normally proceed with any litigation hold in a non-denaturalization case.

E. CJR Letter

1. In advance of filing a complaint, and absent extenuating circumstances, DOJ must attempt to engage in pre-filing settlement discussions with the putative defendant and/or his or her attorney. Accordingly, in advance of filing the complaint, OIL must send out a Civil Justice Reform (CJR) letter to the putative defendant.

2. The OIL attorney should provide the draft CJR letter to assigned USCIS attorney for review and comment. The CJR letter is sent to the subject to advise him/her of the government's intent to initiate denaturalization proceedings in federal court and to provide him/her an opportunity to settle the matter before the complaint is filed. In every case, the one non-negotiable term of settlement is that the subject will not retain U.S. citizenship. OCC should review the CJR for factual and legal accuracy and for any unresolved issues which may have project-wide implications. If significant substantive revisions are proposed, elevate within chain of command for concurrence.

F. Complaint

1. The OIL attorney should provide draft Complaint to assigned USCIS attorney for review and comment. The Complaint will generally track the AGC, but this is not a legal requirement. Assertions in the AGC may not have been included in the Complaint, and the Complaint may contain assertions not made in the AGC. The OCC field attorney should review for factual and legal accuracy and for any unresolved issues which may have HFE project-wide implications. If significant substantive revisions are proposed, elevate within chain of command for concurrence.

G. Current Address

1. Once the CJR letter and complaint have been finalized, but before the CJR letter is sent, OIL will request confirmation that the subject's physical address remains as listed in the AGC.

2. OCC should work with the HFE FOD Unit POC to confirm the subject's current address through available means. Absent other indicators that the subject is not residing at the address contained in the AGC, confirmation via public record and other electronic sources is sufficient.

3. If there are indicators within USCIS records (e.g. FOIA request post-dating AGC, petition filed post-AGC) that the subject's address may have changed, the HFE FOD FDNS POC may need to enlist the assistance of local FDNS to confirm current address through means other than public record.

VI. Post Denaturalization – Reserved

Appendix A

Sample incoming email from HFE FOD Unit when denaturalization case is ready for OCC review.

From: Kwan, Russell S
Sent: Wednesday, November 29, 2017 6:36 PM
To: CISOCCDENATZ
Cc: Miles, John D; Martinez, Janette M; Campagnolo, Donna P; Chau, Anna K; Gearhart, Mark A; D'Angelo, Caroline M; Andrade, Daniel W; Salidzik, Christina E (Christy)
Subject: FW: HFE Denatz - Massachusetts - Massachusetts District Court

(b)(6)

OCC Denatz:

The following case for Denatz has been loaded to the ECN:

Primary Last Name:	[redacted]
Primary A Number (N400):	[redacted]
USCIS District:	District 1
State:	Massachusetts
District Court:	Massachusetts District Court
ECN Link to District Library:	(Click Here)
ECN Link to HFE Home page:	(Click Here)

The HFE ISO assigned to the case is:

Caroline D'Angelo

[redacted]

Appendix B

Sample email from CISOCCDENATZ to OIL referring a denaturalization case.

-----Original Message-----
From: Kostelac, Kayla A
Sent: Friday, October 13, 2017 11:49 AM
To: 'usdojgov, denaturalization (CIV)'
Cc: Shin, Sandra H; Rojes, Kathleen M; Roy, David V
Subject: FW: AGC Packet [redacted] 603

(b)(6)

Good Morning OIL,

In addition to the 2 emails I sent containing 3 attachments for the AGC referral packet o[redacted]s well as the email containing the password, I am sending this email with the following copied, so you have their contact information:

POC: Sandra Shin
Deputy Chief: Kathleen Rojes
Chief of the Western Law Division: David Roy

Please also note that the HFE subject has filed a mandamus regarding an I-130 filed on behalf of her daughter, so there is time sensitivity to this matter.

Thank you,

Kayla Kostelac
Legal Assistant
Office of the Chief Counsel
U.S. Citizenship and Immigration Services U.S. Department of Homeland Security
Office: [redacted]

(b)(6)

-----Original Message-----
From: Kayla Kostelac [mailto[redacted]
Sent: Friday, October 13, 2017 11:45 AM
To: [redacted]
Subject: AGC Packet [redacted] 603

Good Morning OIL,

Attached please find parts 1 and 2 of the AGC referral packet fo[redacted]ssociate Counsel Sandra Shin is the OCC POC on this case and I will forward her contact information to you. However, in addition to contacting Sandra Shin regarding this case, you may also contact Kathleen Rojes, Deputy Chief, or David Roy, Chief of the Western Law Division. I will forward their contact information on as well. I will be sending one more email containing part 3 of the AGC referral packet, and I will also email you the password for the AGC attachments. If you could please confirm receipt of this email, and send the contact information for an OIL POC, I would appreciate it. Please let me know if you have any questions.

Thank you,

Kayla Kostelac
Legal Assistant
Office of the Chief Counsel
U.S. Citizenship and Immigration Services U.S. Department of Homeland Security
Office[redacted]
ref:_00DG0hO5S._500t0761F0:ref

(b)(6)

Appendix C

Quick link: PDF password lock a document

Quick link: Winzip a document

AGC packets MUST be encrypted when emailed to the cisoccdenatz@uscis.dhs.gov inbox. Because it's a shared/group inbox, encrypted emails cannot be sent through Entrust/PKI. You will need to send it via either PDF password locking the document, or utilizing Winzip to encrypt the PDF document.

Please remember that PDF documents need to be 18MB or under, or else PMT will not send it through to OIL. If it's over 18MB, split it into multiple PDF documents that are 18MB or under.

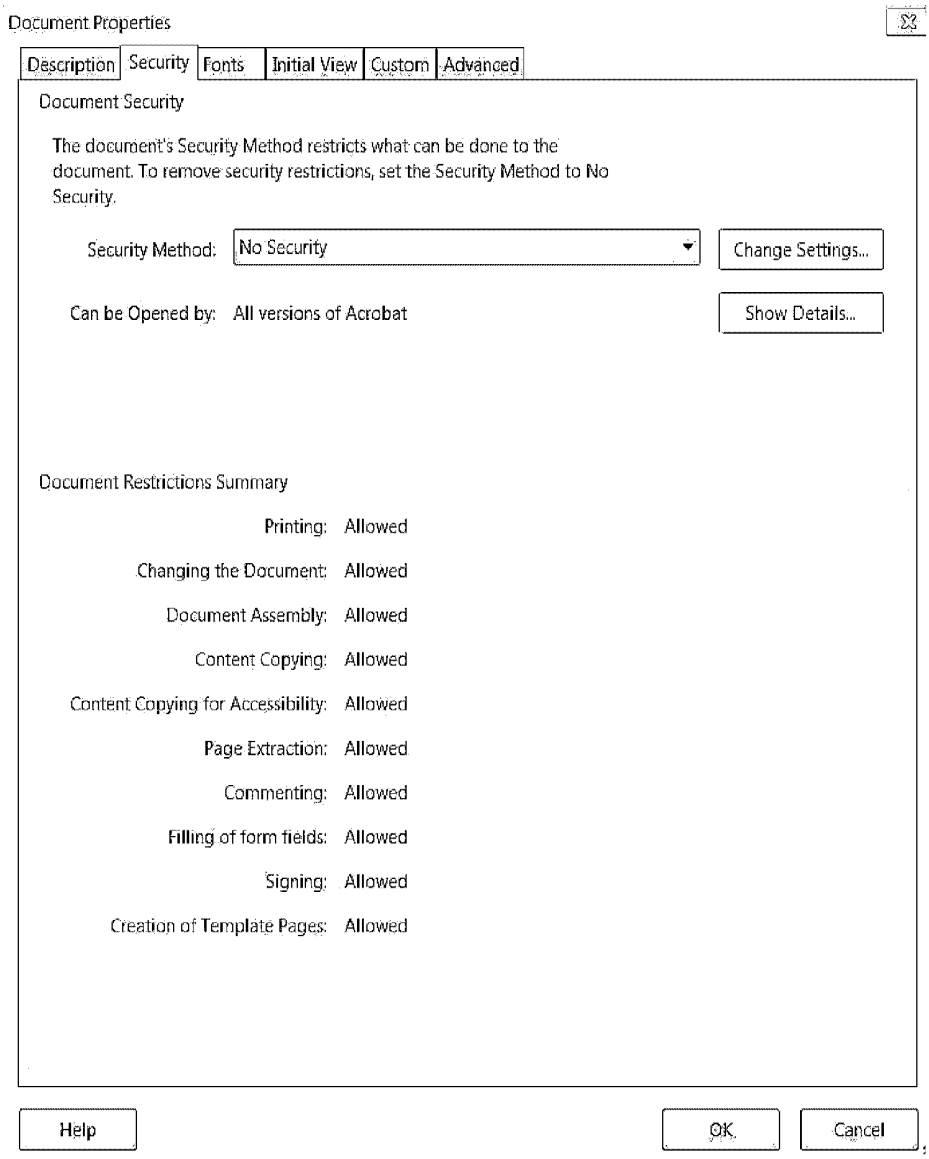
The AGC packet needs to be emailed to the Denatz inbox assembled and ready for emailing to OIL. It will have, in the following order, a cover sheet, index/table of contents, AGC, and attachments.

Email the encrypted AGC packet, with your supervisor copied, to the Denatz inbox, and let the inbox know the AGC referral packet has been reviewed and is ready to be emailed to OIL. Send the password in a follow up email.

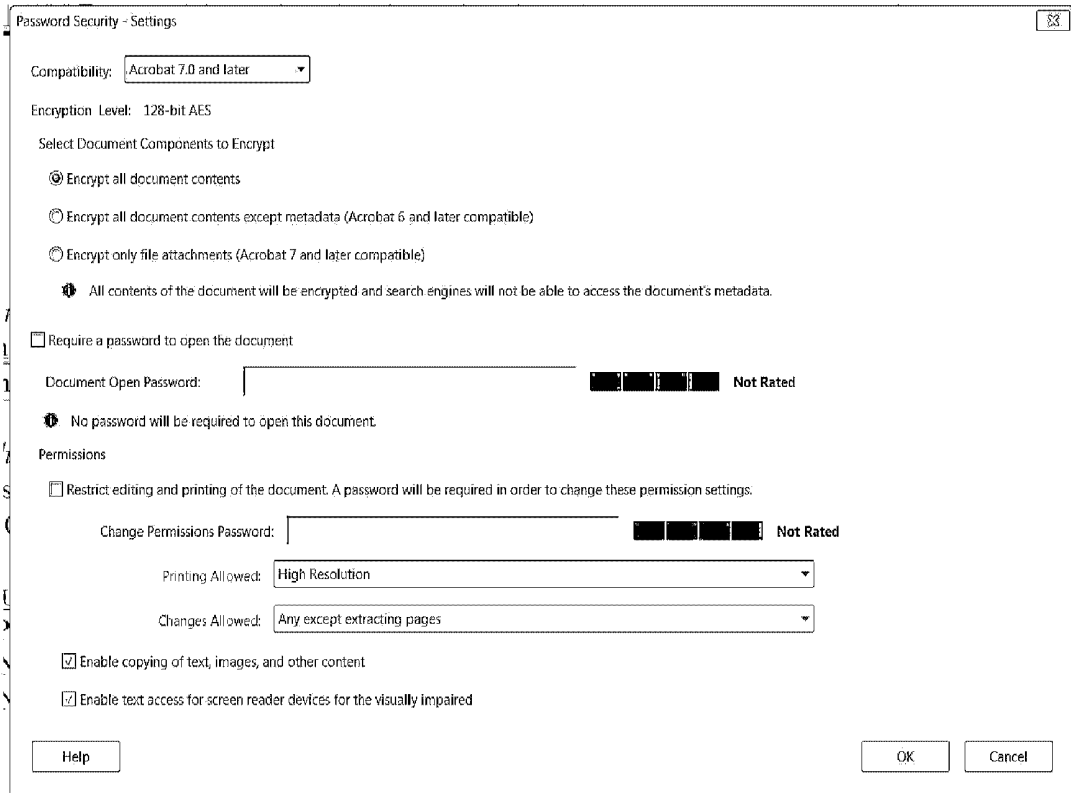
Please email the Denatz inbox should you have any questions. Thank you!

PDF PASSWORD LOCK A DOCUMENT

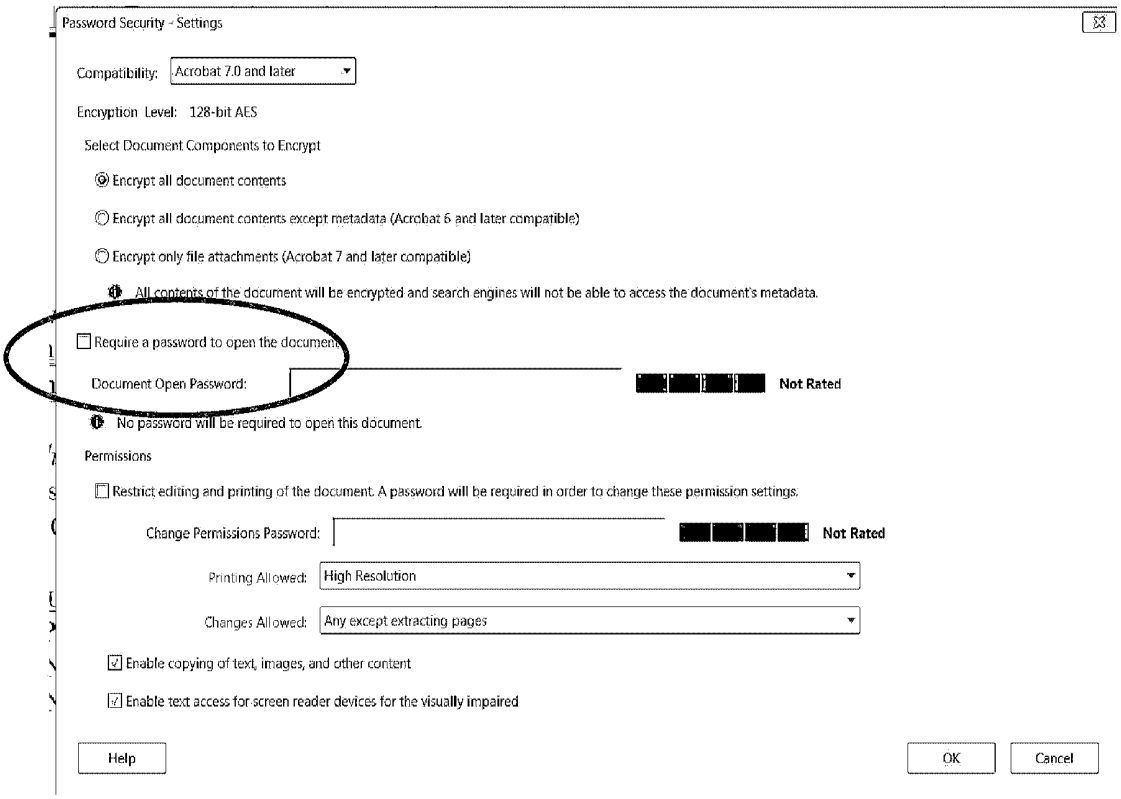
When you are in the PDF, click on file in the top left corner, then click on properties (which is halfway down). You will automatically be on the security tab:



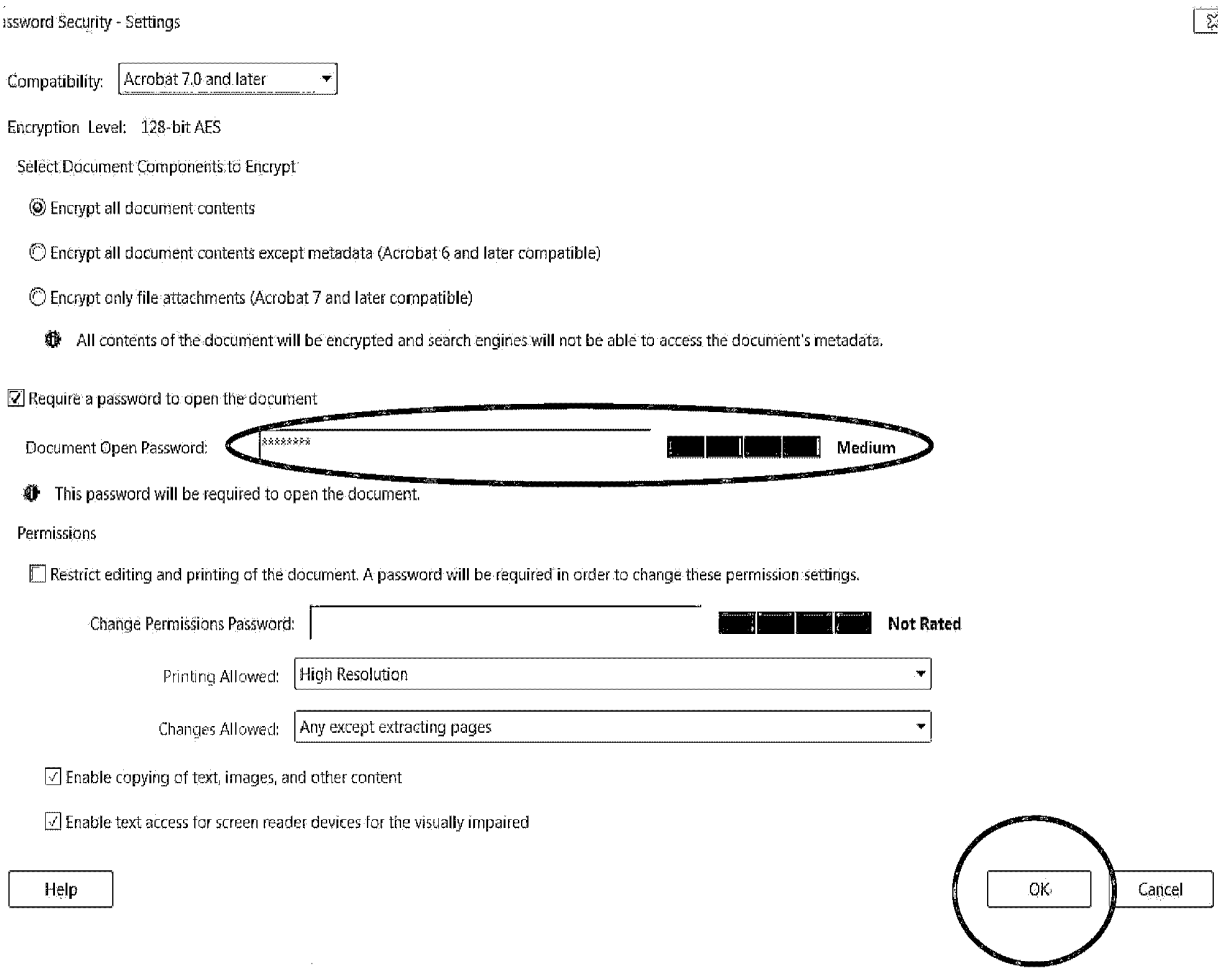
Once in the security tab, change the "no security" in the drop down to "password security". It will pop up a box that looks like this:



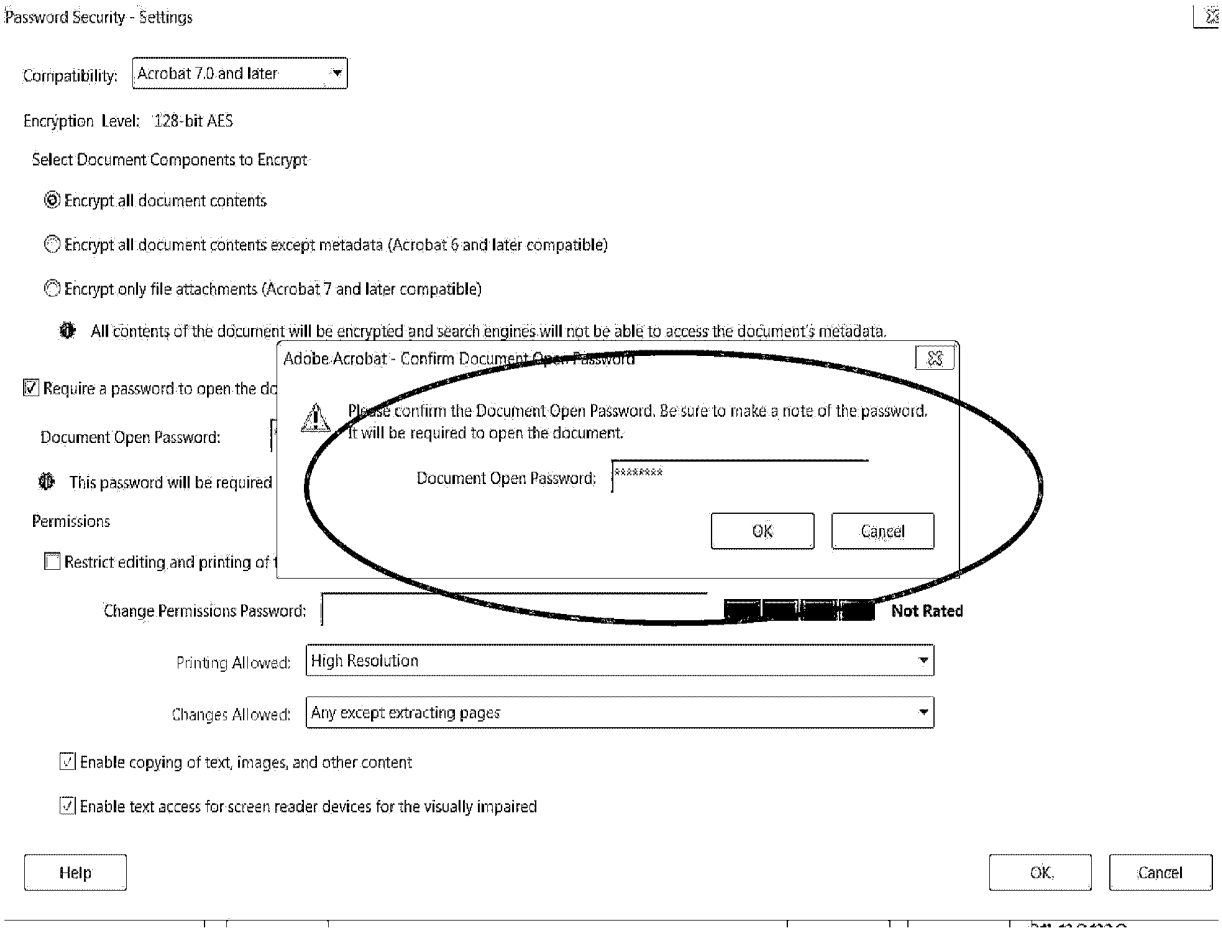
In the middle of that box, check mark "require a password to open the document".



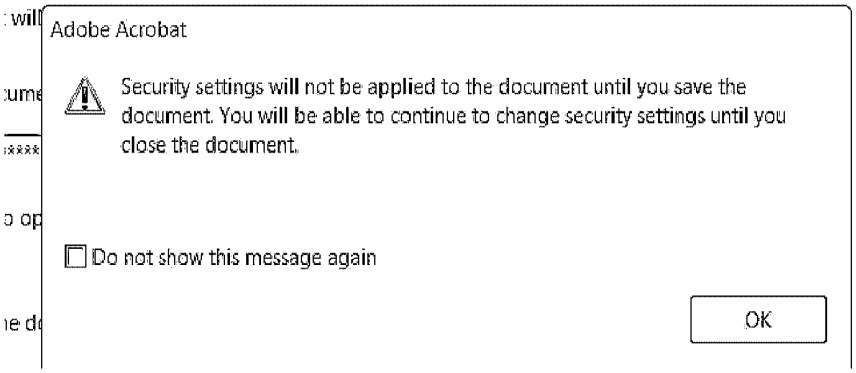
You will then type a password in and hit ok.



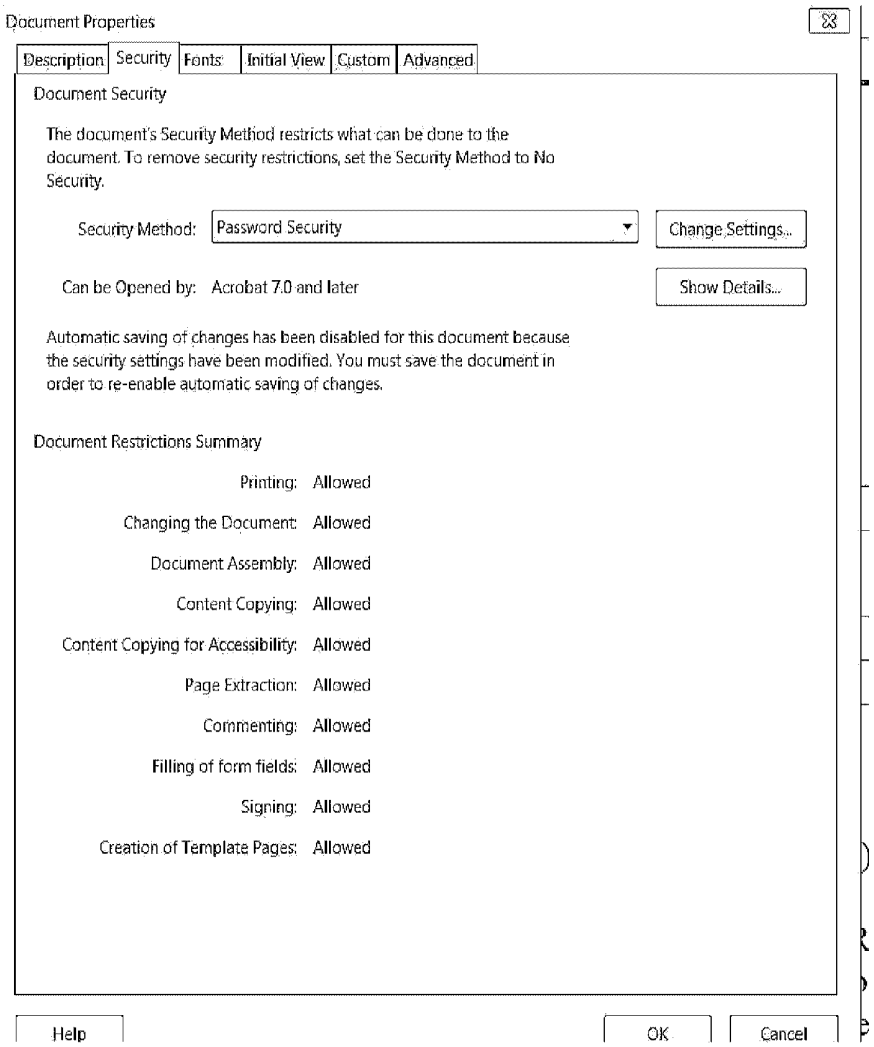
Once you hit ok, it will ask you to type the password again:



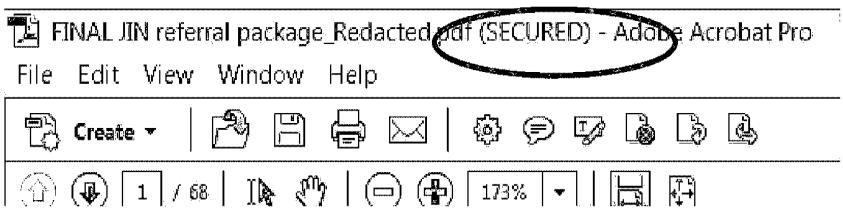
Hit ok once you type in the password. This box will appear:



Select ok again. This box will be on the screen now:



Hit ok. Now save the document as a PDF (wherever you'd like: desktop, personal file, etc.). When you hit save, it will show that the PDF is now encrypted

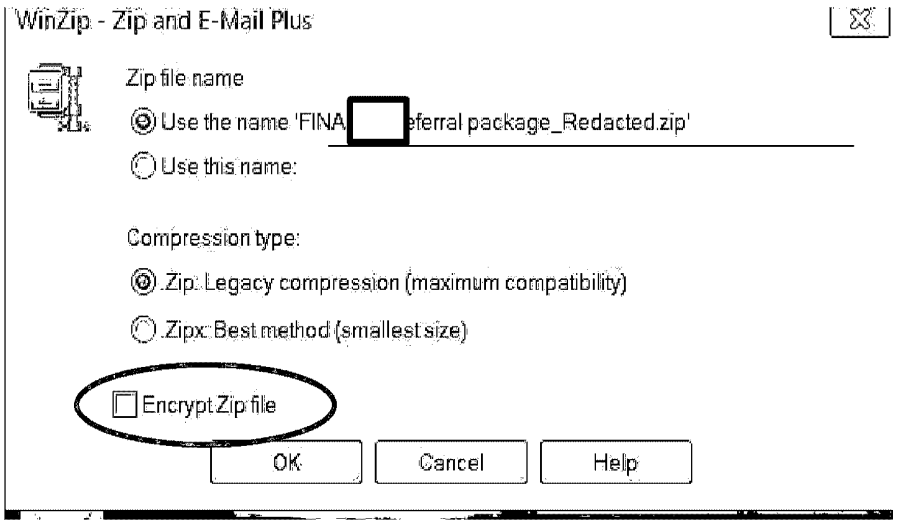


(b)(5)

WINZIP A DOCUMENT

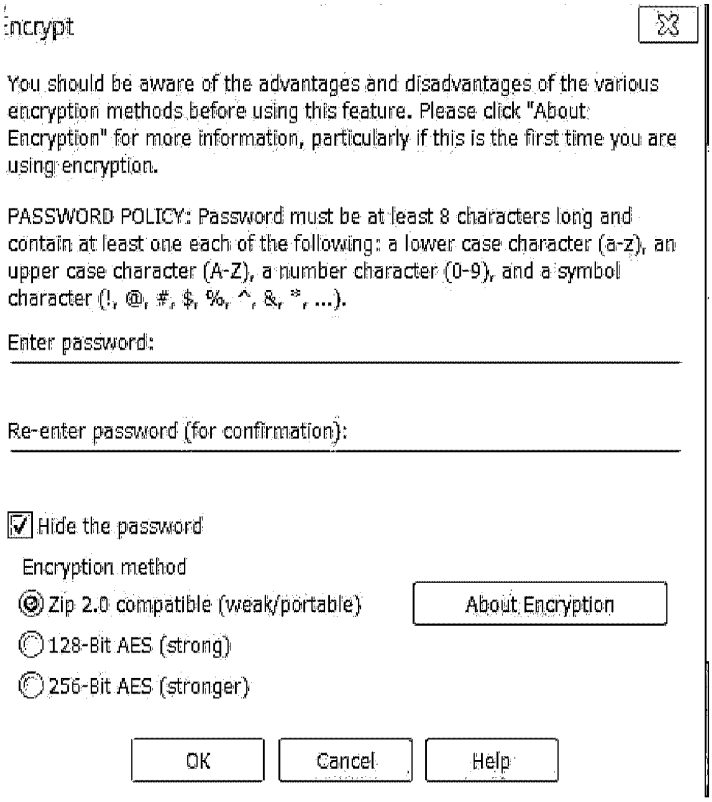
Right Click on the PDF document and click on "Winzip", then "zip and email plus"

Check the "Encrypt Zip File" Box



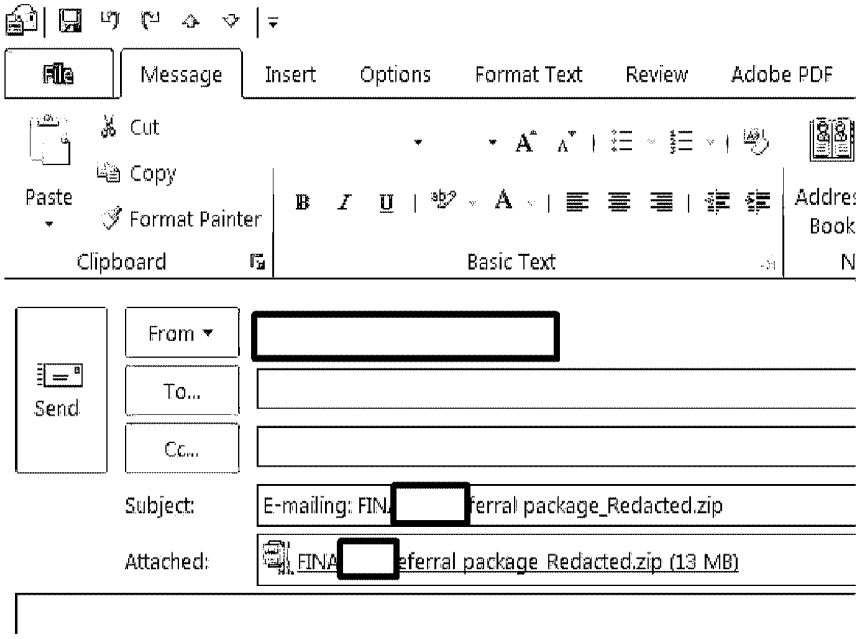
(b)(6)

Hit okay. When you hit okay, a box will pop up to type a password in.



Type the password in twice, and hit okay.

Once you do that, the PDF will be encrypted and in an email, ready to send to the cisoccdenatz@uscis.dhs.gov inbox:



(b)(6)

(b)(5)

INTERNAL USE ONLY

U.S. Citizenship and Immigration Services
Office of Communications

Public Affairs Guidance

ISSUE
Historical Fingerprint Enrollment (HFE) Unit

LAST MODIFIED
June 2018

GUIDANCE
Response to Query

BACKGROUND

Since 2008, the Department of Homeland Security (DHS) has used the Automated Biometric Identification System (IDENT) as a centralized department-wide digital fingerprint repository. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS) and Customs and Border Protection (CBP) digitize all fingerprints and upload them into this system, which is fully interoperable with the Federal Bureau of Investigation (FBI).

Prior to IDENT, fingerprints were manually captured using Form FD-258 fingerprint cards, and the completed cards were then retained in the individual's alien file(s) (A-file(s)). Over the past few years, DHS and its components have taken actions to address the challenges posed by the existence of these old, paper-based files and records that are not available in a usable electronic format. As a result of these actions, DHS and other entities have identified a number of decades-old fingerprints that were not digitized in IDENT. In September 2012, U.S. Immigration and Customs Enforcement (ICE) began digitizing these fingerprint cards and checking the fingerprints against IDENT. Fingerprints not previously uploaded into IDENT are enrolled as HFE encounters.

(b)(5)

USCIS has encountered a significant population of immigration benefit requests where the derogatory information about a subsequent identity and/or previous enforcement action was not available at the time of adjudication. As such, USCIS is taking the necessary efforts to review the derogatory information and determine if the immigration benefit was unlawfully acquired, and if so, to revoke, terminate, cancel, or rescind the unlawfully obtained immigration benefit. This includes investigating and referring cases to the Department of Justice for denaturalization proceedings where it appears an individual unlawfully obtained their U.S. citizenship.

- ICE Homeland Security Investigations (HSI) had already begun a nationwide enforcement operation that identified about 120 naturalized citizens who were prioritized for potential criminal prosecution. ICE HSI continues to work closely with the Offices of the United States Attorneys (USAO) who are responsible for the criminal prosecution of these cases. For any cases where criminal prosecution is declined, ICE HSI and USCIS will work with DOJ to determine the appropriateness of civil denaturalization proceedings.
- While paper fingerprint records may reveal an applicant has a record under a different name, has a prior removal order, or has a criminal conviction these factors may not necessarily demonstrate they were ineligible for the immigration benefit received, such

[redacted] (b)(5)

- Oftentimes, when an applicant files for an immigration benefit request, such as the Form I-485, Application to Register Permanent Residence or Adjust Status, or a Form N-400, Application for Naturalization, USCIS initiates a number of biometric and biographic inter-agency background and security checks. Biometric-based background checks are initiated after the applicant appears at the Application Support Center (ASC) to submit their fingerprints and have a photograph captured. These background and security checks apply to most applicants, unless exempted by law or policy, and must be conducted and completed before the applicant is scheduled for their immigration benefit request interview, if one is required.

STATEMENT:

As a critical part of our mission, USCIS always strives to combat fraud which poses a systemic risk to the integrity of our nation's immigration system.

We are working to address the challenges posed by the existence of old paper-based files and records. To do this, we have established a Historical Fingerprint Enrollment (HFE) Unit in Southern California to review fingerprint cases involving fraud, public safety, and national security concerns, and refer them to the Department of Justice (DOJ) for civil denaturalization.

TALKING POINTS

- The overwhelming majority of fingerprint records identified in the OIG report of September 2016 were paper records obtained by the former Immigration and Naturalization Service (INS) before the creation of the Department of Homeland Security.

(b)(5)

- Previously, legacy INS and DHS relied on paper-based fingerprint cards and biometric comparisons which did not yield instantaneous results. However, biometrics are now digitally captured and comparisons are automated, allowing for near real-time verification and validation.
- Hundreds of thousands of fingerprint records have been uploaded from paper fingerprint cards into IDENT, the DHS fingerprint repository. As a result, USCIS has now identified thousands of previously naturalized individuals with potential multiple identity fraud.
- We are continuously assessing the resources we need to address immigration fraud. In January 2017, we created the Historical Fingerprint Enrollment (HFE) Unit in Los Angeles, California, whose primary objective is to review potential denaturalization cases.
- We investigate the individual's entire immigration history and officers carefully analyze the facts of each case to ensure there is sufficient evidence to pursue denaturalization. We make each determination on a case-by-case basis. In addition, the USCIS Office of the Chief Counsel reviews each case to ensure it is legally sufficient and supported by appropriate evidence before we refer the case to the Department of Justice for consideration, where appropriate, of denaturalization proceedings.
- [redacted]
  expect the number of referred cases to increase as case review proceeds and as additional fingerprint records are uploaded into IDENT.
- Along with partners at DOJ, DHS is working to identify any additional remaining paper fingerprint records that have not been uploaded into IDENT.
- Among those identified cases, some may have sought to circumvent criminal record and other background checks in the naturalization process.
- As part of our mission to provide immigration benefits to eligible applicants, we strive to combat fraud that poses a systemic risk to the integrity of our nation's immigration system.
- Due to the nature of our anti-fraud investigations, we cannot provide additional details on the techniques and processes for how we handle these types of cases or the length of our investigations.

QUESTIONS AND ANSWERS:

Q. Who determined the criteria for which cases would be reviewed first?

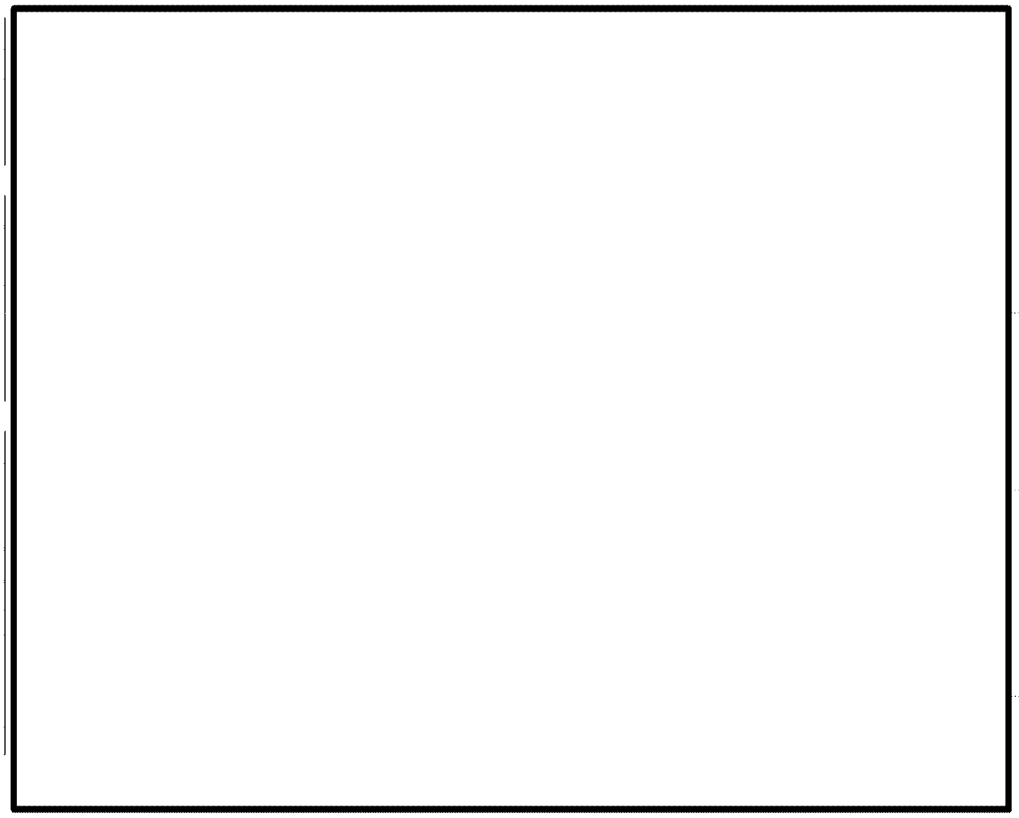
[redacted]

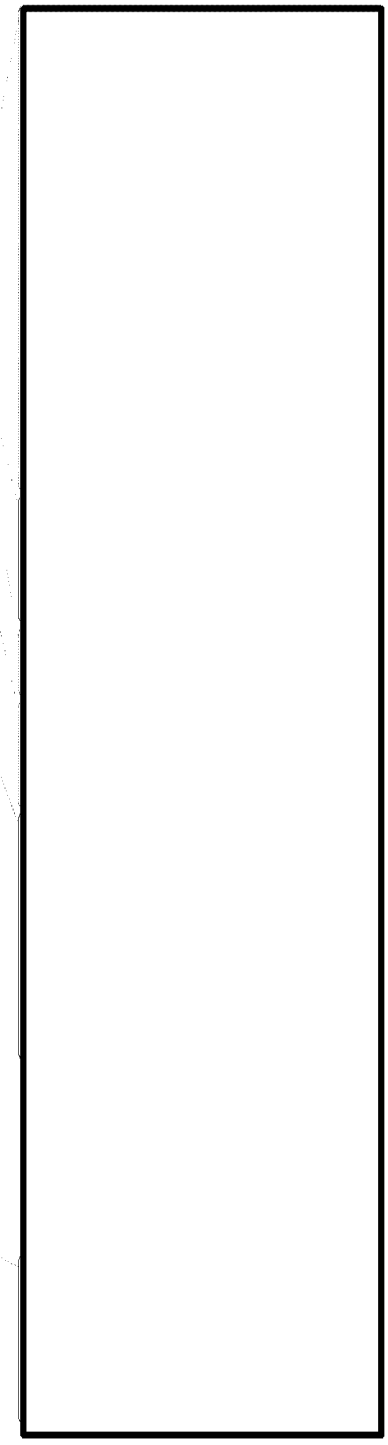
Q. Prior to this new policy, what kinds of cases was the HFE ~~unit~~ Unit focused on?

[redacted]

(b)(5)

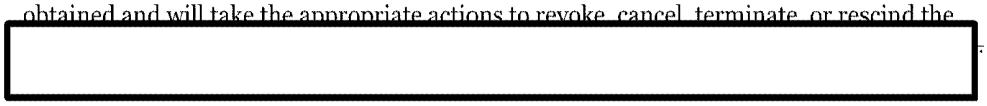
(b)(5)





Q. What happens to the cases that do not involve denaturalization? Such as cases 2-9 in your policy memo? Who are they referred to?

A. USCIS will conduct an administrative review to determine if the benefit was unlawfully obtained and will take the appropriate actions to revoke, cancel, terminate, or rescind the



(b)(5)

(b)(5)

Q. How can someone still be eligible to adjust status or have some sort of legal status in the United States if they've been deported or have claimed another identity?

A. It is possible that someone who has been removed (deported), committed fraud, or misrepresented information can be eligible to adjust. The immigration law makes inadmissibility waivers available in certain, limited circumstances related to fraud or willful misrepresentation, provided the applicant can show that removal from the United States would result in extreme hardship to a qualifying relative.

An individual who has been removed (deported) from the United States may apply for permission to return to the United States, although this permission is not granted frequently. Additionally, under the law, most removals do not result in a lifetime bar to returning to the United States; therefore, someone may return to the United States lawfully after removal if they have remained outside the United States for the requisite period of time.

Q. Why didn't the system catch this?

A. The Automated Biometric Identification System (IDENT) is a DHS-wide system for storing and processing biometric data. All IDENT users are federal, state, local, tribal, foreign, or international governmental agencies that have entered into written information sharing access agreements. IDENT performs certain quality checks and seeks to ensure that the data meets a minimum level of quality and completeness; however, it is ultimately the responsibility of the original data owner, whether an organization external or internal to DHS, to ensure the accuracy, completeness, and quality of the data.

Similar to other government agencies, DHS is working to address the challenges posed by the existence of legacy, paper-based files and records. The issues identified in the September 2016 OIG report are a consequence of old, paper-based fingerprint records. Today, all DHS fingerprints are digitally uploaded into IDENT, a data system accessible across all DHS components and interoperable with other federal agencies.

As noted in the OIG report, ICE identified a number of decades-old fingerprints in Immigration and Naturalization Service (INS) paper files that were not digitized. The vast majority of these fingerprints date back to the 1990s. DHS currently digitizes all fingerprints and the number of remaining paper records will decrease as DHS continues to digitize old fingerprint cards.

Q. What happens once an application is approved, but someone has multiple identities detected through fingerprint data? Do they get their permanent resident card, work permit, etc. revoked?

A. As stated in the report, if we determine that an individual unlawfully obtained an immigration benefit, we will review the case and take appropriate action, which may include rescinding, revoking, or terminating an immigration benefit; initiating removal proceedings; and/or referring the case to the appropriate enforcement authority (such as ICE or DOJ).

Q. What is being done in the fingerprint system to prevent this from continuing to happen?

A. Immigration and law enforcement officials now collect digital biometric information, including fingerprints, electronically and are no longer reliant on paper fingerprint cards. This will reduce the instances where paper fingerprint records are not available in electronic systems.

Q. What is the HFE ~~unit~~Unit?
A. HFE stands for Historical Fingerprint Enrollment. This unit reviews and refers cases to DOJ for civil denaturalization.

Q. Where is the HFE U~~u~~nit going to be?
A. The new office for the HFE Unit will be located in Southern California. This office will report to our Los Angeles District Office.

Q. How many people will work there?
A. Current Immigration Services Officers, from within the USCIS Field Operations Directorate, have been assigned to the unit since Jan 2017. USCIS is continuously assessing the resources required to address immigration fraud and is actively working to hire new immigration officers and lawyers to staff its new facility in Southern California.

Q. Why is the administration dedicating so many resources to this new initiative?
A. Digitizing historic fingerprints began during the previous administration, as reflected in the DHS OIG report of September 2016. The cases are the result of an ongoing collaboration

(b)(5)

[redacted]

[redacted]

Q. What will the budget be for the new office, and what percentage is it out of the total USCIS budget?

[redacted]

Q. How will this affect other departments? Can we expect slower processing times?
A. This unit will not affect other departments at USCIS or cause slower processing times. We will continue to provide immigration benefits to eligible applicants and combat any fraud that poses a systemic risk to the integrity of our nation's immigration system.

Q. Is the HFE U~~u~~nit a new initiative? DHS states they were working on this back in January 2017. Can you explain the discrepancy?

[redacted]

[redacted]

(b)(5)

(b)(5)

Page 4: [1] Comment [FOD9]	FOD	6/27/2018 2:29:00 PM

Page 4: [2] Comment [CES10]	Salidzik, Christy	6/27/2018 9:13:00 AM

Page 4: [3] Comment [FOD11]	FOD	6/27/2018 2:37:00 PM

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

(b)(7)(e)

Civil Denaturalization Referrals to OIL – April 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

Questions regarding civil denaturalization referrals may be addressed to [redacted] or to the individual USCIS field attorney identified in each case summary. (b)(6)

HFE Denaturalization Cases[1]

[redacted] (b)(5)

(b)(6)

[redacted] Form I-485 was approved. He ultimately naturalized under this identity. He never revealed his prior immigration proceedings, identity, or immigration filings during his adjustment of status or naturalization interviews. [redacted]

[redacted]

[1] As of April 30, 2018, USCIS has referred 87 HFE denaturalization cases to OIL.

(b)(5)

(b)(6)

[redacted]

which was approved. On [redacted] became a lawful permanent resident. She failed to disclose her use of a different name, date of birth, and prior deportation proceedings. On [redacted] USCIS approved her naturalization application, and she naturalized under the name [redacted] on [redacted]

[redacted]

[redacted] filed an N-400 which failed to disclose his prior immigration history. Based on his written application and the testimony provided during his naturalization interview, [redacted] N-400 was approved on [redacted] and he was admitted as a U.S. citizen on [redacted] In addition, [redacted] use of a shared residential address, under both identities, is well-documented in both A-files. [redacted]

[redacted]

(b)(6)

(b)(5)

[redacted]

[redacted]

asylum and ordered her removed. [redacted] filed an appeal with the Board of Immigration Appeals, which was subsequently dismissed. On [redacted] filed another claim for asylum and withholding of removal under the name of [redacted] with INS, claiming to be from [redacted] The asylum officer granted her asylum application. She adjusted status in 2006 and naturalized on [redacted]

[redacted]

proceedings. She failed to appear for a scheduled hearing on [redacted] and was ordered removed by an Immigration Judge in absentia. On [redacted] filed Form I-485 with USCIS under the name [redacted] as a derivative beneficiary on her husband's I-140. She claimed on her Form I-485 that she was born on [redacted] and that her last entry into the United States was on [redacted] as a B-2 non-immigrant visitor with [redacted] passport. She also represented on her I-485 that she was born in [redacted] she had never been deported from the United States, or removed from the United States and had never by fraud

or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit. On her I-485 was approved and she was accorded lawful permanent resident status as She did not reveal her previous identity and immigration history. She ultimately naturalized under the identity, and again failed to reveal her previous identity and immigration history.

and the BIA affirmed the Immigration Judge's decision and dismissed the appeal on filed a Form I-485 under the name with USCIS based on his marriage to his United States citizen spouse. On his Form I-485, he claimed he was born on and that his last entry into the United States was on as a B-1 non-immigrant. On his I-485, he represented that he was born in he had never been deported from the United States, or removed from the United States and had never by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the United States or any immigration benefit. On his I-485 was approved and he was accorded lawful permanent resident status on a conditional basis using the name He did not reveal his previous identity and his immigration history. He ultimately naturalized under the dentity.

[redacted]

[redacted]vas referred to the Immigration Court in New York. However[redacted]d not appear at the hearing and was ordered deported in absentia on[redacted] filed a Motion to Reopen on[redacted] which was granted, and he was later granted asylum on[redacted] on a conditional basis (conditions later removed[redacted] failed to disclose to the IJ that he had used a different name in the course of his previous exclusion proceedings, that he had previously applied for asylum under another identity, and that he had arrived previously[redacted] whereas he claimed in his most recent asylum proceedings that he had entered EWI at[redacted] On[redacted] became a LPR, failing to disclose he was in exclusion proceedings, that he had used a different name in previous proceedings, and that he not by fraud or willful misrepresentation previously sought to procure an immigration benefit. On[redacted] naturalization application was approved and he was admitted to citizenship on[redacted] failed to disclose his use of another identity, his prior exclusion proceedings (which resulted in an order of exclusion) during his naturalization proceedings.[redacted]

[redacted]

asylum application. When he did not appear for his merits hearing on[redacted] the Immigration Judge ordered him excluded in absentia. The Immigration Judge denied[redacted] motion to reopen, finding that he had been given oral notice of the hearing, and the Board of Immigration Appeals dismissed his appeal. He did not surrender to INS for exclusion. On[redacted] filed concurrent Forms I-130 and I-485. They were approved, and[redacted] became a conditional resident on[redacted] Their joint I-751 was approved on[redacted] On[redacted] USCIS approved his naturalization application, and he naturalized under the name[redacted] Throughout the process of him becoming a permanent resident and naturalized citizen, he did not reveal his other identity or prior exclusion order.[redacted]

[redacted]

(b)(5) (b)(6)

[redacted]

Cause and Notice of Hearing (OSC) charging him with being subject to deportation for having entered the United States without inspection. On [redacted] the Immigration Judge issued a decision finding [redacted] had not appeared for the hearing and ordered [redacted] deported to [redacted] in absentia for the reasons set forth in the OSC. After being issued Form I-166, also known as a Bag and Baggage letter [redacted] failed to appear for scheduled deportation on [redacted] There is no record that [redacted] departed the United States. Under the name of [redacted] filed an I-485 based upon an approved I-140. [redacted] was assigned [redacted] On the I-485 he indicated that he entered the United States in [redacted] without inspection. He failed to disclose his alternate identity (name, DOB, A#) and prior deportation proceedings. USCIS adjusted [redacted] status to lawful permanent resident on [redacted] On or about [redacted] filed an N-400 that failed to disclose his prior immigration history. USCIS approved his N-400 on [redacted] He was admitted to citizenship on August 23, 2013. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – August 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: OIG Denaturalization Cases and Non-OIG Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-OIG" section.

Questions regarding civil denaturalization referrals may be addressed to , or to the individual USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

granted lawful permanent resident status based on that marriage. He ultimately naturalized under that identity. He never revealed any of his prior immigration proceedings, identities, or immigration filings during his adjustment of status or naturalization interviews.

for asylum, claiming that he was from and that he feared persecution in based on his political opinion. His asylum application was referred to the EOIR. The immigration judge found him not credible, denied him asylum and withholding of deportation, and ordered him removed to Approximately ten (10) months later applied for asylum using the name claiming that he was from and that he feared persecution based on his membership in a particular social group. He was granted asylum and ultimately naturalized under the identity of He did not reveal his prior identity, immigration filings, or immigration court proceedings during his adjustment of status proceedings or during his naturalization interview.

[1] As of August 31, 2017, USCIS has referred 12 HFE denaturalization cases to OIL.

(b)(5) (b)(6)

[redacted]

custody. His request for asylum was denied by the immigration judge and he was ordered excluded. [redacted] appealed the judge's decision and the BIA dismissed his appeal on [redacted] While his appeal was pending before the BIA, [redacted] filed an asylum application with INS under the name [redacted] He failed to show for his asylum interview with INS and he was served with an Order to Show Cause by certified mail. He failed to appear for his deportation hearing and was ordered deported in absentia on [redacted] While the appeal of his first asylum application was pending at the BIA and his second application was pending with the INS asylum office, he filed a third asylum application with INS under the name of [redacted] This application was approved by INS and he subsequently adjusted his status as an asylee. He departed the United States only after he adjusted his status. He ultimately naturalized under this identity. He never revealed any of his prior immigration proceedings, identities, or immigration filings during his adjustment of status or naturalization interviews. [redacted]

[redacted]

name [redacted] claiming that he was from [redacted] nd had entered without inspection. His asylum application was referred to the immigration court and he was ordered deported in absentia after failing to attend his scheduled hearing. He subsequently married a U.S. citizen and applied for adjustment of status under the name [redacted] After their divorce, he married another U.S. citizen and again applied for adjustment of status under the name [redacted] He was granted lawful permanent resident status based on this second marriage and ultimately naturalized under the identity of [redacted] He did not reveal his prior identity, immigration filings, or immigration proceedings during his adjustment of status proceedings or naturalization interview. [redacted]

Non-OIG Denaturalization Cases

None.

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – December 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]
USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On December 5, 2017, USCIS referred the case of [redacted] a/k/a [redacted] to OIL for civil denaturalization. It was identified within the Historic Fingerprint Enrollment program as a case of multiple identities. [redacted] was paroled into the United States after he appeared using the name [redacted] at a Port of Entry without any valid entry documents. He was placed into exclusion proceedings in which he applied for asylum and withholding of removal. Both forms of relief were denied and his appeal of the Immigration Judge's decision to the Board of Immigration Appeals was dismissed in 1993. He failed to depart. Instead, [redacted] filed a second application for asylum in 1994 under the name [redacted] with a different date of birth and a different date of entry. His claim was based on events that occurred [redacted] while he was still in the United States. His asylum application was not granted by Immigration and Naturalization Service but was referred to an immigration judge due to a lack of credibility. He was placed into deportation proceedings in 1995 and his case was continued numerous times. On August 15, 2003, the immigration judge heard his claim for asylum and granted his application. He did not disclose anything about his prior identity or asylum application. He adjusted his status to lawful permanent resident under INA 209 in 2008. He did not disclose his prior immigration history and stated that he had entered the U.S. without inspection in September 1994. He then applied for naturalization under INA 316. Again, he did not disclose his prior immigration history and he was naturalized. [redacted] last known place of residence is [redacted] accordingly, venue lies within the jurisdiction of the United States District Court [redacted] The USCIS [redacted]

On December 6, 2017, USCIS referred the case of [redacted] a/k/a [redacted] to OIL, for civil denaturalization. It was identified as a case of multiple identities when he attempted to obtain an immigrant visa for his brother. [redacted] was paroled into the United States after he appeared using the name [redacted] in 1992 at a Port of Entry without

[1] As of December 31, 2017, USCIS has referred 40 HFE denaturalization cases to OIL.

any valid entry documents. He was placed into exclusion proceedings in which he applied for asylum and withholding of removal. Both forms of relief were denied and his appeal of the Immigration Judge's decision to the Board of Immigration Appeals was dismissed in 1994. He failed to depart. Instead, [redacted] filed a second application for asylum in 1994 under the name [redacted] with a different date of birth and a different date of entry in August 1994. His claim was based on events that occurred [redacted] while he was in the United States. While this application was pending, he married a U.S. citizen and she filed a petition on his behalf. He adjusted his status to lawful permanent resident under INA 245(i) in 2001 pursuant to his marriage. He did not disclose his prior immigration history and maintained the false entry without inspection in August 1994. He then applied for naturalization under INA 319. Again, he did not disclose his prior immigration history and he was naturalized. Mr. [redacted] ast known place of residence is [redacted] accordingly, venue lies within the jurisdiction of the United States Western District Court [redacted] The USCIS OCC field [redacted]

On December 18, 2017, USCIS referred the case of [redacted] a.k.a [redacted] to OIL for civil denaturalization. [redacted] initially entered the United States without inspection and filed for asylum with INS using the name [redacted] Following a referral to the Immigration Judge, [redacted] was ordered removed. After an unsuccessful appeal to the BIA, a warrant of removal was issued in 2005. In the meantime, [redacted] married a United States citizen and became a lawful permanent resident as an immediate relative spouse using the name [redacted] He ultimately naturalized under the name [redacted] He did not reveal his prior identity, asylum application, or removal order. [redacted]

On December 18, 2017, USCIS referred the case of [redacted] a.k.a., [redacted] for civil denaturalization. A native and citizen of [redacted] received a voluntary departure order under the name [redacted] on March 26, 1997 with an alternative order of deportation to [redacted] There is no evidence that the voluntary departure order was complied with and the order became an order of deportation. The order of deportation was never executed by INS/DRO and there is no evidence of self-deportation prior to his adjustment of status on September 29, 1998. At the time of adjustment, he did not disclose his prior identity and did not disclose the prior deportation proceedings. He ultimately became a citizen on June 09, 2004. Aliens who derived benefits from [redacted] have been identified and their A-files have been reviewed for action upon the denaturalization of [redacted] Passport records have been reviewed for [redacted] and NTA charges have been identified upon denaturalization. The [redacted]

On December 21, 2017, USCIS referred the case of [redacted], a/k/a [redacted] to OIL for civil denaturalization. [redacted] was arrested in 1991 during a smuggling investigation in California, assigned A[redacted], and placed in exclusion proceedings. On October 28, 1991 [redacted] applied for asylum. On April 16, 1992, [redacted] failed to appear for his exclusion proceedings and was ordered excluded and deported in absentia by an Immigration Judge. On August 17, 1992, the same individual, using the name [redacted] applied for asylum and failed to disclose his prior use of a different name and alien number and his prior

(b)(5) (b)(6)

arrest, immigration proceedings, and asylum application. He was assigned A [redacted] and on November 10, 1999, [redacted] asylum application was approved. On November 22, 2000, [redacted] filed a Form I-485, which was approved on August 4, 2005. On May 26, 2009, [redacted] filed a Form N-400, application for naturalization, which was approved on October 14, 2009, and he was naturalized under the name [redacted] on November 12, 2009. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – February 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On February 8, 2018, USCIS referred to OIL for civil denaturalization the case of A ; AKA , A ; AKA A a native and citizen of affirmatively filed for asylum in New York City in 1993. His case was referred to an immigration judge, where he withdrew his I-589 and took an order of voluntary departure. There is no record of his departure from the United States. In 1998, using the name he filed for asylum with INS. His case was referred to an immigration judge, where he appeared at his first master calendar hearing. He failed to show at his individual hearing, and he was ordered removed in absentia to In 2003, using the name he adjusted his status to that of a lawful permanent resident. In 2006 his I-751 was approved, removing the conditions on his residency. In 2007 he naturalized.

On February 14, 2018, USCIS referred the case of A a.k.a. A to OIL for civil denaturalization. Mr. initially attempted to obtain an immigration benefit by filing a Form I-589 on June 13, 1994 in the name of After being deemed not credible by the Asylum Office, the I-589 was referred to Immigration Court on June 6, 1996. Mr was ordered deported by an Immigration Judge on April 6, 1998 when he failed to appear for a scheduled hearing. On February 20, 2002 the same individual using the name filed a Form I-485 after being selected and registered in the Diversity Visa Lottery Program. failed to report his prior identity and order of deportation. s status was adjusted to lawful permanent resident alien on September 6, 2002. On July 30, 2007 filed an N-400 which failed to disclose his prior identity, deportation order, and misrepresentations. As a result of these misrepresentations Mr. s N-400 was approved on September 5, 2008.

[1] As of February 28, 2018, USCIS has referred 64 HFE denaturalization cases to OIL.

On February 15, 2018, USCIS referred the case of [redacted] A[redacted] aka [redacted] A[redacted], to the Office of Immigration Litigation (OIL) for civil denaturalization. On Oct. 17, 1992, under an alias of [redacted] filed an application for asylum. On March 18, 1994, the former Immigration and Naturalization Service (INS) issued an Order to Show Cause (OSC), and on March 29, 1994, INS denied [redacted]'s application for asylum and referred his application to the Immigration Judge. On Oct. 16, 1995, the Immigration Judge ordered [redacted] deported to [redacted] moved to reopen and rescind, however, the Immigration Judge denied that motion on May 30, 1996. [redacted] appealed the Immigration Judge's decision to the Board of Immigration Appeals (BIA). The BIA dismissed the appeal on Jan. 10, 1997. On May 12, 2003, the [redacted] Restaurant filed an Immigrant Petition for Alien Worker (I-140) (skilled worker) on [redacted]'s behalf with a priority date of April 9, 2001. On June 3, 2003, [redacted] filed his adjustment application with the California Service Center. The adjustment application was approved on or about Sept. 21, 2006. On or about May 18, 2012, [redacted] filed an Application for Naturalization (N-400) wherein he failed to disclose his prior identity and his past immigration history. His N-400 was approved on May 15, 2012. [redacted] naturalized using the name of [redacted]

On February 20, 2017, USCIS referred the case of [redacted] (A[redacted]), aka [redacted] (A[redacted]) to OIL for civil denaturalization. [redacted] a native and citizen of [redacted] entered the United States on or about October 19, 1993 under the name of [redacted] with her son [redacted] (A[redacted]), aka [redacted] (A[redacted]) and applied for asylum. Her asylum application was referred to the Executive Office for Immigration Review (EOIR) in New York City, New York upon issuance of an Order to Show Cause (OSC) on February 13, 1996. On July 22, 1997, she and her son were order deported *in absentia*. [redacted] did not leave the United States, and thereafter, she adjusted status on May 22, 2001 under the name [redacted] based upon an approved Form I-130, Petition for Alien Relative. On May 30, 2008, [redacted] filed a Form N-400, Application for Naturalization. This Form N-400 was approved on October 28, 2008 and she naturalized on January 28, 2009. [redacted] son was also referred to OIL for civil denaturalization. [redacted]

On February 27, 2018, 2018, USCIS referred the case of [redacted] A[redacted] aka [redacted] A[redacted], to OIL for civil denaturalization. [redacted] initially filed for asylum on August 14, 1995 and was assigned alien number A[redacted] He claimed that he entered the United States without inspection on March 8, 1995 and his request for asylum was referred to the Immigration Court by Legacy INS. An Order to Show Cause was issued to Mr. [redacted] on October 5, 1995. On February 6, 1996, Mr [redacted] failed to appear in Immigration Court and the Immigration Judge issued an *in absentia* order of deportation. On December 13, 1995 Mr. [redacted] submitted another asylum application, using a different date of birth and claiming that he entered the United States without inspection on October 10, 1995. He was assigned alien number A[redacted] The asylum officer recommended that Mr. [redacted]'s case be referred to the Immigration Court and on March 26, 1996, an Order to Show Cause was issued to Mr. Ahmed. On September 3, 1996, the Immigration Judge granted [redacted]'s

application for asylum. On September 20, 1997, Mr. [redacted] filed an adjustment application and on August 30, 2001, his adjustment application was approved by Legacy INS. He departed the United States only after he adjusted his status. He ultimately naturalized under this identity. He never revealed any of his prior immigration proceedings, identities, or immigration filings during his adjustment of status or naturalization interviews. [redacted]

On February 27, 2018, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. Mr. [redacted] using the alias [redacted] initially entered the United States as a nonimmigrant visitor from [redacted] on February 13, 1990. He filed a Form I-589, Application for Asylum on August 8, 1991. On August 26, 1997, the asylum officer interviewed him, and thereafter referred the application to the Immigration Judge; he was personally served with a Notice to Appear on September 9, 1997. In removal proceedings, he withdrew the application and requested voluntary departure, which the Immigration Judge granted on May 19, 1998. There is no evidence that he departed the United States by September 16, 1998 – the date specified in the voluntary departure order. Thereafter, using the name [redacted] he became a lawful permanent resident through his marriage to a U.S. citizen. At that time he did not reveal his alias or that he had previously been ordered removed. He ultimately naturalized on July 27, 2012, under the name [redacted] without revealing his alias or immigration history. [redacted]

On February 28, 2018, USCIS referred the case of [redacted] A [redacted] a.k.a. [redacted] A [redacted] to OIL for civil denaturalization. Mr. [redacted] initially applied for asylum under the name [redacted] The INS denied his asylum application and placed him into deportation proceedings. On June 5, 1995, the immigration judge ordered him deported in absentia after he failed to appear at the scheduled hearing. On June 22, 1999, the immigration judge denied his motion to reopen proceedings. He appealed this decision to the Board of Immigration Appeals, but later withdrew the appeal on December 2, 1999. He was deported to [redacted] on March 2, 2000. During this time, Mr. [redacted] had applied for the diversity immigrant visa program under the name of [redacted] He was selected for the program and was issued a DV1 immigrant visa by the U.S. Embassy in [redacted] on March 27, 2000. Mr. [redacted] was admitted to the United States as a permanent resident and ultimately naturalized under the identity of [redacted] He did not reveal his prior identity, immigration filings, or immigration proceedings during his consular processing or naturalization. [redacted]

On February 28, 2018, USCIS referred to OIL for civil denaturalization the case of [redacted] A [redacted] AKA [redacted] A [redacted] a native and citizen of [redacted] affirmatively filed for asylum with the INS Asylum Office in Lynhurst, New Jersey in 1997, under the name [redacted] with a date of birth of [redacted] 1980. His case was referred to an immigration judge, where he withdrew his I-589 and took an order of voluntary departure. There is no record of his departure from the United States prior the expiration of the voluntary departure period, or at any time thereafter. In 1998, using the name [redacted] with a date of birth of [redacted] 1979, while continuing to live in the United States, he married a

lawful permanent resident. His wife petitioned for him. USCIS approved the I-130 petition. His wife naturalized. On Dec.12, 2005, USCIS approved his I-485 which he had filed using the name [redacted] Under that same name, he applied for naturalization. USCIS approved his naturalization application on Feb. 27, 2009. This denaturalization case will be filed in the [redacted]

On February 28, 2018, USCIS referred the case of [redacted] A[redacted], a/k/a [redacted] A[redacted] to OIL for civil denaturalization. [redacted] a native and citizen of [redacted] initially applied for asylum in 1994, under the name of [redacted] INS did not find his testimony credible and referred the asylum application to an immigration judge. He was personally served with an order to show cause and wrote to the Immigration Court asking that his deportation hearing be rescheduled. On May 22, 1996, [redacted] failed to appear in Immigration Court and was ordered deported to [redacted] in absentia. On January 27, 1997, USCIS approved [redacted]s Application for Adjustment of Status under the name of [redacted] [redacted] on an approved I-140 Immigrant Worker Petition. On June 16, 2008, he naturalized under the same name. Yasin did not reveal his prior immigration history during adjustment-of-status and naturalization proceedings. [redacted]

On February 28, 2017, USCIS referred the case of [redacted] (A[redacted]), aka [redacted] (A[redacted]) to OIL for civil denaturalization. [redacted], a native and citizen of [redacted] entered the United States on or about October 19, 1993 under the name [redacted] with his mother [redacted] (A[redacted]), aka [redacted] (A[redacted]) and applied for asylum as a derivative of [redacted] Their asylum application was referred to the Executive Office for Immigration Review (EOIR) in New York City, New York upon issuance of an Order to Show Cause (OSC) on February 13, 1996. On July 22, 1997, [redacted] and his mother were order deported *in absentia* [redacted] did not leave the United States, and thereafter, he adjusted status on July 02, 2005 under the name [redacted] based upon an approved Form I-130. On December 30, 2014, [redacted] filed a Form N-400, Application for Naturalization. This Form N-400 was approved on April 20, 2015 and he naturalized on June 18, 2015. [redacted] mother was also referred to OIL for civil denaturalization. [redacted]

Non-HFE Denaturalization Cases

None.

Civil Denaturalization Referrals to OIL – January 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]

USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On January 8, 2018, USCIS referred the case of [redacted], A[redacted] a/k/a [redacted] A[redacted], to OIL for civil denaturalization. [redacted] a native and citizen of [redacted] affirmatively filed for asylum in 1993 and was referred to the Immigration Judge. He was placed into deportation proceedings via an Order to Show Cause in 1997. On October 7, 1998 [redacted] failed to appear for his deportation proceeding and was ordered deported in absentia by an Immigration Judge. On August 25, 1998, the same individual, using the name [redacted], applied for Adjustment of Status (Form I-485) based upon an approved I-140 petition. However, he failed to disclose his prior use of a different name and alien number, his pending immigration proceedings, and his asylum application [redacted] Form I-485 was approved on June 14, 2000, despite the final order of deportation issued in 1998. On May 20, 2005 [redacted] filed a Form N-400, application for naturalization, which was approved on January 18, 2006, and he was naturalized under the name [redacted] on January 31, 2006. The USCIS [redacted]

On January 10, 2018 USCIS referred the case of [redacted] A[redacted] a.k.a [redacted] A[redacted] to OIL for civil denaturalization. [redacted] attempted entry to the U.S. in 1991 using a Chinese passport in the name of [redacted]. After release from custody, Mrs. [redacted] failed to appear for her deportation hearing and was issued an in absentia order in July 1991. In February 1996 [redacted] applied for and received lawful permanent residence as a derivative spouse using her present identity. In January 2007 [redacted] applied for naturalization and was issued a certificate in April of 2007. [redacted] did not reveal her previous identity, immigration history, or prior use of a fraudulent passport on her I-485 or N-

[1] As of January 31, 2018, USCIS has referred 54 HFE denaturalization cases to OIL.

400 applications

On January 10, 2018 USCIS referred the case of , A a.k.a. , A to OIL for civil denaturalization. entered the U.S. on December 20, 1994 using another person's passport, under the name On January 3, 1995 he filed for asylum. An Asylum Officer determined the applicant failed to establish a well-founded fear of persecution. At a hearing on March 8, 1996 an immigration judge granted voluntary departure with an alternate order of deportation. In 1995 was notified of his acceptance for the 1996 Immigrant Diversity Visa Program. On March 27, 1996 adjustment of status was granted. On August 8, 2006 naturalized. During the adjustment and naturalization process willfully misrepresented his identity and immigration history. He did not reveal his prior identity, asylum application, or deportation order.

On January 10, 2018 USCIS referred the case of , A a.k.a. , A to OIL for civil denaturalization. claimed to have entered the U.S. without inspection on December 28, 1995. On March 7, 1996 he filed for asylum. An Asylum Officer determined failed to establish a well-founded fear of persecution. An Order to Show Cause was issued on May 28, 1996. An immigration judge found 's asylum claim not credible, and on March 5, 1997 granted voluntary departure with an alternate order of deportation. The Board of Immigration Appeals dismissed 's appeal on July 14, 1998 and later denied a motion to reopen on November 10, 1999. Meanwhile had enterd the U.S. as a B-2 visitor on September 27, 2995. He later sought to adjust his status as the spouse of a USC. His I-485 was granted on July 31, 2001. On October 5, 2006 naturalized. During the adjustment and naturalization process willfully misrepresented his identity and immigration history. He did not reveal his prior identity, asylum application, or deportation order.

On January 11, 2018, USCIS referred the case of , DOB: 1954, A a.k.a. (the " identity"), DOB: 1960, A to OIL for civil denaturalization. On or about December 10, 1990, entered the U.S. without inspection at or near Brownsville, Texas. On November 23, 1993 , using the identity successfully obtained a fraudulent Employment Authorization Card from undercover INS special agents. On September 21, 1994, , using the identity unsuccessfully attempted to obtain a fraudulent alien registration card from INS undercover special agents. At the September 21, 1994 encounter was personally issued Form I-221, Order to Show Cause and Notice of Hearing failed to appear for his deportation hearing before the Immigration Judge and was consequently ordered deported in absentia on February 15, 1996. On September 8, 1995 submitted Form I-589, Application for Asylum and Withholding of Deportation. In his asylum application, among other things stated that he entered the U.S. without inspection on or about July 30, 1995 and that he had previously been arrested in on the following dates: January 1991; August 1993; and June 1994. However,

(b)(5) (b)(6)

a review of [redacted]s secondary file, A[redacted], shows him as being physically present in the U.S. on all of the above mentioned dates. [The secondary file contains fingerprint cards bearing [redacted]s prints dated September 21, 1994 and August 5, 1994; as well as, a record of face-to-face encounters with the special agents on November 23, 1993 and September 21, 1994.] [redacted] was granted asylum and subsequently adjusted status without disclosing his previous identity or immigration history. [redacted] naturalized on October 9, 2008 [redacted] failed to disclose his prior identity and immigration history at any stage of his immigration process. [redacted]

On January 17, 2018, USCIS referred the case of [redacted] A[redacted] a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. [redacted] initially applied for asylum under the name [redacted] His asylum application was referred to the immigration court and he was placed into deportation proceedings. On May 14, 1996, an immigration judge denied the asylum application and granted voluntary departure with an alternate order of deportation. He appealed this decision to the Board of Immigration Appeals which dismissed the appeal on October 23, 1998. While this appeal was pending, [redacted] applied for asylum again under the name [redacted] His asylum application was referred to the immigration court and he was placed into removal proceedings. On September 1, 2000, an immigration judge granted the asylum application. [redacted] was granted lawful permanent resident status and ultimately naturalized under the identity of [redacted] He did not reveal his prior identity, immigration filings, or immigration proceedings during adjustment of status or naturalization. [redacted]

On January 17, 2018, USCIS referred the case of [redacted] A[redacted] a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. Mr. [redacted] initially applied for asylum using the name [redacted] When he failed to appear for his scheduled interview, his case was referred to the immigration court through the issuance of a Notice to Appear. On March 16, 1999 the immigration judge issued an inabsentia removal order when he failed to appear for the scheduled hearing. On July 21, 2000, using the name [redacted] he filed an application to adjust status as the child of a United States citizen. On November 29, 2001 his application for permanent residence was approved. He ultimately naturalized on September 17, 2009. He did not reveal his prior identity, immigration filings or removal order during the adjustment of status or naturalization interviews. [redacted]

On January 18, 2018, USCIS referred the case of [redacted], A[redacted] a.k.a [redacted] A[redacted] to OIL for civil denaturalization. Mr [redacted] initially entered the United States without inspection, and when encountered by INS in August 1992 gave a false name, [redacted] and date of birth claiming to have entered as a visitor. INS found no evidence of an entry. He was detained and placed in deportation proceedings under the false name. He conceded he was deportable for having entered without inspection and was ordered deported by an immigration judge on September 23, 1992. He did not seek relief and waived appeal. In December 1992, he was released on bond per a USAO request. Subsequently, using the name [redacted] he was granted asylum by INS and became a permanent resident in 2003 "as of"

(b)(5) (b)(6)

August 21, 2002, based on that asylum status. He did not reveal his previous identity, or immigration history at the asylum or adjustment stages. He departed the U.S. pursuant to a grant of advanced parole and returned in May 2001, prior to his adjustment. He ultimately naturalized on September 9, 2008 under the [redacted] identity. [redacted] was questioned in June 2016 by CBP upon entry with his U.S. passport and admitted to using the false name when he was originally arrested by INS. He recently obtained a driver's license and residence in [redacted] placing him within the jurisdiction of the Northern District [redacted]

On January 24, 2018, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. Mr. [redacted] using the name [redacted] filed for asylum with the Immigration and Naturalization Service in December 1994. He claimed that he initially entered the United States in October 1994. His asylum application was referred to the Immigration Judge and in April 1996, the Immigration Judge denied his request for asylum, but granted voluntary departure until April 1997. There is nothing in the record that indicates he departed in a timely manner. In March 2006, [redacted] s United States Citizen spouse filed an I-130 on his behalf and he concurrently filed an I-485. He claimed that he last entered the United States as a B-2 visitor in February 2002. His I-485 was approved in February 2007. He never revealed his prior immigration proceedings, identity, or immigration filings during his adjustment of status or naturalization interviews. This is a District [redacted]

On January 24, 2018, USCIS referred the case of [redacted] A [redacted], a/k/a [redacted] a/k/a [redacted] a/k/a [redacted] to OIL for civil denaturalization. On March 12, 1995, using the name [redacted], the Subject arrived at John F. Kennedy International Airport via an unknown flight, not in possession of any documents and requested asylum in the United States. The subject was placed in exclusion proceedings and subsequently ordered excluded in absentia on April 7, 1995. He failed to depart. On January 22, 1996 the Subject filed an asylum application using the second identity of [redacted] and a different date of birth, in addition he failed to disclose his prior arrival in the United States. The Subject failed to attend the asylum interview and was placed in deportation proceedings. After conceding service of the charging document, admitting the allegations and conceding deportability the Subject then failed to attend the scheduled hearing and was ordered deported in absentia. The Subject's United States Citizen (USC) brother filed two I-130's on the Subject's behalf using the present identity and the second was approved on February 14, 2000. The Subject then used the present identity for all future immigration transactions. The Subject failed to appear and surrender for deportation June 10, 1999. On October 28, 1999 with no record of a pending adjustment application the Subject was issued an I-512 Advance Parole document and on March 8, 2000 the Subject's passport indicates he was paroled into the United States. On October 25, 2001 the Subject was encountered by ICE as part of a joint operation and was personally served with Form I-862, Notice to Appear. On February 1, 2002, the Subject married a USC who filed an I-130 on his behalf. Based on the approval of the I-130 the immigration proceedings were terminated on March 6, 2003. The Subject filed Form I-485 and later an I-751 and both were approved. On March 17, 2010 Subject's second Form N-400 was approved and

on May 12, 2010 he naturalized. During the adjustment and naturalization process the Subject willfully misrepresented his identity and immigration history by failing to reveal is prior identities, asylum application, exclusion order and deportation order.

On January 24, 2018, USCIS referred the case of A a/k/a , A , to OIL for civil denaturalization. On April 7, 1993, using the name and claiming a date of birth of 1954, the Subject filed an asylum application with the Asylum Office. On his asylum application, he claimed he entered the United States without being inspected on January 2, 1993. INS granted his asylum application on June 8, 1994. On June 13, 1995, he filed an adjustment application. INS granted his adjustment application on June 1, 1996. Meanwhile, using the name and claiming a date of birth of 1956, the Subject filed another asylum application on August 2, 1994. On this asylum application, he claimed to have entered the United States without being inspected on April 30, 1994. On September 17, 1998, the asylum office denied his asylum claim, and issued him a Notice to Appear. On February 1, 1999, after he failed to appear for his initial hearing, the immigration judge ordered him removed in absentia. That removal order was never executed, and there is no record that he ever departed the US after this date. Meanwhile, under the name he applied to naturalize. On March 25, 200, filed an N-400. He was interviewed on September 12, 2005. He denied using any other name or having been in other immigration proceedings. USCIS approved his N-400 on September 12, 2005, and he was naturalized on December 7, 2005.

On January 26, 2018, USCIS referred the case o A , a.k.a , A . On September 13, 1993, filed for asylum using the name and claiming that he had entered without inspection on August 27, 1993. He appeared for an asylum interview on April 10, 1996, and was personally served with an NTA on April 24, 1996. appeared in immigration court with his attorney on November 5, 1996. He conceded removability and was given notice to appear for another hearing on May 9, 1997. Later that month, now using the name he married a U.S. citizen. On December 12, 1996, wife filed an I-130 and he concurrently filed an I-485, claiming entry as a B-2 on May 29, 1993, which is verified by the record. then failed to attend his May 9, 1997 immigration court hearing, and he was ordered deported in absentia by the immigration judge on that date. On September 3, 1997, and his wife appeared for an interview on the I-130 and I-485. Discrepancies were discovered, and a marriage separation interview was conducted. The couple failed to appear for a re-scheduled interview and the applications were terminated on March 11, 1998. An I-140 was approved for on April 12, 1999, as a skilled worker. His I-485 was approved on August 9, 2001, granting him E36 classification. naturalized on October 30, 2006, without disclosing his secondary identity and immigration history.

On January 29, USCIS referred the case of [redacted] A [redacted] a/k/a [redacted] A [redacted] to OIL for civil denaturalization. On September 18, 1996, using the name [redacted] the subject applied for political asylum alleging birth in [redacted]. Her application was denied by USCIS and referred to EOIR for consideration. After initially appearing before an immigration judge, she was order removed in absentia when she failed to appear for a rescheduled hearing May 6, 1997. On June 12, 1996, the subject filed again for political asylum using the name [redacted] and alleging birth in [redacted]. When she failed to appear for her interview with USCIS, her case was referred to EOIR by issuance of an Order to Show Cause dated August 8, 1996. When she failed to appear before the Immigration Judge on December 4, 1996, proceedings were administratively closed. On December 26, 2002, the subject married Lawful Permanent Resident, [redacted] who filed a visa petition on her behalf September 11, 2003. [redacted] naturalized December 10, 2004 and again filed a visa petition on the subject's behalf February 22, 2005. [redacted] moved to reopen the deportation proceedings closed December 4, 1995 and was granted adjustment of status by the Immigration Court on December 17, 2008. She filed for naturalization on October 11, 2011 and was naturalized May 9, 2012 under the name [redacted]

On January 26, 2018, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted], to the Office of Immigration Litigation (OIL) for civil denaturalization. On May 28, 1996, under an alias of [redacted] filed an application for asylum and withholding of removal. The relief was denied by an immigration judge on August 7, 1996 and [redacted] was ordered to voluntarily depart the U.S. on or before March 7, 1997. [redacted] did not depart and his voluntary departure order converted to a removal order. On June 13, 1997, [redacted] moved to reopen his immigration proceedings based on his marriage to a United States citizen. His motion to reopen was denied. On or about July 25, 1997, [redacted]'s U.S. citizen spouse filed a Petition for Alien Relative (form I-130) on his behalf. On July 2, 1997, [redacted] was deported from the U.S. based on a removal order. On Oct. 27, 2001, [redacted] entered the U.S. pursuant to the approval of a diversity visa (visa lottery) wherein he failed to disclose his prior immigration history under [redacted] Moreover, he reentered the U.S. within 10 years following an order of deportation without consent to seek admission. On April 2, 2007, [redacted] filed an application for naturalization (N-400) which was approved on September 7, 2007. He naturalized under the name of [redacted]

Non-HFE Denaturalization Cases

None.

Civil Denaturalization Referrals to OIL – July 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: OIG Denaturalization Cases and Non-OIG Denaturalization Cases.

The section entitled "OIG Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records." All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-OIG" section.

[redacted]

USCIS field attorney identified in each case summary.

OIG Denaturalization Cases

- On July 5, 2017, USCIS referred the case of [redacted] A[redacted] a.k.a. [redacted], A[redacted], a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. Mr. [redacted] initially entered the United States by bonding out of INS custody after arriving at LOS airport with a photo altered passport. He was ordered removed in absentia after failing to attend a scheduled hearing. Under a different name he later filed for asylum, which was denied, and he was ordered removed in absentia after failing to appear for his removal hearing. In the meantime, under a third identity, he obtained asylum and later lawful permanent residence. He was physically removed under his second identity after being arrested at an INS checkpoint in Arizona and later re-entered the United States at some point and naturalized under his third identity. He never revealed any of his prior immigration proceedings, identities, or immigration filings. [redacted]

- On July 20, 2017, USCIS referred the case of [redacted], A[redacted] a/k/a [redacted], A[redacted] a/k/a [redacted], A[redacted] to OIL for civil denaturalization. [redacted] entered the United States without inspection. Thereafter, he appropriated the identity of [redacted] a deceased lawful permanent resident. Under the appropriated identity, [redacted] obtained a replacement Form I-551 by submitting copies of a photo-switched Form I-551 and State of Florida driver license. On or about January 23, 2006, [redacted] under the name [redacted], then filed an N-400 with USCIS, which was granted on May 24, 2006. [redacted] did not reveal his true identity, criminal misconduct or immigration history throughout the naturalization process. On June 14, 2006, [redacted] naturalized as [redacted]. As a result of a

joint ICE and DOS investigation, was convicted on , 2011, of violating Title 18, U.S.C. § 1028A(a)(1) – Aggravated Identity Theft and Title 18, U.S.C. § 1542 –False Statement in a Passport and was sentenced to twenty-four months' incarceration also filed for immigration benefits under the alias identity of In fact, was ordered removed by an Immigration Judge under the name prior to naturalizing as .

- On July 20, 2017, USCIS referred the case of , A , a/k/a , A to OIL for civil denaturalization. entered the United States without inspection and applied for asylum using the name s asylum case was referred to immigration court and she was granted voluntary departure. failed to depart and INS issued a warrant of deportation in 1998. Several years later, using the name adjusted status to that of a permanent resident based on an I-130 her mother had filed on her behalf in 1995. failed to reveal her immigration history during her I-485 interview and also during her N-400 interview. On her naturalization application she failed to list any prior names, dates of birth or information about her prior immigration court proceedings. .

- On July 24, 2017, USCIS referred the case of , A aka , also aka , A , to OIL for civil denaturalization. initially applied for admission to the US as a B-2 visitor, and gave a false name and photo-substituted passport to the inspecting officer. He was paroled in for exclusion proceedings. During the course of the exclusion proceedings, gave another false name on the asylum application that he filed with the immigration court. After failing to appear for a scheduled hearing he was ordered excluded and deported in absentia. He failed to depart. Subsequently, using the name , he became a permanent resident based on his marriage to a U.S. citizen. He did not reveal his previous identity, or his immigration history. He ultimately naturalized under the identity. .

- On July 25, 2017, USCIS referred the case of , A , AKA , A , to OIL for civil denaturalization. initially attempted entry into the U.S. in July of 1994 by claiming to be a USC ( ). She would subsequently admit that she was not a USC and claim to be . She was placed in exclusion proceedings and

(b)(5) (b)(6)

ultimately excluded and deported from the U.S. in May of 1995 as [redacted] She would subsequently reenter the U.S. without inspection in April of 1996, claim to be [redacted], and apply for adjustment of status based on an approved Form I-140. She would ultimately be denied adjustment before USCIS and was placed in removal proceedings. She was ultimately adjusted by the Immigration Judge and would later naturalize as [redacted] At no point after returning to the U.S. after being excluded and deported, did she disclose her use of another name, prior exclusion proceedings, or her prior false USC claim. [redacted]

- On July 31, 2017, USCIS referred the case of [redacted] A [redacted] a/k/a [redacted] A [redacted] o OIL for civil denaturalization. On July 31, 2017, [redacted] advised that as this case will be brought in SDNY, and at this point in time, SDNY handles their own denaturalization cases, OIL will therefore not be assigning an OIL-DCS contact as the primary POC. OIL advised it intends to refer the case to the USAO, SDNY. [redacted] initially sought asylum (affirmatively) in the US under the name [redacted] claiming entry without inspection and asserting [redacted] citizenship. His application was referred to EOIR and he was ultimately granted VD by the BIA. He was to leave the US on or before [redacted], 1998. Thereafter, he again sought asylum under the name [redacted] asserting [redacted] citizenship and entry using the passport and visitor visa of another. He failed to reveal his prior identity and immigration history. He was granted asylum by INS in 2002. He adjusted his status to legal permanent resident and thereafter naturalized in 2012. [redacted]

Non-OIG Denaturalization Cases

None

(b)(6)

(b)(5)

Civil Denaturalization Referrals to OIL – July 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]
USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On July 2, 2018, USCIS referred the case of [redacted] (A [redacted]) a.k.a. [redacted] (A [redacted]) to OIL for civil denaturalization. The subject filed Form I-589 on July 13, 1995 under the name of [redacted], seeking asylum before the former Immigration and Naturalization Service (INS). The INS referred the asylum application to the Executive Office for Immigration Review in New York City and commenced deportation proceedings upon serving him with an Order to Show Cause (OSC) on [redacted], 1995. The subject was ordered deported *in absentia* on [redacted] 1996. He then adjusted his status on [redacted], 2004 under the name of [redacted] and failed to disclose his prior identity and immigration history during the adjustment of status process. On [redacted], 2007, the subject filed an Application for Naturalization (Form N-400). The N-400 was approved on [redacted] 2008 despite him not having been lawfully admitted for permanent residence and misrepresenting material facts during the naturalization process. The subject naturalized on [redacted], 2008. This is a Southern District [redacted]

On July 6, 2018, USCIS referred the case of [redacted], A [redacted], aka [redacted] A [redacted], to OIL for civil denaturalization. [redacted] initially entered the United States on January 7, 1991, using a fraudulent document. Using the name [redacted] he filed an application for asylum that was subsequently denied and he was placed in removal proceedings under that identity. [redacted] eventually was granted voluntary departure by the Immigration Court. However, there is no record that he departed the United States in compliance with the grant of voluntary departure. Thus, he was present in the United States under a final order of removal. Subsequently, using the name [redacted] he became a

[1] As of July 31, 2018, USCIS has referred 110 HFE denaturalization cases to OIL.

lawful permanent resident based on an approved I-140 filed by his employer. He did not reveal his previous identity or his immigration history either when he adjusted to lawful permanent resident or when he sought naturalization. He ultimately naturalized under the [redacted] identity. [redacted]

On July 16, 2018, USCIS referred the case of [redacted], formerly [redacted] A [redacted] a.k.a. [redacted], A [redacted], to OIL for civil denaturalization. In 1991, [redacted] using the name [redacted] applied for refugee status as an [redacted] national at the US Embassy in [redacted]. Her application was approved and she was assigned an A#. She never entered the US as a refugee, but instead was admitted as a nonimmigrant in 1993. In 1994, [redacted], under the [redacted] identity, applied for asylum before the INS, and denied in her I-589 that she applied for refugee status. INS denied her I-589 and instituted deportation proceedings. She was granted VD by an IJ in 1996, and failed to timely depart. In 1996, an I-130 was filed on her behalf as the unmarried daughter of an LPR. Another I-130 was filed on her behalf in 1997 by a USC spouse. Both I-130s listed her under the [redacted] identity. In 1997, [redacted] filed an MTR before the IJ based on the I-130s. The IJ denied the MTR, and the BIA affirmed. In 1999, [redacted] filed an I-589 before INS under the identity [redacted]. Her I-589 indicated she had no A# and was born in [redacted]. Her I-589 said she last arrived in the US in 1999, and denied that she previously entered the US. She denied that she previously filed an application for refugee or asylum status, and denied she was in deportation proceedings. Her I-589 was approved and in 2003 she applied for asylee adjustment under the [redacted] identity. Her G-325 said she never used another name. Her I-485 said she was never deported, and denied she ever sought to procure or procured an immigration benefit by fraud or willful misrepresentation of a material fact. In response to an RFE, she wrote that she departed the US in 2000, 2002, and 2006. In 2010, [redacted] filed an N-400, which indicated she never gave false or misleading information to any US government official while applying for any immigration benefit or to prevent deportation. Her N-400 said she was never married, while USCIS records (i.e., I-130) indicated she was married twice. She indicated she was never ordered deported or physically deported. She ultimately naturalized under the [redacted] identity. [redacted]

On July 18, 2018, USCIS referred the case of [redacted] (A [redacted]) a.k.a. [redacted] (A [redacted]) to OIL for civil denaturalization. On [redacted] 1994 the subject was apprehended aboard a fishing vessel as he attempted to enter the U.S. illegally. [redacted] claimed his name [redacted], with a date of birth of [redacted], 1977 in [redacted]. On [redacted], 1995 [redacted] was ordered excluded in absentia after absconding from foster care. On [redacted] 1994, [redacted] filed an I-589 claiming his name to be [redacted] with a date of birth of [redacted], 1970 in [redacted]. On [redacted], 1999, [redacted] was granted asylum by an immigration judge. On [redacted] 2006, [redacted] was accorded LPR status despite failing to disclose his prior identity. On [redacted], 2012, [redacted]'s N-400 was approved despite having given false testimony under oath. This is a [redacted]

On July 18, 2018, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. On [redacted], 1993, [redacted] filed a Form I-589 with Legacy INS, representing himself as [redacted]. He claimed that he entered the United States on [redacted], 2002. Legacy INS referred the Form I-589 to the Immigration Court and on [redacted], 1997, [redacted] withdrew his application for asylum. The Immigration Judge granted voluntary departure until [redacted] 1998, with an alternate order of removal to [redacted] did not depart the United States during the voluntary departure period. On [redacted] 2000, the asylum application of [redacted]'s wife was referred to the Immigration Judge. Since [redacted] was a derivative on that asylum application, he was issued a Notice to Appear on the same date. On [redacted], 2005, the Immigration Judge granted [redacted]'s application for cancellation of removal. He ultimately naturalized under this identity. He never revealed his prior immigration proceedings, identity, or immigration filings during his adjustment of status hearing or his naturalization interview. [redacted]

On July 25, 2018, USCIS referred the case of [redacted] (A [redacted]) a.k.a. [redacted] (A [redacted]) to OIL for civil denaturalization. The subject filed Form I-589 on [redacted] 1996 under the name of [redacted], seeking asylum before the former Immigration and Naturalization Service (INS). The INS referred the asylum application to the Executive Office for Immigration Review in [redacted] and commenced deportation proceedings upon serving him with an Order to Show Cause (OSC) on [redacted], 1996. The subject was ordered deported *in absentia* on [redacted] 1996. He then adjusted his status on [redacted], 1998 under the name of [redacted] and failed to disclose his prior identity and immigration history during the adjustment of status process. On [redacted], 2007, the subject filed an Application for Naturalization (Form N-400). The N-400 was approved on [redacted], 2008 despite him not having been lawfully admitted for permanent residence and misrepresenting material facts during the naturalization process. The subject naturalized on [redacted], 2008. [redacted]

On July 30, 2018, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. [redacted] using a [redacted] identity, initially filed a Form I-589, Application for Asylum on [redacted] 1997. The asylum officer interviewed him, referred the application to the Immigration Judge, and issued a Notice to Appear. In removal proceedings, he maintained his claim that he feared returning to [redacted] and that he was forcibly deported to [redacted]. On [redacted] 1998, the Immigration Judge denied his application and ordered him removed to [redacted]. On [redacted], 2002, the Board of Immigration Appeals dismissed his appeal. Thereafter, on [redacted] 2001, he again applied for asylum; he used the name [redacted] and claimed to be [redacted]. At that time he did not reveal his alias or that he had previously applied for asylum and had that application denied. In separate removal proceedings, under a different A-number, the Immigration Judge granted his asylum application on [redacted], 2003. USCIS approved his adjustment application on [redacted] 27, 2008 pursuant to section 209 of the Immigration and Nationality Act. He ultimately

(b)(5) (b)(6)

naturalized on , 2013, without revealing his alias or immigration history. This is a

On July 30, 2018, USCIS referred the case of , A , aka , A , A to OIL for civil denaturalization. On , 1994 using the name filed for asylum (Form I-589) with the INS and appeared for an asylum interview at the INS Office in . The asylum officer found that was not credible and issued an Order to Show Cause (OSC) and Notice of Hearing to place him into deportation proceedings. was personally served with the OSC and failed to appear for his deportation hearing. The immigration judge ordered him deported *in absentia* on 27, 1996. On 1993, the same individual using the name filed for asylum (Form I-589) with the INS. On 1999, withdrew his asylum application and on , 2000, adjusted his status pursuant to an approved I-140. On 2008, filed an N-400 which was approved on , 2009. naturalized on 2009. USCIS has determined that was not lawfully admitted for permanent residence and that he was able to procure his naturalization by concealing or misrepresenting material facts during the naturalization process. The District

Non-HFE Denaturalization Cases

None.

(b)(6) (b)(5)

Civil Denaturalization Referrals to OIL – June 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: OIG Denaturalization Cases and Non-OIG Denaturalization Cases.

The section entitled "OIG Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records." All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-OIG" section.

Questions regarding civil denaturalization referrals may be addressed to [redacted] or to the individual USCIS field attorney identified in each case summary.

OIG Denaturalization Cases

- On June 23, 2017, USCIS referred the case of [redacted] A[redacted], aka [redacted] A[redacted], to OIL for civil denaturalization. [redacted] initially entered the United States without inspection, and when encountered by INS gave a false name and claimed to be a U.S. citizen. She eventually admitted that she was not a U.S. citizen, but then gave INS a second false name. She was criminally prosecuted and convicted under 18 U.S.C. 911, False Claim to Citizenship. Following her conviction, she was placed in deportation proceedings under the second false name, and after failing to appear for a scheduled hearing was ordered deported in absentia. Subsequently, using the name [redacted], she became a permanent resident based on her marriage to a lawful permanent resident. She did not reveal her criminal conviction, her previous identity, or her immigration history. She ultimately naturalized under the [redacted] identity. [redacted]

Non-OIG Denaturalization Cases

None

Civil Denaturalization Referrals to OIL – June 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

Questions regarding civil denaturalization referrals may be addressed to [redacted], or to the individual USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On June 4, 2018, USCIS referred the case of [redacted] (A[redacted]) a.k.a. [redacted] (A[redacted]) to OIL for civil denaturalization. On [redacted] 1991 the subject arrived to the U.S. from [redacted] and presented a counterfeit U.S. Immigrant Visa in the name [redacted]. On [redacted] 1991, [redacted] was ordered excluded *in absentia*. On [redacted], 1992, the subject filed a Form I-589 using the name of [redacted] and a different date of birth. After requesting numerous continuances, this I-589 was withdrawn by the applicant. On [redacted] 2003 an I-140 was approved for the subject with a priority date of April 27, 2001. On [redacted], 2005, the subject was approved for lawful permanent residence despite the failure to disclose the prior identity. On [redacted], 2011, the subject's N-400 was approved despite having given false testimony under oath. [redacted].

On June 07, 2018, USCIS referred the case of [redacted], A[redacted], a.k.a. [redacted], A[redacted] (hereinafter [redacted]) to OIL for civil denaturalization. [redacted] a native and citizen of [redacted], entered the United States without inspection on [redacted] 1991 under the name [redacted]. He sought asylum on [redacted], 1992 before the former Immigration and Naturalization Service (INS). The INS referred the asylum application to the Executive Office for Immigration Review in New York City on [redacted] 1993 and commenced deportation proceedings upon issuance of an Order to Show Cause (OSC). [redacted] was ordered deported *in absentia* on [redacted] 1995. [redacted] did not leave the United States, and thereafter, adjusted his status on [redacted], 2000 under the name of [redacted]. On [redacted], 2005, [redacted] filed an Application for Naturalization (Form N-400). The N-400 was approved on [redacted] 2005 and he naturalized on [redacted] 2005. [redacted]

[1] As of June 30, 2018, USCIS has referred 102 HFE denaturalization cases to OIL.

(b)(5) (b)(6)

On [redacted], 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted] (hereinafter [redacted]) to OIL for civil denaturalization. [redacted], a native and citizen of [redacted], entered the United States without inspection on [redacted], 1992. He sought asylum on [redacted], 1992 before the former Immigration and Naturalization Service (INS) in Newark, New Jersey. The INS referred the asylum application to the Executive Office for Immigration Review on [redacted] 1993 and commenced deportation proceedings upon issuance of an Order to Show Cause (OSC). [redacted] was ordered deported *in absentia* on [redacted], 1993. [redacted] did not leave the United States, and thereafter, adjusted his status on [redacted], 1999 under the name of [redacted]. On [redacted], 2008, [redacted] filed an Application for Naturalization (Form N-400). The N-400 was approved on [redacted], 2009 and he naturalized on April 3, 2009 under the name [redacted] (middle name change) [redacted].

On June 19, 2018, USCIS referred the case of [redacted] (A[redacted]), a.k.a. [redacted] (A[redacted])(hereinafter [redacted]) to OIL for civil denaturalization [redacted] a native and citizen of [redacted], entered the U.S. at New York using fraudulent documents on [redacted], 1997. She filed for asylum on [redacted], 1997 using a date of birth of [redacted], 1967 and the name [redacted]. INS subsequently referred the asylum application to EOIR and issued an Order To Show Cause (OSC) to [redacted] on [redacted], 1997. The OSC was subsequently filed with the Immigration Court in Arlington, VA. [redacted] was ordered removed in absentia to [redacted] on [redacted] 1997. On [redacted], 2006, [redacted] was the beneficiary of an approved I-130 filed on her behalf by a United States citizen. Upon applying for permanent residence (via a DS-230 Immigrant Visa application) at Montreal, Canada, she used the name [redacted] a/k/a [redacted] along with a different date of birth. [redacted] was admitted as a CR1 on [redacted], 2008 despite her failure to disclose her prior identity. On [redacted] 2011, [redacted] N-400 was approved despite having given false testimony under oath. She had also illegally procured naturalization as she had not lived in marital union with her citizen spouse for the 3 years immediately preceding the filing of her N-400; and failed to meet the 3 month state or service district residency requirement for naturalization. Also, on [redacted], 2015, [redacted] admitted to an HSI SA near Niagara Falls, NY that she filed for asylum at Arlington, VA in 1997 using a false identity ([redacted]). She was later convicted of violating 18 U.S.C. § 1542 - Use of Passport Secured by False Statement - by the USDC for the W.D.N.Y. [redacted]

On June 19, 2018 USCIS referred the case of [redacted] a.k.a. [redacted] (A[redacted]), a.k.a. [redacted] (A[redacted]) to OIL for civil denaturalization. On [redacted] 1993 the subject filed Form I-589 in name [redacted] and D.O.B. of [redacted] 1964 claiming to be [redacted]. On [redacted], 1996, the subject filed a Form I-485 using the name [redacted] and using a D.O.B. of [redacted] 1964 and claiming to be from [redacted]. On [redacted] 1996, the subject was approved for lawful permanent residence despite the failure to disclose the prior identity and deportation proceedings. On [redacted], 1997, the subject was ordered deported *in absentia* under the name [redacted]. On [redacted], 2003 the subject's N-400 was approved despite having testified falsely under oath. After obtaining citizenship, the subject received an order to change his name to [redacted]. This is a [redacted].

(b)(5) (b)(6)

(b)(5) (b)(6)

On June 22, 2018, USCIS referred the case of [redacted] (A[redacted]), AKA [redacted] (A[redacted]), to OIL for civil denaturalization. On [redacted], 1991, the subject sought admission to the U.S. at LAX under the name [redacted] and was charged with excludability under INA §§ 212(a)(5)(A)(i) and 212(a)(7)(A)(i)(I). The subject was detained and was scheduled for detained hearings. On [redacted], 1991, the subject filed Form I-589 as [redacted] using DOB [redacted], 1949. The subject was released from custody in December 1991. He was scheduled for a non-detained hearing on [redacted], 1992, at which he failed to appear and was ordered excluded *in absentia*. (The exclusion order was executed under incorrect A# A[redacted] On [redacted], 1993, the subject was scheduled for another non-detained hearing under the correct A# A[redacted], at which he failed to appear and was ordered excluded *in absentia*.) On [redacted], 1994, the subject filed a Form I-485 as [redacted] using DOB [redacted], 1957. On [redacted], 1995, the subject was approved for lawful permanent residence on a conditional basis through his marriage to a USC, despite his failure to disclose his prior identity and exclusion proceedings. On [redacted], 1997, the subject's Form I-751 Petition to Remove Conditions on Residence was approved. On [redacted] 2010, the subject's N-400 was approved despite his having testified falsely under oath at his naturalization interview and making material misrepresentations at his interview and on his Form N-400. The subject naturalized as a U.S. citizen on [redacted], 2010. [redacted]

On June 22, 2018, USCIS referred the case of [redacted] (A[redacted]) a.k.a. [redacted] (A[redacted]) to OIL for civil denaturalization. [redacted] applied for asylum in 1995 and was referred for deportation proceedings. On [redacted]/95, he failed to appear for his individual asylum hearing and was ordered deported *in absentia* by an IJ in NYC. The same individual, using the name [redacted], married a United States Citizen and was adjusted to a Lawful Permanent Resident on [redacted]/06. He then naturalized on [redacted]/09, [redacted] provided false testimony at his naturalization interview in [redacted] before ISO [redacted], where he testified under oath that: he had never applied for any relief from deportation, had never been ordered deported, and had never used any other names. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(5) (b)(6)

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – March 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On March 1, 2018, USCIS referred the case of , A a.k.a. , A to OIL for civil denaturalization. initially attempted to obtain an immigration benefit by filing a Form I-589 on , 1993 under the name After being deemed not credible by the Asylum Office, the I-589 was referred to Immigration Court on , 1995. was ordered deported by an Immigration Judge on 1996 when he failed to appear for a scheduled hearing. On , 1993, the same individual using the name filed a Form I-589 which was administratively closed when he failed to appear for his asylum interview. He later used the name to apply for adjustment of status under INA 245(i) as the spouse of an LPR. On his I-485 he failed to report his prior identity and order of deportation. status was adjusted to lawful permanent resident alien on 2002. In 2005, he was cited in Maryland with purchasing/selling tobacco to a minor. On , 2007 Mr. Rana filed an N-400 which failed to disclose his prior identity, deportation order, misrepresentations and criminal citation. As a result of these misrepresentations N-400 was approved on , 2008 and he became a naturalized U.S. citizen the same day.

On March 5, 2018, USCIS referred the case of , A , a/k/a , A to OIL for civil denaturalization. initially attempted to obtain an immigration benefit by filing a request for asylum on , 1996 under the name of . The Asylum Office found him not credible and referred his request for asylum to Immigration Court on 1996. conceded all charges of deportability but failed to appear for his Individual hearing on 1996, and was ordered deported in absentia. On , 2001, the same individual using the name of filed an Application to Register Permanent Residence or Adjust Status, Form I-485, based on the marriage to a U.S. citizen. failed to disclose his other identity, misrepresentations and deportation order on

[1] As of March 31, 2018, USCIS has referred 75 HFE denaturalization cases to OIL.

(b)(5) (b)(6)

Form I-485. [redacted]'s status was adjusted to lawful permanent resident on [redacted] 2004. His Application for Naturalization, Form N-400, was approved on [redacted], 2009 and he was sworn in as a U.S. citizen on [redacted], 2009. [redacted] did not disclose his prior immigration history, prior identity, and misrepresentation on his Form N-400 and provided false testimony regarding same at the interview. [redacted]

On March 7, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted], to OIL for civil denaturalization. Mr. [redacted] entered the United States on [redacted], 1993, as a F-1 student. He initially applied for asylum with INS using the name [redacted] Following a referral to the Immigration Judge, [redacted] was ordered removed in absentia. He failed to depart. Meanwhile, [redacted] married a United States citizen and applied to become a lawful permanent resident as an immediate relative spouse. His application was denied because he and his USC spouse divorced. The same month [redacted] divorced his first USC spouse, he married another USC. He again applied to become a lawful permanent resident, and this second application was approved. He ultimately naturalized under the name [redacted] He did not reveal his prior identity, asylum application, or removal order. [redacted]

On March 7, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted], to OIL for civil denaturalization. [redacted] initially entered the United States on [redacted], 1993, as a B-1 nonimmigrant at JFK airport in New York, NY. He initially applied for asylum with INS shortly after his admission but did not appear for any scheduled interviews. About two years later, he filed for asylum with INS using the name [redacted] Following a referral to the Immigration Judge, [redacted] was ordered removed. After an unsuccessful appeal to the BIA, he failed to depart. Instead, [redacted] married a United States citizen and became a lawful permanent resident as an immediate relative spouse using his original identity, [redacted] He ultimately naturalized under the name [redacted] He did not reveal his prior identity, asylum application, or removal order. [redacted]

On March 12, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. [redacted] was encountered attempting entry at JFK Airport on [redacted], 1992, and placed into proceedings. [redacted] submitted a Form I-589 in December 1992. [redacted] appeared in immigration court on [redacted], 1993. His request for asylum was subsequently denied on [redacted], 1997 by an Immigration Judge in NYC and he was ordered deported. On [redacted], 1999, the same individual using the name [redacted] filed a Form I-485 premised upon being the beneficiary of an approved immigrant petition for alien worker. On his I-485 he failed to report his prior identity and order of deportation. Mr. [redacted]'s status was adjusted to lawful permanent resident alien on [redacted] 2001. On [redacted], 2006, [redacted] filed an N-400 which failed to disclose his prior identity, deportation order and misrepresentations. As a result of these misrepresentations [redacted]'s N-400 was approved on [redacted], 2007 and he became a naturalized U.S. citizen the same day. [redacted]

On March 13, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. On [redacted], 1994, [redacted] filed for asylum using the name [redacted]. The asylum officer found [redacted]'s testimony not credible, and referred him to Immigration Court. [redacted] was personally served with an OSC on August 1, 1996, and he appeared with his attorney for a hearing on [redacted], 1997. The case was continued until [redacted], 1998. On that date, [redacted] failed to appear, and he was ordered deported to [redacted] in absentia. On [redacted] 15, 2001, the same individual, now using the name [redacted], filed Form I-485 based on his marriage to a U.S. citizen. On [redacted], 2001 the Form I-485 was approved. On [redacted], 2003, [redacted] filed Form I-751 concurrently with his spouse, which was approved without interview on [redacted], 2004. [redacted] filed Form N-400 on [redacted]1, 2004, On [redacted], 2005, [redacted] naturalized without disclosing his secondary identity and immigration history. [redacted]

On March 22, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted], A[redacted] to OIL for civil denaturalization. [redacted] initially entered the United States on [redacted], 1991 and presented herself for inspection at Los Angeles International Airport bearing no travel or identity documents. She was placed in exclusion proceedings, and on [redacted], 1992, she was ordered excluded by an Immigration Judge when she failed to appear for a scheduled hearing. She failed to depart. On [redacted]27, 1996, the same individual using the name [redacted] filed an asylum application with INS and claimed that she had been persecuted in 1992, 1994 and 1996 in [redacted] (although her secondary identity reflects that she was in the United States on those dates). INS approved her application for asylum as of [redacted], 1996. She later used the name [redacted] to apply for adjustment of status under INA 209(b) based on her status as an asylee, and her application was approved and she became a lawful permanent resident as of [redacted] 2002. On [redacted], 2007, she filed an application for naturalization and failed to disclose her prior identity, misrepresentations and immigration history. As a result of these misrepresentations, Ms. [redacted]'s N-400 was approved on [redacted], 2008, and she became a naturalized U.S. citizen on [redacted], 2008. [redacted]

On March 22, 2018, USCIS referred the case of [redacted] A[redacted], a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. On [redacted], 2002, [redacted] filed for asylum using the name [redacted]. The asylum officer found that he was not eligible for asylum, and referred him to Immigration Court. [redacted] appeared with his attorney for multiple hearings before the Immigration Judge. On [redacted], 2002, the Immigration Judge denied [redacted]'s applications and ordered him removed from the United States. On [redacted], 2003, the Board of Immigration Appeals affirmed, without opinion, the Immigration Judge's decision. On [redacted] 2003, Diallo, through counsel, filed a petition for review with the United States Court of Appeals for the Sixth Circuit. On [redacted], 2005, the United States Court of Appeals for the Sixth Circuit denied his petition for review. On [redacted], 2007, the same individual, now using the name [redacted] filed Form I-485 based on his marriage to a U.S. citizen. On [redacted] 2009, the Form I-485 was approved. On [redacted], 2010,

filed Form I-751 concurrently with his spouse, which was approved on , 2011. filed Form N-400 on , 2012. On , 2013, naturalized without disclosing his secondary identity and immigration history.

On March 26, 2018, USCIS referred the case of A a/k/a A : Subject, as was placed into exclusion proceedings upon arrival in Honolulu 1992. He failed to appear and received an exclusion order 1992. He filed for asylum 1992 and was notified that INS lacked jurisdiction 1994. Subject filed a second I-589, as , on 1997 alleging EWI entry on 1/6/1997. He withdrew his application on 7/11/1997. An NTA was served on 1998 and an in absentia order was issued when he failed to appear for his removal hearing on 1998. Subject, as filed for adjustment of status on 2001based on his marriage to USC. He was granted LPR status by INS on 2001. He filed an N-400 on 2006 and naturalized on 2007. AGC charges: (1) illegal procurement – not lawfully admitted to LPR status because inadmissible for fraud or misrepresentation, §212(a)(6), (2) illegal procurement – lack of GMC due to false testimony, (3) illegal procurement – lack of GMC due to unlawful acts, (4) illegal procurement – not lawfully admitted to LPR status due to final order of removal outstanding at adjustment, (5) procurement of natz by willful misrepresentation or concealment of material facts; to wit, identity and immigration history. Note that Subject successfully moved the immigration court in NYC to reopen and terminate removal proceedings (A ICE has moved for reconsideration.

On March 27, 2018, USCIS referred the case of A , aka A , to the Office of Immigration Litigation (OIL) for civil denaturalization. On , 1990, under the alias of was encountered by a Border Patrol agent at a Greyhound bus station in Las Vegas. She claimed she was a citizen of and last entered the US by crossing the border near San Ysidro, CA in December, 1980. She was placed in deportation proceedings with the issuance of an OSC. She appeared in court and moved to have her case consolidated with her husband's case (A . On , 1991, her husband filed an asylum application in court which listed as the derivative spouse under her alias The immigration judge subsequently denied the asylum request and granted voluntary departure to and her husband. The couple filed an appeal with the BIA who remanded the case back to the immigration judge. When failed to appear for a subsequent hearing, she was ordered deported *in absentia* on , 1999. Meanwhile, in 1996, filed an I-485 as a derivative spouse. Her husband, , was the beneficiary of an approved employment-based immigration petition (Form I-140), as an alien of extraordinary ability. was granted adjustment of status on , 1998. On , 2005, filed an application for naturalization which was approved on , 2006. She naturalized on , 2006.

On March 29, 2018, USCIS referred the case of , A , aka , A , to the Office of Immigration Litigation (OIL) for civil denaturalization. The alien is a native and citizen of who first applied for asylum in 1993 under name

[redacted]. She eventually withdrew her asylum claim and chose to ride on her husband's I-589. She was placed in deportation proceedings in June 1996 and ordered deported in September 1997. She never abided by the IJ's order and remained in the US. In September 1996 she filed an I-485 based on a different husband who had won the DV lottery. She used the name [redacted] and a different DOB. Her AOS was approved in September 1996, while she was in deportation proceedings. She filed for naturalization and did not disclose her prior fraud. The N400 was approved in 2005. She was ineligible for naturalization due to false testimony, she was not lawfully admitted for permanent residence, and unlawful acts. [redacted]

Non-HFE Denaturalization Cases

On March 15, 2018, USCIS referred the case of [redacted] a/k/a [redacted] A[redacted] to the Office of Immigration Litigation (OIL) for civil denaturalization. On July 3, 1980, an immigrant visa petition was filed by [redacted] a United States citizen, for Mr. [redacted] claiming that Mr. [redacted] was [redacted] the brother of a United States citizen. The immigrant visa petition was approved and Mr. [redacted] using the identity of [redacted] immigrated to the United States in his assumed identity as the brother of a United States Citizen. He then filed an N-400 and was naturalized on [redacted], 1991 in the assumed identity. [redacted]

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – March and April 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: OIG Denaturalization Cases and Non-OIG Denaturalization Cases.

The section entitled "OIG Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records." All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-OIG" section.

[redacted]

USCIS field attorney identified in each case summary.

(b)(5) (b)(6)

(b)(5)

(b)(6)

OIG Denaturalization Cases

- On March 31, 2017, USCIS referred the case of [redacted], A [redacted], aka [redacted] A [redacted], to OIL for civil denaturalization. [redacted] initially entered the U.S. under one identity using a photo-substituted passport and counterfeit temporary residence card. He was placed in exclusion proceedings, failed to appear at those proceedings, and was ordered excluded. Subsequently, [redacted] using a different identity, became a permanent resident based on his marriage to a U.S. citizen. He did not reveal his previous identity or immigration history. He ultimately naturalized under this secondary identity. [redacted]

Non-OIG Denaturalization Cases

- On April 5, 2017, USCIS referred the case of [redacted] aka [redacted] A [redacted], to OIL for civil denaturalization. [redacted]'s case is part of a larger category of cases identified by the Department of State involving individuals from [redacted] who assumed fraudulent identities to immigrate to the United States and eventually obtained U.S. citizenship. Mr. [redacted] immigrated to the United States as the unmarried biological son of a U.S. citizen. A voluntary DNA test obtained by the Department of State confirmed that [redacted] is not biologically related to the purported U.S. citizen parent; accordingly, he was not eligible to immigrate to the United States or to obtain naturalization. [redacted]

(b)(6)

(b)(5)

Civil Denaturalization Referrals to OIL – May 2018

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]

USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On May 1, 2018, USCIS referred the case, [redacted] (A[redacted]) a/k/a [redacted] (A[redacted]) to OIL for civil denaturalization. The subject is a native of [redacted] who was admitted to the United States on a J-1 visa on [redacted], 1994. He requested Asylum under the name [redacted], on [redacted], 1994. He was not granted asylum, and on [redacted], 1998 he was granted voluntary departure with an alternate order of deportation. It appears that he did not leave the United States. While he was in removal proceedings, he married a United States citizen who filed an I-130 on his behalf on [redacted] 23, 1996, under the name [redacted] He filed an I-485. Neither the I-130 nor the I-485 have been adjudicated, and the status of the marriage is unknown. The subject married another United States citizen who filed an I-130 on his behalf under the name [redacted] on [redacted] 2001, which was approved on [redacted], 2002. The subject filed an I-485 pursuant to INA §245(i), claiming that he entered without inspection. He did not disclose any of the prior history above. He was accorded permanent residence under [redacted] on [redacted], 2004. He applied for naturalization on [redacted], 2007 pursuant to INA § 319. He failed to disclose any of the above during his naturalization interview, and testified falsely when asked the relevant questions during his naturalization interview. On [redacted], 2008 he took the oath of allegiance and became a naturalized citizen. [redacted]

On May 2, 2018, USCIS referred the case of [redacted], A[redacted], also known as [redacted] A[redacted], to OIL for civil denaturalization. The individual in question, using the name Baljinder Dhrala, filed for asylum while in the United States. He was assigned A[redacted], and placed in deportation proceedings. On [redacted], 1996, he failed to appear

[1] As of May 31, 2018, USCIS has referred 95 HFE denaturalization cases to OIL.

to his deportation hearing, although his attorney was present. The Immigration Judge ordered him deported in absentia from the United States to [redacted] There is no record that he departed the United States. On [redacted] 1996, the same individual, using the name [redacted] filed another asylum and withholding application. His request for asylum was granted as of [redacted] 1996. On [redacted] 1999, he submitted a Form I-485, Application to Register Permanent Residence or Adjust Status, based on his asylum grant. It was approved on [redacted] 12, 2003. On [redacted], 2008, [redacted] submitted Form N-400, Application for Naturalization, which was approved on [redacted], 2009. On [redacted] 2009, [redacted] took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No. [redacted]. He failed to disclose his prior use of a different name and alien number and his prior immigration proceedings and deportation order at any point when using the name [redacted]

On May 7, 2018, USCIS referred the case of [redacted] A [redacted], also known as [redacted], A [redacted] to OIL for civil denaturalization. [redacted] using the name [redacted] was refused admission at the JFK airport in 1993 because the officer suspected she was using someone else's passport and visa to attempt to enter the United States. She was assigned A [redacted] and placed in exclusion proceedings. On [redacted], 1993, she failed to appear for her exclusion proceedings and was ordered excluded and deported in absentia under the name [redacted] by an Immigration Judge. On [redacted], 2001, a petitioner filed a spousal petition for the same individual, using the name [redacted], which was approved on [redacted] 2004 . On [redacted], 2006, [redacted] filed a Form I-485, and was assigned A [redacted] After an interview, this application was granted on [redacted] 2007. She failed to disclose her prior use of a different name and alien number and her prior immigration proceedings and exclusion order. On [redacted], 2011, [redacted] filed a Form N-400, application for naturalization, which was approved on [redacted] 2011, and she was naturalized under the name [redacted] on [redacted] 2011. [redacted]

On May 11, 2018, USCIS referred the case of [redacted] A [redacted], also known as [redacted], A [redacted], to OIL for civil denaturalization. On [redacted], 1994, [redacted] was admitted to the U.S. as a B-2 non-immigrant visitor, authorized to remain until May 12, 1995. On [redacted], 1995, [redacted] filed an asylum application; he was assigned A [redacted]. No decision was made on this application until 2005. In the interim, the same individual, using the name [redacted] filed a different asylum application on [redacted], 1996. He was assigned A [redacted] On [redacted], 1996, [redacted] was issued an Order to Show Cause and on [redacted] 1997, an Immigration Judge ordered granted his application for voluntary departure. There is no indication he departed. In 2005, [redacted] received a Notice to Appear based on his original asylum application. In these proceedings, [redacted] applied for cancellation of removal and in 2007 an Immigration Judge granted this application as he did not disclose his prior proceedings or voluntary departure order. In 2012, [redacted] filed a Form N-400, application for naturalization. After an interview during which he lied about his prior immigration history, his naturalization application was granted on [redacted], 2012. He was naturalized under the name [redacted] on [redacted], 2013. [redacted]

On May 16, USCIS referred the case of [redacted], A[redacted] also known as [redacted], A[redacted] to OIL for civil denaturalization. Under the name [redacted] the subject filed an affirmative asylum claim in August of 1993. The claim was denied by INS and referred to EOIR where it was ultimately withdrawn when the subject accepted an order granting him voluntary departure. DHS has no record verifying his departure and the subject was ordered to surrender for deportation in 1998. He failed to surrender. The subject also filed an affirmative asylum claim under the identity [redacted] This claim was denied by INS in July of 1993. An OSC was issued and filed on EOIR. In April of 2000, the subject gained LPR status through a marriage to USC [redacted] occurring in March of 1997. However, it appears he was not free to marry Ms. [redacted] as, under the identity [redacted], he married USC [redacted] in November of 1994 and there is no record of the couple divorcing. The subject naturalized as [redacted], 2005. He failed to disclose his marital and immigration history as [redacted]

On May 17, 2018, USCIS referred the case of [redacted], A[redacted] also known as [redacted], A[redacted] to OIL for civil denaturalization. Under the name [redacted] he attempted to enter the United States in June 1994 at JFK International airport. At the time of his attempted entry INS suspected that his passport was fraudulent, and he was served an I-122, Notice to Applicant for Admission Deferred for Hearing Before and Immigration Judge. The Immigration Judge found [redacted] not credible, denied his application for asylum, and ordered him excluded and deported. In July 1996, the same individual using the name [redacted] filed Form I-589, Application for Asylum and for Withholding of Deportation with INS. At the conclusion of his asylum interview, he was found not credible, he was personally served an Order to Show Cause, and assigned A[redacted]. In February 1997 the Immigration Judge granted his application for asylum, and he subsequently adjusted his status before INS in July 2006. In June 2010 he filed Form N-400, and appeared for a naturalization interview in October 2010, during which he lied about his prior immigration history and use of an alias. He was naturalized on [redacted], 2010. [redacted]

On May 29, 2018, USCIS referred the case of [redacted], A[redacted] also known as [redacted], A[redacted], to OIL for civil denaturalization. The individual in question, using the name [redacted] was encountered at JFK airport in 1992 because he did not have any documents in his possession. He was assigned A[redacted] and placed in exclusion proceedings. On [redacted], 1994, an Immigration Judge denied his asylum application and the withholding of deportation and ordered that he be excluded and deported from the United States. He appealed and the BIA dismissed. There is no record that he departed the United States. On [redacted] 1996, the same individual, using the name [redacted] filed another asylum and withholding application. His request for asylum was granted as of [redacted], 1996. On [redacted], 1997, he submitted a Form I-485, Application to Register Permanent Residence or Adjust Status, based on his asylum grant. It was approved on [redacted], 2000. On [redacted], 2005, [redacted] submitted Form N-400, Application for Naturalization, which was approved on [redacted] 2005. On [redacted], 2005, [redacted] took the Oath of Allegiance and was admitted as a citizen of the United States. He was issued Certificate of Naturalization No [redacted]. He failed to disclose his prior use of a different name and alien number and his prior immigration proceedings and exclusion

(b)(5) (b)(6)

order at any point when using the name [redacted]

On May 31, 2018, USCIS referred the case of [redacted] A [redacted], also known as [redacted] A [redacted], to OIL for civil denaturalization. In June of 1993, using the identity [redacted], the subject filed an affirmative asylum claim. The claim was denied by INS and referred to EOIR. The subject failed to appear in immigration court and was ordered removed in September of 1997. In March of 1999, the subject was granted CPR status as [redacted] based upon his marriage to USC [redacted] The conditions of his residence were removed in February of 2002 and he naturalized in August of 2008. He failed to disclose his use of the identity [redacted] and his prior immigration history. In January of 2016, the subject was convicted of violating 18 USC 1546(a) and sentenced to a term of 2 years probation. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(5) (b)(6)

(b)(5) (b)(6)

Civil Denaturalization Referrals to OIL – October 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]
USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On October 6, 2017, USCIS referred the case of [redacted], A[redacted], aka [redacted] A[redacted], to OIL for civil denaturalization. [redacted] was encountered attempting entry at Los Angeles International Airport on [redacted], 1991 with a counterfeit nonimmigrant visa representing his name as [redacted] who was born in [redacted] on or about [redacted] 1965. He was placed in exclusion proceedings and on [redacted] 1992, he failed to appear for his proceedings and was ordered excluded and deported *in absentia*. A few months after his attempted entry with the counterfeit visa, on [redacted], 1991, [redacted] applied for affirmative asylum representing his name as [redacted] who was born in [redacted] on [redacted] 1963, and who had last entered the United States without inspection in August 1991. He later requested to withdraw his asylum application, and on [redacted], 1995, he applied for adjustment of status under INA section 245(i) based on employment (again using the identity of [redacted]). His application was approved and he was granted lawful permanent resident status on [redacted] 1996. He subsequently applied for naturalization and was naturalized on [redacted], 2010. [redacted] did not reveal his prior identity or immigration history during the adjudication of his adjustment of status and naturalization applications. [redacted]

On October 10, 2017, USCIS referred the case of [redacted], A[redacted] aka [redacted] A[redacted], aka [redacted] A[redacted] A[redacted], to OIL for civil denaturalization. In October 1994 [redacted] applied for asylum representing his name to be [redacted], born on [redacted], 1969 in [redacted]. While in deportation proceedings Mr. [redacted] conceded service of the charging document, as well as all allegations and the charge of deportability. After failing to appear at three consecutive master calendar hearings (his attorney was present each time) the judge ordered him deported in absentia. Mr. [redacted] also applied for affirmative asylum in 1996 representing his name as [redacted] born on [redacted] 1970 in [redacted] On February 19, 1998, [redacted] failed to appear for his scheduled

[1] As of October 31, 2017, USCIS has referred 24 HFE denaturalization cases to OIL.

(b)(5) (b)(6)

hearing (his attorney of record did appear) and he was ordered excluded from the United States. On [redacted], 1997, using the name [redacted] applied for a diversity visa, claiming that he was born on [redacted] 1969 in [redacted] that he had never used any other names, and had never been refused admission to the United States. As the beneficiary of a diversity visa, he filed form I-485 to adjust status, in which he claimed that he had never by fraud or willful misrepresentation of a material fact, sought to procure entry into the United States, or any other benefit. On [redacted], 1998, [redacted] appeared for his adjustment interview, where he confirmed the truth of the contents of in his application to adjust status. [redacted] was granted lawful permanent resident status on [redacted], 1998. He applied for naturalization (still using the name [redacted] in 2003, and his application was approved on [redacted] 2004. Prior to his naturalization, he petitioned in Federal District Court to have his name changed, and he naturalized under the name [redacted] The [redacted]

On October 13, 2017, USCIS referred the case of [redacted], A[redacted], aka [redacted] A[redacted], to OIL for civil denaturalization. In July 1998, she applied for asylum using the name [redacted], born [redacted] in [redacted]. She claimed that she last entered the United States without inspection in February 1998. Her asylum application was referred to immigration court, and she was placed in removal proceedings with the issuance of an NTA. In November 1998, she failed to appear for a hearing and was issued an in absentia removal order. Subsequently, in February 2005, she filed an adjustment application based on her marriage to a U.S. citizen. For adjustment, she used the name [redacted], born [redacted] in [redacted] who last entered the United States as a visitor in February 1998. She did not reveal her previous identity of [redacted] or immigration history, and became a permanent resident under this identity. In January 2009, she naturalized under the [redacted] identity. After naturalizing, she filed an I-130 petition on behalf of her daughter, which was approved. On [redacted], 2017, she filed a mandamus action to compel USCIS to transfer the I-130 to Department of State for immigrant visa processing. The mandamus is pending, with the answer due on November 3, 2017. The [redacted]

On October 23, 2017, USCIS referred the case of [redacted] A[redacted] aka [redacted] A[redacted], to OIL for civil denaturalization. Mr. [redacted] applied for affirmative asylum on [redacted] 1999 representing his name as [redacted] who was born in the [redacted] on [redacted], 1974. His case was referred to the immigration judge, and on [redacted] 2000, he failed to appear for his initial removal hearing and was ordered removed *in absentia*. On [redacted] 2002, using the name [redacted] he applied for adjustment of status based on a petition filed by his spouse. He indicated he was born on [redacted], 1972 in [redacted] His application was approved and he was accorded lawful permanent resident status as of [redacted], 2003. He subsequently applied for naturalization and was naturalized on [redacted], 2007. [redacted] did not reveal his prior identity, immigration filings or immigration proceedings during the adjudication of his adjustment of status and naturalization applications. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(5)

(b)(6)

Civil Denaturalization Referrals to OIL – September 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]
USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On September 6, 2017, USCIS referred the case of [redacted] A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. Mr. [redacted] initially attempted entry to the U.S. in 1994 using the U.S. citizen passport of another. After being allowed to withdraw his request for admission, Mr. [redacted] departed the U.S. Mr. [redacted] then returned to the U.S. in 1995 and presented a United Kingdom passport in the name of [redacted]. Mr. [redacted] was placed in exclusion proceedings for a second time but eventually granted asylum status, lawful permanent residence, and then naturalized. Mr. [redacted] did not reveal his previous identity, immigration history, or prior false claim to U.S. citizenship. [redacted]

On September 6, 2017 USCIS referred the case of [redacted], A [redacted], aka [redacted], A [redacted] and [redacted] A [redacted], to OIL for civil denaturalization Mr. [redacted] initially entered the United States in 1991 as a visitor and applied for asylum shortly thereafter under the name [redacted]. INS did not grant asylum and instead referred him to immigration court where he received a voluntary departure order with an alternate order of deportation to [redacted] At an unknown date he left the United States. Subsequently, on the basis of an approved I-130 petition for married son, he entered the United States as a lawful permanent resident under the name [redacted] He did not reveal his previous identity, voluntary departure/removal order, or immigration history. He ultimately naturalized under the name [redacted].

On September 11, 2017, USCIS referred the case of [redacted], A [redacted] a/k/a [redacted], A [redacted] to OIL for civil denaturalization. He applied for asylum on [redacted]

[1] As of September 30, 2017, USCIS has referred 19 HFE denaturalization cases to OIL.

(b)(6)

(b)(5)

28, 1996, representing that his name was [redacted] and that he was a citizen of [redacted] On August 27, 1997, an Immigration Judge denied his requests for asylum and withholding of deportation and granted him voluntary departure with an alternate order of removal. On November 19, 1998, he applied for asylum and represented that his name was [redacted] and that he was a citizen of [redacted]. The asylum office granted his application for asylum on [redacted] 1999, and he subsequently adjusted status on [redacted], 2006. He ultimately naturalized on [redacted] 2010. He never revealed any of his prior immigration proceedings, identities, or immigration filings during his adjustment of status or naturalization interviews. [redacted]

On September 25, 2017, USCIS referred the case of [redacted], A [redacted], aka [redacted], A [redacted], to OIL for civil denaturalization. Ms. [redacted] applied for affirmative asylum on [redacted], 1999 representing her name as [redacted] who was born in [redacted]. On [redacted] 2002, the Immigration Judge denied her application for asylum and withholding of deportation and granted her voluntary departure with an alternate order of removal. On [redacted], 2006, she applied for adjustment of status as a derivative asylee, spouse of an asylee, representing her name as [redacted] who was born in [redacted]. Her application was approved and she subsequently filed for naturalization. She was naturalized on [redacted], 2012. Ms. [redacted] did not reveal her previous identity, immigration history or voluntary departure/removal order on her adjustment of status and naturalization applications or during her interviews. [redacted]

On September 26, 2017, USCIS referred the case of [redacted], A [redacted], a.k.a. [redacted], A [redacted], to OIL for civil denaturalization. Ms. [redacted] affirmatively applied for asylum on [redacted], 1999, representing herself as [redacted] born on [redacted] 23, 1965, in [redacted] On [redacted] 2000, an Immigration Judge denied her applications for asylum, withholding of removal, and voluntary departure, and ordered her removed to [redacted] She appealed the decision to the Board of Immigration Appeals, and the Board affirmed the Immigration Judge's decision on [redacted], 2003. On [redacted], 2003, using the name [redacted], she applied for adjustment of status based on a petition filed by her spouse. She indicated she was born on [redacted] 9, 1965, in [redacted] Her application was approved, she was accorded lawful permanent resident status as of [redacted] 2005, and she subsequently applied for naturalization. She was naturalized on [redacted], 2011. Ms. [redacted] did not reveal her previous identity, immigration history, or removal order on her applications for adjustment of status or naturalization. [redacted]

On September 27, 2007, USCIS referred the case of [redacted], A [redacted] aka [redacted] A [redacted] to OIL for civil denaturalization. On [redacted], 1993, Mr. [redacted] filed a Form I-589 with Legacy INS, representing himself as [redacted] He claimed that he entered the United States without inspection in March 1990. Legacy INS referred the Form I-589 to the Immigration Court and on [redacted], 1998, the Immigration Judge denied the request for asylum and granted voluntary departure for a period of 30 days. [redacted] appealed the Immigration Judge's decision and on [redacted], 2002, the Board of Immigration Appeals dismissed

his appeal and reinstated the Immigration Judge's voluntary departure order for a period of 30 days. [redacted] did not depart the United States during the voluntary departure period. On [redacted] 6, 1993, [redacted] filed a second Form I-589 with Legacy INS, representing himself as [redacted] He claimed that he entered the United States without inspection in November 1992. Legacy INS referred this Form I-589 to the Immigration Court. On September 26, 1997, [redacted] married a United States citizen and a Form I-130 was approved on [redacted], 2002. [redacted] filed a Form I-485 with the Immigration Judge and on [redacted] 2003, the Immigration Judge granted his application for adjustment. He ultimately naturalized under this identity. He never revealed his prior immigration proceedings, identity, or immigration filings during his adjustment of status hearing or his naturalization interview. [redacted]

On September 27, 2017, USCIS referred the case of [redacted] A [redacted], aka [redacted] A [redacted], to OIL for civil denaturalization. Mr. [redacted] applied for affirmative asylum on [redacted], 1992 representing his name as [redacted] who was born in [redacted]. On [redacted], 1998, the Immigration Judge ordered him removed in absentia. On [redacted], 1997, he applied for adjustment of status as a based on an approved Form I-140. He represented his name as [redacted] who was born in [redacted] but with a different date of birth. His application was approved on [redacted] 1998 and he subsequently filed for naturalization. He was naturalized on [redacted], 2004. Mr. [redacted] did not reveal his previous identity, immigration history or removal order on his adjustment of status and naturalization applications or during his interviews. [redacted]

On September 29, 2017, USCIS referred the case of [redacted] aka [redacted] (nee [redacted], A [redacted], aka [redacted], A [redacted] to OIL for civil denaturalization. In February 1999, she applied for asylum under the name [redacted], born in 1962 in [redacted] She claimed she last entered the United States without inspection in May 1998. Her asylum application was referred to immigration court, and she was placed in removal proceedings with the issuance of an NTA. In May 1999, she failed to appear for a hearing and was issued an in absentia removal order. Subsequently, in May 2001, she filed an adjustment application based on her marriage to a U.S. citizen. For adjustment, she used the name [redacted] (nee [redacted], born in 1959 in [redacted], who last entered the United States as a visitor in 1995. She did not reveal her previous identity of [redacted] or immigration history, and became a permanent resident under this identity. In July 2008, she petitioned for a name change from [redacted] to [redacted] with her naturalization filing. In September 2008, she naturalized under the name [redacted]. [redacted]

Non-HFE Denaturalization Cases

(b)(6)

None. (b)(5)

Civil Denaturalization Referrals to OIL – November 2017

Attached is a brief summary of civil denaturalization cases USCIS referred to OIL. The list is segregated into two categories: HFE Denaturalization Cases and Non-HFE Denaturalization Cases.

The section entitled "HFE Denaturalization Cases" includes summaries for cases identified as part of the September 8, 2016, OIG report entitled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records" and any other cases related to the Historical Fingerprint Enrollment. All other civil denaturalization cases referred to OIL by USCIS are captured under the "Non-HFE" section.

[redacted]
USCIS field attorney identified in each case summary.

HFE Denaturalization Cases[1]

On November 1, 2017, USCIS referred the case of [redacted] A# [redacted] a/k/a [redacted] A [redacted], to OIL for civil denaturalization. On [redacted], 1991, this individual, using the name [redacted] entered the United States on a nonimmigrant visitor's visa. He failed to depart the United States. Instead, he married a United States citizen, who filed an I-130 petition for him. He simultaneously filed an I-485. On his biographic statements and the I-485, he claimed [redacted] was his true and correct name, and his date of birth was [redacted] 1964. INS suspected the marriage was not bona fide, and issued a Notice of Intent to Deny the I-130. An INS officer interviewed the United States citizen spouse, and she admitted that it was a sham marriage. She withdrew the I-130. On [redacted], 1995, INS commenced deportation proceedings against him based on his having overstayed his authorized stay in the United States. While these deportation proceedings were ongoing, his spouse filed another I-130 petition for him. The INS Vermont Service Center approved the I-130. [redacted] filed another I-485. INS revoked the approval of the I-130. The BIA affirmed that revocation. [redacted], having been given an G-146 by ICE trial attorneys based on his representation that he intended to voluntarily depart the United States rather than being ordered deported, departed the United States on [redacted], 1998. The Department of State confirmed his return by completing the G-146, but failed to return the completed G-146 to ICE for several months. Meanwhile, the Immigration Court ordered [redacted] to appear on [redacted], 1999 for a master calendar hearing. The attorney appeared at this hearing, without [redacted] and informed the immigration judge that she believed that [redacted] had already departed the United States. The immigration judge found that the attorney failed to provide sufficient evidence to prove this, and ordered [redacted] deported in absentia. While he was still pursuing adjustment in the deportation proceedings in the United States based on the second I-130 petition filed by that United States citizen wife, this individual, in [redacted], now using the name [redacted] and claiming a date of birth of [redacted], 1965, was applying to the Department of

[1] As of November 30, 2017, USCIS has referred 35 HFE denaturalization cases to OIL.

(b)(5) (b)(6)

State for an immigrant visa. He claimed to be married to [redacted] in [redacted] had won the diversity visa lottery. On his immigrant visa application, [redacted] denied having ever used any other name or date of birth, and denied having previously obtained a visa or having been in the United States. On [redacted], 1998, the Department of State issued him a DV2 immigrant visa. He was admitted to the United States as a lawful permanent resident on [redacted], 1998. On [redacted], 2009, [redacted] filed his N-400. He concealed his prior immigration history. USCIS approved his N-400 on [redacted], 2009. On [redacted], 2009, [redacted] took the oath of allegiance and became a naturalized citizen. [redacted]

On November 2, 2017, USCIS referred the case of [redacted], A[redacted] and A[redacted] to OIL for civil denaturalization. [redacted] applied for asylum on [redacted] 1995 and claimed to a citizen [redacted] born on [redacted] 1956. He was assigned A[redacted] After an asylum office interview he was issued an Order to Show Cause. On [redacted], 1996, the Immigration Judge denied [redacted]'s applications for Asylum and Withholding of Deportation, but granted him Voluntary Departure until April 28, 1996, with an alternate order of deportation to [redacted]. On [redacted] 1998, the BIA dismissed [redacted]'s appeal. Following [redacted]'s written request for an NTA, on [redacted], 2001, the INS issued [redacted] a Notice to Appear under Alien Registration Number A[redacted] In Immigration Court, [redacted] filed an application for Cancellation of Removal, which stated that he was born on [redacted] 1957 in [redacted] swore to the truth of the contents of his application, and on [redacted], 2002 the Immigration Judge granted Barry's application, this was a final administrative decision as both sides waived appeal. His application for naturalization was approved on [redacted], 2008. [redacted]

On November 2, 2017, USCIS referred the case of [redacted] A#[redacted] a/k/a [redacted], A#[redacted] to OIL for civil denaturalization. On [redacted], 1992, this individual using the name [redacted] filed a Form I-589, Request for Asylum and indicated she was born on [redacted] 1958 in [redacted] and last entered the US on February 23, 1992. After several years, [redacted] was issued a Notice to Appear with the first hearing set for [redacted] 1998. Meanwhile, the same individual, using the name [redacted] filed Form I-589, on [redacted] 1998 indicating her date of birth was [redacted] 1950 and born in [redacted]. She indicated she entered the US without inspection on September 22, 1997. Her asylum was granted on [redacted], 1998. On [redacted] 1999, the same individual using the name [redacted] appeared in court and asked for and received voluntary departure. [redacted] then filed a Form I-485 on [redacted], 2000 and adjusted to permanent resident status on [redacted] 2005. On [redacted], 2010, [redacted] submitted Form N-400 and indicated she never used other names, never lied to a US official and testified that removal proceedings were not ending against her. Her N-400 was approved on [redacted] 2011 and she took the Oath of Allegiance on [redacted] 2011. [redacted]

On November 7, 2017, USCIS referred the case of [redacted], A[redacted] a/k/a [redacted] A[redacted], to OIL for civil denaturalization. [redacted] applied for asylum on [redacted] 1994, and claimed to be a citizen of [redacted] born on [redacted] 1969.

(b)(5) (b)(6)

He was assigned A[redacted]. After an asylum office interview, he was issued an Order to Show Cause and placed in deportation proceedings. On [redacted] 1997, an Immigration Judge granted him Voluntary Departure until [redacted], 1998, with an alternate order of deportation to [redacted] On [redacted] 2000, using the name [redacted], he filed an application for adjustment of status based on a Petition for Alien Relative filed by his U.S. Citizen wife. On this application, he indicated he was born on [redacted] 1972, in [redacted] and failed to disclose his prior use of a different name, date of birth, and previous grant of Voluntary Departure. He was assigned A[redacted]. His application for adjustment of status was granted on [redacted], 2004. His application for naturalization was approved on [redacted] 2007, and he was naturalized under the name [redacted] on [redacted] 2007. [redacted]

On November 8, 2017, USCIS referred the case of [redacted], A[redacted] a.k.a. [redacted] A[redacted] to OIL for civil denaturalization. A native and citizen of [redacted] was ordered deported under the name of [redacted], A[redacted] on [redacted], 1995 and his appeal to the BIA was subsequently denied on [redacted], 1995. The order of deportation was never executed by INS/DRO and there is no evidence that [redacted] self-deported after the BIA dismissal of his appeal. [redacted] subsequently adjusted his status under the name [redacted] (A[redacted]) on April 15, 1996 based on the Diversity Visa. He did not disclose his prior identify nor disclose the prior deportation order. He ultimately became a citizen on [redacted], 2005. [redacted]. Aliens who derived benefits from [redacted] have been identified and their A-files have been reviewed for action upon the denaturalization of [redacted] Passport records have been reviewed and NTA charges have been identified upon denaturalization. [redacted]

On November 11, 2017, USCIS referred the case of [redacted], A[redacted] a/k/a/ [redacted] A[redacted], to OIL for civil denaturalization. Mr. [redacted]s case was identified within the Historic Fingerprint Enrollment program as a case of multiple identities. On [redacted], 1999, Mr. [redacted] was admitted into the United States as a derivative unmarried son of a principal refugee. He married on [redacted]5, 2000, one month prior to his admission. Following his admission, he filed an application for asylum on [redacted], 2000, under a different identity, [redacted]. He was interviewed for the asylum claim on November 2, 2000, but he was notified that his case was being referred to the Immigration Court. Mr. [redacted] failed to appear for the removal hearing and was ordered removed in absentia on [redacted] 2000, under the identity of [redacted]. Mr. [redacted] subsequently filed for adjustment of status on [redacted], 2001, under his original identity as a refugee. He did not disclose his attempt to obtain asylum status under a different identity. He was adjusted to permanent resident on [redacted], 2002, and later applied for naturalization on [redacted], 2005. Again, he did not disclose his second identity and his N-400 was approved on [redacted], 2006 and he took the Oath of Allegiance on [redacted] 2006. [redacted]

On November 15, 2017, USCIS referred the case of [redacted] A# [redacted], a/k/a [redacted] A# [redacted], to OIL for civil denaturalization. On [redacted], 1992, [redacted] applied for admission to the US claiming persecution. He was paroled into the US for deferred inspection and to pursue his asylum claim which he filed affirmatively on [redacted], 1993, representing his name as [redacted] who was born in [redacted] on [redacted] 1954. His case was denied by the Chicago Asylum Office on [redacted] 1993 and an OSC issued to him by the Asylum Office on [redacted], 1993, referring his claim to the immigration court. The OSC proceedings were terminated on Service motion on [redacted] 1995 inasmuch as [redacted] was properly in exclusion proceedings [redacted] was served with the I-122 on that date initiating exclusion proceedings against him. After appearing for several court settings and having his asylum hearing set for the merits on [redacted] 1998, [redacted] failed to appear for that hearing and he was ordered excluded and deported *in absentia*. On [redacted], 1995, using the name [redacted] date of birth [redacted], 1955, he applied for asylum with the San Francisco Asylum office, claiming to have entered without inspection at El Paso Texas on July 5, 1996. [redacted] failed to disclose his previous encounter with the INS, use of the prior alias and date of birth or the fact that he had been placed in exclusion proceedings ("immigration history"). Mr. [redacted] was granted asylum on [redacted], 1997 by the San Francisco Asylum Office and was granted adjustment of adjustment of status on [redacted] 2005, where he similarly failed to disclose that same immigration history. Based on that adjustment of status to lawful permanent residence, [redacted] applied for naturalization on [redacted], 2012. In that application and during his interview he similarly failed to disclose his immigration history and consequently due to those false representations and false testimony, the Chicago Field Office approved the N-400 on May 31, 2012 and [redacted] took the oath of allegiance and was naturalized on [redacted], 2012. The USCIS [redacted]

On November 20, 2017, USCIS referred the case of [redacted] A [redacted] a/k/a [redacted] A [redacted] to OIL for civil denaturalization. On [redacted], 1992, [redacted] using the name [redacted] applied for asylum and claimed to be a citizen of [redacted] born on [redacted] 1, 1963. He was assigned A [redacted] After an asylum office interview, he was issued an Order to Show Cause and placed in deportation proceedings. On [redacted], 1995, an Immigration Judge issued an in absentia deportation order to [redacted] On [redacted], 1994, [redacted] applied for asylum and claimed to be a citizen of [redacted] born on [redacted] 25, 1968. He was assigned A [redacted]. On September 12, 1995, [redacted] married a United States citizen. On [redacted] 1996, [redacted] filed an I-485 application to adjust his status based on his wife's approved I-130 Petition for Alien Relative. He became a lawful permanent resident on [redacted] 2002, under A [redacted]. He failed to disclose his use of a different name, date of birth, and prior deportation proceedings. His naturalization application was approved on [redacted] 2008, and he naturalized under the name [redacted] on [redacted], 2009. On [redacted], 2014, [redacted] was convicted in the U.S. District Court [redacted] for violation of 18 U.S.C. § 1546(a), Fraud and misuse of visas, permits, and other documents on the factual basis that he used his United States passport card on [redacted], 2013, to gain entry into the United States knowing the passport card was procured by means of a false claim or statement, or otherwise procured by fraud or unlawfully obtained because he failed to disclose that he had previously applied for and been denied immigration benefits under a different name and date of birth. The [redacted]

(b)(5) (b)(6)

On November 14, 2017, USCIS referred the case of [redacted] A[redacted], a/k/a [redacted] A[redacted], to OIL for civil denaturalization. [redacted] applied for asylum on [redacted] under the name of [redacted] and claimed to be a citizen of [redacted], born on [redacted] 1962. He was assigned A[redacted]. After the asylum office interview, he was issued an Order to Show Cause and placed in deportation proceedings. On [redacted], 1995, an Immigration Judge granted him Voluntary Departure until [redacted], 1996, with an alternate order of deportation to [redacted]. On [redacted], 1997, using the name of [redacted], he filed an application for adjustment of status based on a Petition for Alien Relative filed by his U.S. citizen wife. On this application, he indicated he was born on [redacted] 30, 1963, in [redacted] and failed to disclose his prior use of a different name, date of birth, and immigration history. He was assigned A[redacted] His application for adjustment of status was granted on [redacted], 2001. His application for naturalization was approved on [redacted] 2012. He also requested to legally change his name from [redacted] to [redacted]. He was sworn in as a U.S. citizen under the name of [redacted] on [redacted], 2013. [redacted].

On November 16, 2017, USCIS referred the case of [redacted], A[redacted] a/k/a [redacted] a/k/a [redacted], a/k/a [redacted] A[redacted] to OIL for civil denaturalization. [redacted] attempted to the U.S. under the name of [redacted] at the Miami International Airport on [redacted]0, 1990. She was placed in exclusion proceedings and applied for asylum with the Miami Immigration Cour[redacted] 1990, under the name of [redacted], and claimed to be a citizen of [redacted] born on [redacted], 1960. She was assigned [redacted] On [redacted], 1992, an Immigration Judge denied her request for asylum and ordered her removed. On [redacted], 1996, using the name of [redacted], she filed an application for adjustment of status based on a Petition for Alien Relative filed by her lawful permanent resident father, who naturalized after the petition was approved. On this application, she indicated that she was born on [redacted], 1960, in [redacted] and failed to disclose his prior use of a different name and immigration history. She also failed to disclose that she got married while her father was still a lawful permanent resident, which automatically revoked the approval of the visa petition filed on her behalf. She was assigned A[redacted] Her application for adjustment of status was granted on [redacted], 1998. Her application for naturalization was approved on [redacted], 2005, and she was sworn in as a U.S. citizen under the name of [redacted] on [redacted], 2005. [redacted]

On November 29, 2017, USCIS referred the case of [redacted], A#[redacted], a/k/a [redacted] A#[redacted] to OIL for civil denaturalization. On [redacted] 1995, this individual, using the name [redacted], filed with INS an application for asylum. On his asylum application, he claimed that he had entered the United States on September 25, 1995, without being inspected. He listed his date of birth in [redacted] as [redacted], 1969. He was assigned A#[redacted] On [redacted], 1996, the INS Asylum Office in Rosedale, NY denied his asylum application. On [redacted] 1996, the Asylum Office issued him an Order to Show Cause (OSC). INS charged with being deportable because he had entered without being inspected. INS, in the OSC, notified him that he was to appear in immigration court on [redacted], 1996. The Immigration court, on March 29, 1996, notified him to again appear in immigration court on [redacted], 1998. On [redacted]

(b)(6)

(b)(5)

(b)(5)

(b)(6)

11, 1998, when he failed to appear, the Immigration Judge ordered him deported in absentia. INS notified [redacted] by mail at his last known address that he had been ordered deported, and instructed him to appear to be removed from the United States. [redacted] never reported for deporation, and it appears that he remained in the United States. On [redacted], 1997, this same individual, now using the name [redacted] and listing a different date of birth, filed with INS an application for asylum. He now claimed that he had entered the United States on July 8, 1996 without being inspected. [redacted] did not disclose to the INS asylum office that he had previously applied for and been denied asylum by INS under a different name and date of birth. He did not disclose that he had been assigned a different alien registration number. He also did not disclose that he had been placed in deportation proceedings, and had been ordered deported in absentia. On [redacted], 1997, INS approved his asylum application. On [redacted], 2000, [redacted] applied for adjustment based on having been granted asylum by INS. On his adjustment application, Jin did not disclose his prior immigration history. INS, unaware that it lacked jurisdiction to adjudicate his adjustment application, approved it on [redacted], 2006. On [redacted], 2011, [redacted] filed his naturalization application with USCIS. Jin, in his written application and during his interview, failed to disclose his prior immigration history. USCIS, in considering [redacted] application for naturalization, was unaware that INS had lacked authority to adjudicate [redacted] asylum and adjustment application because he was still considered in pending deportation proceedings, and therefore only the immigration judge had authority to entertain those applications. USCIS was also unaware that [redacted] had given false testimony during the naturalization interview about his prior immigration history. USCIS approved his naturalization application on [redacted], 2011. On [redacted] 2011, [redacted] took the oath of allegiance was naturalized. [redacted]

Non-HFE Denaturalization Cases

None.

(b)(6)

(b)(5)

UNITED STATES OF AMERICA	)	
	)	
In the Matter of the Revocation	)	AFFIDAVIT OF GOOD CAUSE
of the Naturalization of	)	
	)	
PRIMARY NAME, PRIMARY A#	)	
a/k/a SECONDARY NAME, A#	)	
	)	

I, OFFICER FIRST AND LAST NAME, declare under penalty of perjury as follows:

I am an Officer with U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).[1] In this capacity, I have access to the official records of DHS, including the immigration files of PRIMARY FIRST AND LAST NAME, PRIMARY A NUMBER, a.k.a. SECONDARY FIRST AND LAST NAME, SECONDARY A NUMBER (hereafter PRIMARY LAST NAME).

I have examined records relating to PRIMARY LAST NAME, including but not limited to, HIS/HER immigration files. Based upon my review of records relating to PRIMARY LAST NAME, I state, on information and belief, that the information set forth in this Affidavit of Good Cause is true and correct.

Based on the facts and law contained herein, good cause exists to institute proceedings pursuant to section 340(a) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1451(a)[2], to revoke the citizenship of PRIMARY LAST NAME and to cancel HIS/HER Certificate of Naturalization.

The last place of residence for PRIMARY LAST NAME is ADDRESS.

---

[1]Pursuant to the Department of Homeland Security Reorganization Plan, Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), 6 U.S.C. §§ 101-557, as of March 1, 2003, the Immigration and Naturalization Service (INS) was abolished and its functions were transferred to USCIS within the DHS. This Affidavit will refer to INS or USCIS as appropriate.

[2] While some provisions of the Immigration and Nationality Act, as contained in the United States Code, have been renumbered throughout the years, not all provisions have undergone such renumbering. Where necessary, this Affidavit of Good Cause lists the applicable year for a United States Code reference. If no year is included within the citation, it means that the United States Code citation is the same today as it was during the time in question.

BACKGROUND

DHS records establish that the person who naturalized as PRIMARY LAST NAME is the same person who was previously ordered EXCLUDED/DEPORTED/REMOVED under the name SECONDARY FIRST AND LAST NAME.

Immigration History as SECONDARY FIRST AND LAST NAME
D.O.B XXXXXX, AXXXXXXXXX

INSERT RELEVANT INFORMATION PERTAINING TO IDENTITY, IMMIGRATION PROCEEDINGS, ETC UNDER THIS IDENTITY.

INCLUDE RELEVANT DATES OF UNLAWFUL PRESENCE, DATES OF DEPARTURE, RELEVANT DATES AND STATUS OF ANY RE-ENTRY OR ADMISSION; DATES OF ORDERS; ETC.

Immigration History as PRIMARY FIRST AND LAST NAME
D.O.B XXXXXX, AXXXXXXXXX

INSERT RELEVANT INFORMATION PERTAINING TO IDENTITY, IMMIGRATION PROCEEDINGS, ETC UNDER THIS IDENTITY.

ILLEGAL PROCUREMENT OF NATURALIZATION

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

1. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
2. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
3. Under the law then in effect, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa,

other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).

4. Based on the information contained above, PRIMARY LAST NAME willfully misrepresented material facts, specifically, HIS/HER identity and immigration history.
5. Because PRIMARY LAST NAME misrepresented material facts, HE/SHE was inadmissible to the United States at the time of HIS/HER adjustment of status and was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

6. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
7. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
8. Under the law then in effect, as today, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. INA § 212(a)(19), 8 U.S.C. § 1182(a)(19) (INSERT YEAR).
9. Based on the information contained above, PRIMARY LAST NAME willfully misrepresented material facts, specifically, HIS/HER identity and immigration history.
10. Because PRIMARY LAST NAME misrepresented material facts, HE/SHE was inadmissible to the United States at the time of HIS/HER adjustment of status and was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

11. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
12. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 209(b)(5), 8 U.S.C. § 1159(b)(5).
13. Under the law then in effect, as today, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit provided under the INA was inadmissible. . INA § 212(a)(6)(C)(i), 8 U.S.C. § 1182(a)(6)(C)(i).
14. Based on the information contained above, PRIMARY LAST NAME willfully misrepresented material facts, specifically, HIS/HER identity and immigration history.
15. Because PRIMARY LAST NAME misrepresented material facts, HE/SHE was inadmissible to the United States at the time of HIS/HER adjustment of status and was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Fraud or Misrepresentation

16. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
17. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 209(b)(5), 8 U.S.C. § 1159(b)(5).
18. Under the law then in effect, as today, an individual who by fraud or willfully misrepresenting a material fact was seeking to procure (or had sought to procure or had procured) a visa, other documentation, admission into the United States, or other benefit

provided under the INA was inadmissible. INA § 212(a)(19), 8 U.S.C. § 1182(a)(19) (INSERT YEAR).

19. Based on the information contained above, PRIMARY LAST NAME willfully misrepresented material facts, specifically, HIS/HER identity and immigration history.
20. Because PRIMARY LAST NAME misrepresented material facts, HE/SHE was inadmissible to the United States at the time of HIS/HER adjustment of status and was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted For Permanent Residence
Inadmissible as a Stowaway

21. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
22. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
23. Under the law then in effect, an individual who was a stowaway was inadmissible. INA § 212(a)(6)(D), 8 U.S.C. § 1182(a)(6)(D).
24. Because PRIMARY LAST NAME was a stowaway, HE/SHE was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Final Order of Removal Executed Prior to Adjustment

25. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

26. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
27. Under the law then in effect, an individual who was ordered removed under INA § 235(b)(1), 8 U.S.C. § 1225(b)(1), and who again sought admission within five years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) was inadmissible. INA § 212(a)(9)(A)(i), 8 U.S.C. § 1182(a)(9)(A)(i).
28. Based on the information contained above, [PRIMARY LAST NAME] was ordered removed pursuant to INA § 235(b)(1), 8 U.S.C. §1225(b)(1), under the name of [SECONDARY LAST NAME] and sought admission to the United States within five years of HIS/HER removal.
29. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Final Order of Removal Executed Prior to Adjustment

30. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
31. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
32. Under the law then in effect, an individual who was ordered removed at the end of proceedings under INA § 240, 8 U.S.C. § 1229a, initiated upon the alien's arrival in the United States, and who again seeks admission within five years of the date of such removal (or within 20 years in the case of a second or subsequent removal or at any time in the case of an alien convicted of an aggravated felony) was inadmissible. INA § 212(a)(9)(A)(i), 8 U.S.C. § 1182(a)(9)(A)(i).

33. Based on the information contained above, [PRIMARY LAST NAME] was ordered removed at the end of proceedings under INA § 240, 8 U.S.C. § 1229a, initiated upon HIS/HER arrival in the United States under the name of [SECONDARY LAST NAME]. HE/SHE again sought admission to the United States within five years of HIS/HER removal.
34. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Final Order of Removal Executed Prior to Adjustment

35. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
36. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
37. Under the law then in effect, an individual (other than an individual ordered removed as an arriving alien) who had been deported or removed, or who had departed the United States while subject to an order of exclusion, deportation, or removal, was inadmissible for 10 years after the date of departure from the United States. INA § 212(a)(9)(A)(ii), 8 U.S.C. § 1182(a)(9)(A)(ii).
38. Based on the information contained above, [PRIMARY LAST NAME] departed the United States under an order of REMOVAL/DEPORTATION/EXCLUSION under the name of [SECONDARY LAST NAME] and sought admission to the United States within ten years of HIS/HER departure.
39. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization

Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Unlawful Presence
(More than 180 days but less than 1 year)

40. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
41. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
42. Under the law then in effect, an individual who, after April 1, 1997, was unlawfully present in the United States for a period of more than 180 days but less than one year, and who subsequently departed or was removed from the United States, became inadmissible for three years after the date of departure or removal. INA § 212(a)(9)(B)(i)(I), 8 U.S.C. § 1182(a)(9)(B)(i)(I).
43. As indicated above, PRIMARY LAST NAME was unlawfully present in the United States for more than 180 days but less than one year, subsequently departed or was removed from the United States, then sought admission to the United States within three years of HIS/HER departure or removal.
44. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Unlawful Presence
(1 year or more)

45. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
46. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).

47. Under the law then in effect, an individual who, after April 1, 1997, was unlawfully present in the United States for one year or more, and who subsequently departed or was removed from the United States, became inadmissible for ten years after the date of departure or removal. INA § 212(a)(9)(B)(i)(II), 8 U.S.C. § 1182(a)(9)(B)(i)(II).
48. As indicated above, PRIMARY LAST NAME was unlawfully present in the United States for one year or more, subsequently departed or was removed from the United States, then sought admission to the United States within ten years of HIS/HER departure or removal.
49. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Final Order of Removal Outstanding at Adjustment

50. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
51. Under the law in effect at the time of PRIMARY LAST NAME's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings, including applicants with a final order of deportation or removal. 8 C.F.R. § 1245.2(a)(1).
52. PRIMARY NAME was subject to an order of DEPORTATION/REMOVAL under the name of SECONDARY LAST NAME as of DATE, and filed HIS/HER application for adjustment of status on DATE. Because PRIMARY LAST NAME misrepresented certain facts in connection with HIS/HER application, USCIS/INS was not aware of the DEPORTATION/REMOVAL proceedings and the outstanding order of DEPORTATION/REMOVAL, and approved HIS/HER application for adjustment of status on DATE.

53. Because the immigration court had exclusive jurisdiction over PRIMARY LAST NAME's application for adjustment of status at the time it was approved by USCIS/INS, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Final Order of Deportation Outstanding at Grant of Asylum

54. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1427.
55. Under the law in effect at the time of PRIMARY LAST NAME's application for asylum, the Immigration Court had exclusive jurisdiction over applications for asylum filed by applicants who had been served an Order to Show Cause (OSC) after the OSC had been filed with the Immigration Court. 8 C.F.R. § 208.2(b)(3) (DATE).
56. PRIMARY LAST NAME was placed in deportation proceedings under the name of XXXXXX on DATE, the date the OSC was received by the Immigration Court, and filed HIS/HER application for asylum with INS [or USCIS] on DATE. Because PRIMARY LAST NAME misrepresented certain facts in connection with HIS/HER application, INS [or USCIS] was not aware of the deportation proceedings, and approved HIS/HER application for asylum on DATE.
57. Because the immigration court had exclusive jurisdiction over PRIMARY LAST NAME's application for asylum at the time it was approved by INS [or USCIS], HE/SHE was not lawfully admitted for permanent residence based upon HIS/HER asylum status; accordingly, HE/SHE illegally procured his naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
In Immigration Court Proceedings at Time of Adjustment

58. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.

59. Under the law in effect at the time of PRIMARY LAST NAME's adjustment of status to permanent resident, as today, the immigration court generally had exclusive jurisdiction over applications for adjustment of status filed by applicants (other than certain arriving aliens) in deportation or removal proceedings. 8 C.F.R. 1245.2(a)(1).
60. Although [SECONDARY NAME]'s [DEPORTATION/REMOVAL] proceedings, under the name [SECONDARY NAME], were administratively closed on [ADMINISTRATIVE CLOSURE ORDER DATE], the [INS/USCIS] lacked jurisdiction over [APPROPRIATE NAME]'s adjustment application as HIS/HER [DEPORTATION/REMOVAL] proceedings remained pending when the [INS/USCIS] approved [his/her] application for adjustment of status.
61. Because the immigration court had exclusive jurisdiction over the application for adjustment of status for [APPROPRIATE NAME] at the time it was approved by USCIS/INS, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Crime Involving Moral Turpitude

62. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
63. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
64. Under the law then in effect, an individual who had been convicted of a crime involving moral turpitude, with certain exceptions not applicable in the instant matter, was inadmissible. INA § 212(a)(2)(A)(i)(I), 8 U.S.C. 1182(a)(2)(A)(i)(I); INA § 212(a)(2)(A)(ii), 1182(a)(2)(A)(ii).
65. Based on the information contained above, PRIMARY LAST NAME was convicted of a crime involving moral turpitude which rendered HIM/HER inadmissible..

66. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Inadmissible Based on Controlled Substance Violation

67. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
68. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
69. Under the law then in effect, an individual who had been convicted of a controlled substance violation was inadmissible. INA § 212(a)(2)(A)(i)(II), 8 U.S.C. 1182(a)(2)(A)(i)(II).
70. Based on the information contained above, PRIMARY LAST NAME was convicted of a controlled substance violation which rendered HIM/HER inadmissible.
71. Because PRIMARY LAST NAME was inadmissible to the United States at the time of HIS/HER adjustment of status, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Not Eligible to Receive an Immigrant Visa /Immigrant Visa Not Immediately Available at the Time the Application to Adjust Status Was Filed

72. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
73. Among the INA provisions applicable at the time of PRIMARY LAST NAME'S adjustment of status to permanent resident was the requirement that HE/SHE be eligible to receive an immigrant visa and that an immigrant visa be immediately available to

HIM/HER at the time the application to adjust status was filed. INA § 245(a), 8 U.S.C. § 1255(a).

74. As indicated above, [INSERT RELEVANT INFORMATION DESCRIBING HOW THE ALIEN DID NOT HAVE A VALID I-130 AT THE TIME OF ADJUSTMENT AND/OR THAT THE IMMIGRANT VISA WAS NOT IMMEIDATELY AVAILABLE AT THE TIME OF ADJUSTMENT).
75. Because PRIMARY LAST NAME was not eligible to receive an immigrant visa and the immigrant visa was not immediately available to HIM/HER at the time the Application to Adjust Status was filed, HE/SHE was not lawfully admitted for permanent residence; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Not In Possession of Valid Visa/Visa Issued Without Compliance with INA § 203

76. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
77. Among the INA provisions applicable at the time of PRIMARY LAST NAME's admission as [OR adjustment of status to] permanent resident was the requirement that HE/SHE be admissible to the United States. INA § 245(a), 8 U.S.C. § 1255(a).
78. Under the law then in effect, an individual who was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document required by the INA was inadmissible. INA 212(a)(7)(A)(i)(I); 8 U.S.C. § 1182(a)(7)(A)(i)(I). [AND/OR] An individual whose visa was issued without compliance with the provisions of section 203 was inadmissible. INA 212(a)(7)(A)(i)(II); 8 U.S.C. § 1182(a)(7)(A)(i)(II).
79. Because PRIMARY LAST NAME was not in possession of a valid unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document at the time of HIS/HER admission [OR adjustment of status], HE/SHE was inadmissible to the United States at the time of HIS/HER admission [OR adjustment of status]. [AND/OR] Because PRIMARY LAST NAME's visa was issued without compliance

with the provisions of section 203, HE/SHE was inadmissible to the United States at the time of HIS/HER admission [OR adjustment of status]. Accordingly, HE/SHE was not lawfully admitted for permanent residence and HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Not Lawfully Admitted for Permanent Residence
Prior Asylum Denial

80. To be eligible for naturalization, an applicant must have been lawfully admitted for permanent residence in accordance with all applicable provisions of the INA. INA § 318, 8 U.S.C. § 1429.
81. Among the INA provisions applicable at the time of PRIMARY LAST NAME's adjustment of status to permanent resident as an asylee, was the requirement that he be granted asylum status and be admissible to the United States. INA § 209(b)(5), 8 U.S.C. § 1159(b)(5).
82. When the Immigration Judge issued a decision granting PRIMARY LAST NAME status as an asylee, the law barred an alien from applying for asylum if HE/SHE had previously applied for asylum and had such application denied. INA § 208(a)(2)(C); 8 U.S.C. § 1158(a)(2)(C).
83. Under the law then in effect, an applicant who had previously had his application for asylum denied would have had to have demonstrated changed circumstances materially affecting his eligibility for asylum. INA § 208(a)(2)(D); 8 U.S.C. § 1158(a)(2)(D).
84. Based on the Application for Asylum he submitted to INS and which the Immigration Judge granted based on PRIMARY LAST NAME's identity, PRIMARY LAST NAME did not disclose that HE/SHE had previously applied for asylum and therefore was not required to satisfy his burden of showing the existence of changed circumstances materially affecting his eligibility.
85. PRIMARY LAST NAME was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA because S/HE unlawfully procured HIS/HER asylum status, which formed the basis of HIS/HER lawful permanent resident status; accordingly, HE/SHE was not eligible for naturalization and illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Crime Involving Moral Turpitude

86. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
87. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.
88. Under the law then in effect, an individual who, during the statutory period, committed and was convicted of a crime involving moral turpitude, with certain exceptions not applicable in the instant matter, could not establish good moral character. INA § 101(f)(3), 8 U.S.C. §§ 1101(f)(3); INA § 212(a)(2)(A)(i)(I), 1182(a)(2)(A)(i)(I); INA § 212(a)(2)(A)(ii), 1182(a)(2)(A)(ii).
89. Based on the facts contained above, during the statutory period PRIMARY LAST NAME committed and was convicted of a crime involving moral turpitude which rendered HIM/HER ineligible for naturalization; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Controlled Substance Violation

90. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
91. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.

92. Under the law then in effect, an individual who, during the statutory period, committed and was convicted of a violation of a controlled substance, other than a single offense of simple possession of 30 grams or less of marijuana, could not establish good moral character. INA § 101(f)(3), 8 U.S.C. § 1101(f)(3); INA § 212(a)(2)(A)(i)(II), 1182(a)(2)(A)(i)(II).
93. Based on the facts contained above, during the statutory period PRIMARY LAST NAME committed and was convicted of a controlled substance violation other than a single offense of simple possession of 30 grams or less of marijuana, which rendered HIM/HER ineligible for naturalization; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Aggravated Felony

94. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."
95. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.
96. Under the law then in effect, an individual convicted of an aggravated felony on or after November 29, 1990, was permanently barred from establishing good moral character. INA § 101(f)(8), 8 U.S.C. § 1101(f)(8); INA § 101(a)(43), 8 U.S.C. §1101(a)(43).
97. Based on the facts contained above, PRIMARY LAST NAME was convicted of an aggravated felony after November 29, 1990, which rendered HIM/HER ineligible for naturalization; accordingly, HE/SHE illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
More than 180 Days Incarceration

98. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

99. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.

100. Under the law then in effect,an individual who, during the statutory period, was incarcerated for more than 180 days as a result of a conviction, was barred from establishing good moral character. INA § 101(f)(7), 8 U.S.C. § 1101(f)(7).

101. Based on the facts contained above, PRIMARY LAST NAME was incarcerated for more than 180 days during the statutory period as the result of a conviction; accordingly, HE/SHE was not eligible for naturalization and illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
Unlawful Acts

102. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

103. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.

104. Under the law then in effect, an individual could not establish good moral character if, during the statutory period, HE/SHE committed unlawful acts that adversely reflected on HIS/HER moral character, unless HE/SHE could establish extenuating circumstances. INA § 101(f); 8 U.S.C. §1101(f); 8 C.F.R. § 316.10(b)(3)(iii).

105. Based on the facts contained above, during the statutory period PRIMARY LAST NAME committed unlawful acts that adversely reflected on HIS/HER moral character, and as demonstrated by the post-naturalization conviction, HE/SHE could not establish extenuating circumstances; accordingly, HE/SHE was not eligible for naturalization and illegally procured HIS/HER naturalization.

Illegal Procurement of Naturalization
Lack of Good Moral Character
False Testimony

106. As an applicant for naturalization under section 316(a) of the INA, PRIMARY LAST NAME was required to establish that HE/SHE was a person of good moral character during the period beginning five years prior to the filing of HIS/HER application for naturalization and continuing until the time of admission to citizenship. This period is generally referred to as the "statutory period."

107. PRIMARY LAST NAME filed HIS/HER application for naturalization on DATE; accordingly, HE/SHE was required to establish that HE/SHE was a person of good moral character from DATE, until the time of HIS/HER admission to citizenship on DATE.

108. Under the law then in effect, an individual who, during the statutory period, provided false testimony for the purpose of obtaining an immigration benefit could not establish good moral character. INA § 101(f)(6); 8 U.S.C. § 1101(f)(6).

109. Based on the facts contained above, PRIMARY LAST NAME provided false testimony while under oath during HIS/HER naturalization interview. Specifically, PRIMARY LAST NAME provided false testimony regarding: [Insert list of questions/topics for which individual provided false testimony]

110. Because PRIMARY LAST NAME provided false testimony to obtain an immigration benefit during the statutory period, HE/SHE was not eligible for naturalization; accordingly, HE/SHE illegally procured HIS/HER naturalization.

PROCUREMENT OF NATURALIZATION BY WILLFUL MISREPRESENTATION OR CONCEALMENT OF MATERIAL FACTS

111. A naturalized citizen is subject to revocation of naturalization if HE/SHE procured naturalization by willfully misrepresenting or concealing material facts.

112. Based on the facts contained above, PRIMARY LAST NAME willfully misrepresented HIS/HER identity and immigration history throughout the naturalization process.

113. The misrepresentations made by PRIMARY LAST NAME during the naturalization process were material to determining HIS/HER eligibility for naturalization because they would have had the natural tendency to influence the decision whether to approve HIS/HER naturalization application. In fact, PRIMARY LAST NAME misrepresented and concealed facts that would have shown that HE/SHE was not lawfully admitted for permanent residence in accordance with all applicable provisions of the INA, and thus was ineligible for naturalization under INA § 318, 8 U.S.C. § 1429.

114. PRIMARY LAST NAME was able to procure HIS/HER naturalization because HE/SHE concealed or misrepresented material facts regarding HIS/HER identity and immigration history.

DECLARATION IN LIEU OF JURAT
(28 U.S.C. § 1746)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ at _____.

_____
NAME OF OFFICER
SPECIFIC TITLE
United States Citizenship and Immigration Services
Department of Homeland Security

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

(b)(5)

Enhancement Request to Support HFE Denaturalization Efforts

1. Please describe the nature of the work to be performed and why the additional staffing is needed?

   In September 2016, the DHS OIG issued a report that identified a large number of cases where individuals had been naturalized despite having a removal order under a previous identity. USCIS has been tasked with the primary responsibility of referring civil denaturalization cases to DOJ in the approximately 1,600 cases identified in the report and any additional cases identified upon further investigation. In total, there could be as many as 5,000 or more cases meriting referral for

2. Will the requested positions be assigned to an existing organization or would this request establish a new office/division/branch, etc.? If this request entails a change to the organization structure, please attach the existing and proposed organization charts including all existing and proposed positions.

3. In what physical facility with the positions be located? Is there currently existing space for the positions(s) or will a build out/lease acquisition plan approval be required?

4. Are there any statutory, regulatory or policy requirements that are driving the request of the additional positions? If so, please describe the requirement.
   - "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records," DHS OIG Report, September 8, 2016.

5. Are these requests for insourced positions?

   No.

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5)

(b)(5)

U.S. Department of Homeland Security
~~U.S. Citizenship and Immigration Services~~
~~Washington, DC 20529-2100~~

U.S. Citizenship and Immigration Services

Memorandum of Agreement Regarding Referrals of Actions to Revoke Naturalization

Formatted: Right: 1"

I. Purpose

This memorandum sets forth the agreement among the U.S. Department of Homeland Security (DHS), including U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), and U.S. Customs and Border Protection (CBP),

[redacted]

Nothing contained in this memorandum provides substantive, procedural, or other rights to individuals or groups other than the signatories. Except as set forth in this memorandum, actions to revoke naturalization must be prepared, presented, and litigated as set forth in, and consistent with, any applicable memoranda of understanding, internal agency processes, Attorney General directives, the United States Attorneys' Manual, statutes, and regulations. Notwithstanding, this memorandum hereby supersedes the "Memorandum of Understanding Between the United States Attorneys Offices, the Immigration and Naturalization Service, and the Civil Division-Office of Immigration Litigation Regarding Actions to Revoke Naturalization" made effective January 22, 2000.

II. Litigation Responsibilities for Civil Actions under 8 U.S.C. § 1451~~(a)~~

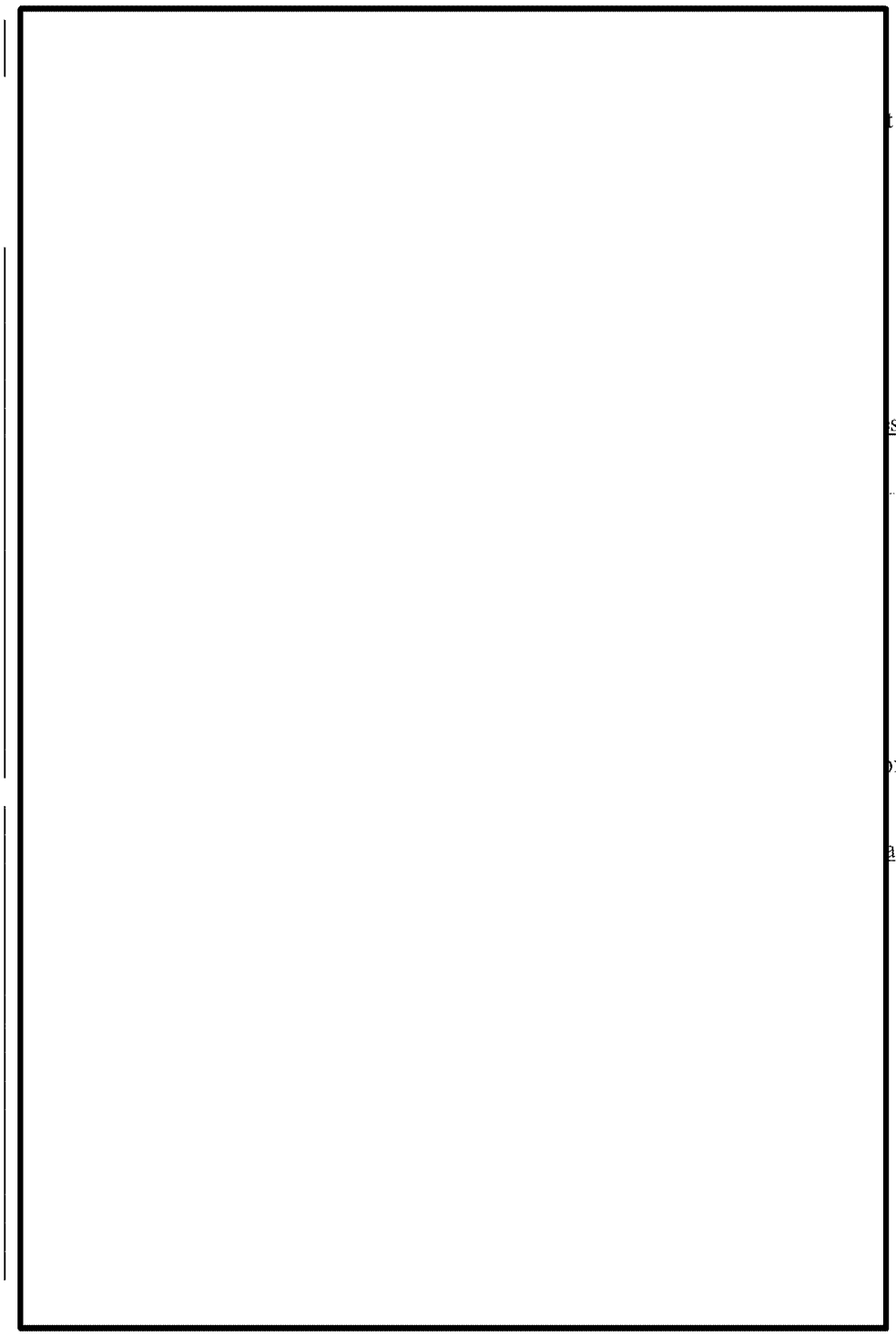
A. Referring Agency Responsibilities:

[redacted]

[redacted]

(b)(5)

(b)(5)



Formatted: Indent: Left: 1.25", Tab stops: Not at 4.25"

Formatted: Indent: Left: 1.5", No bullets or numbering, Tab stops: Not at 4.25"

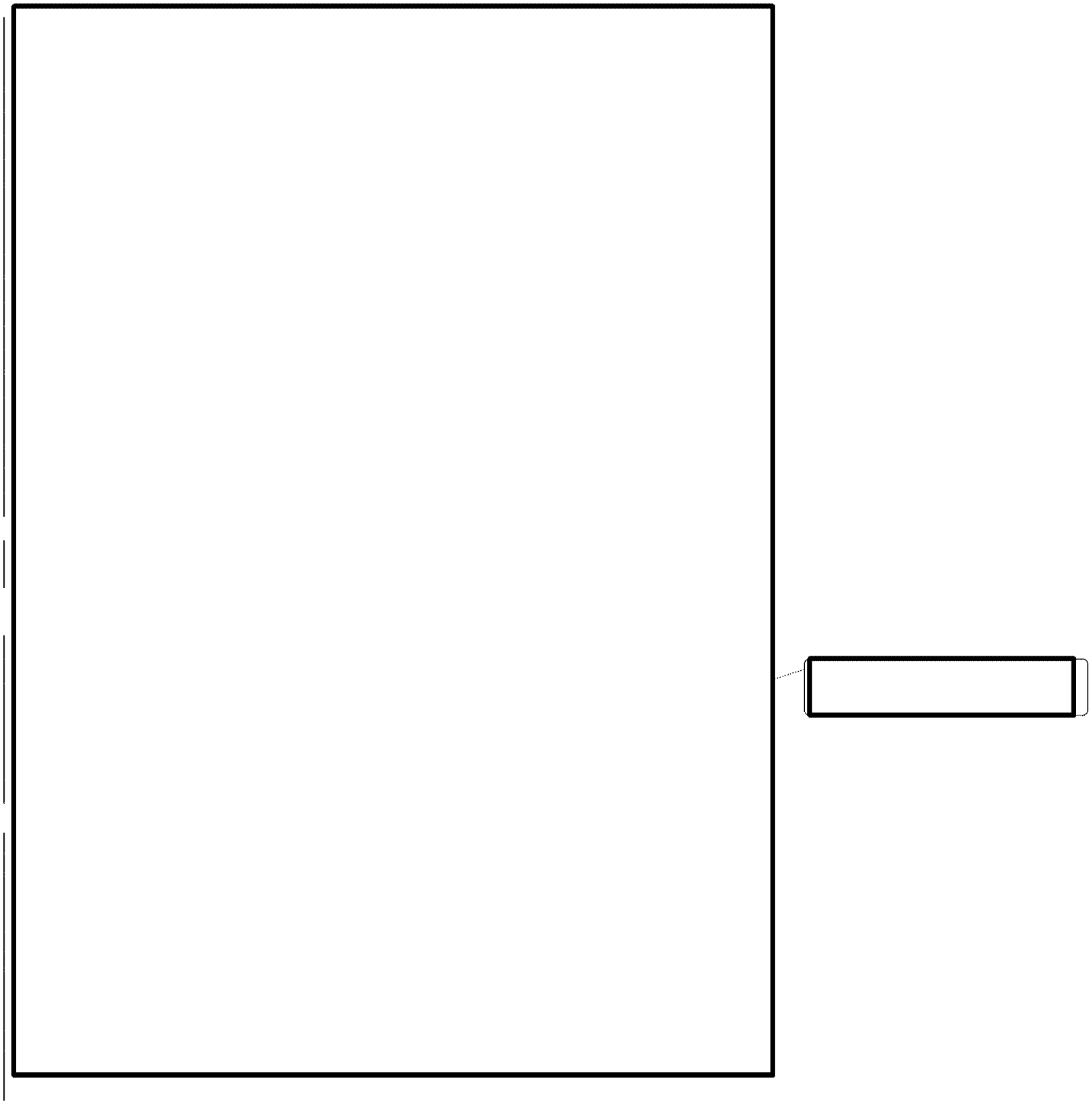
Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: No bullets or numbering

Formatted: Tab stops: Not at 4.25"

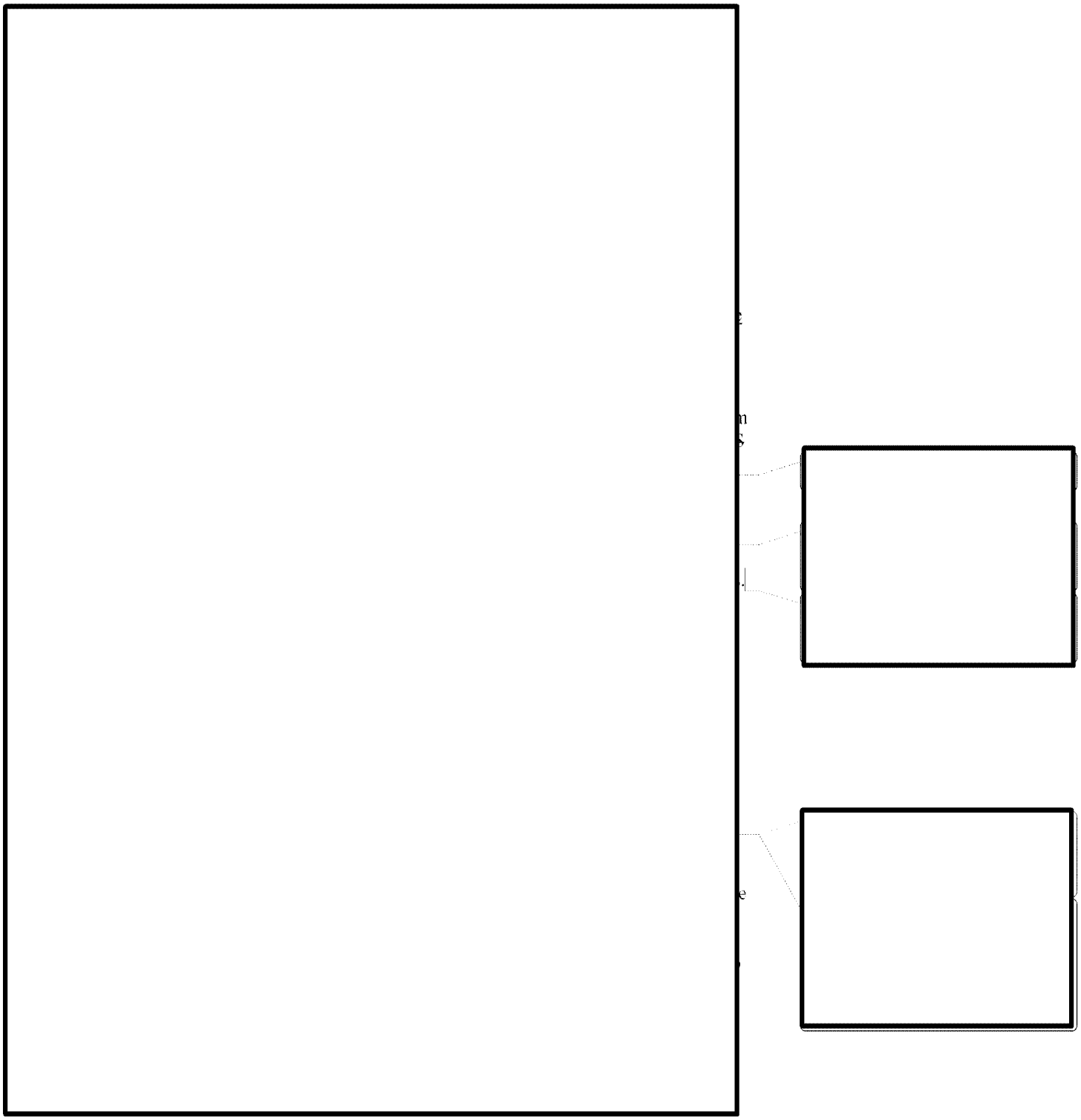
(b)(5)

(b)(5)



(b)(5)

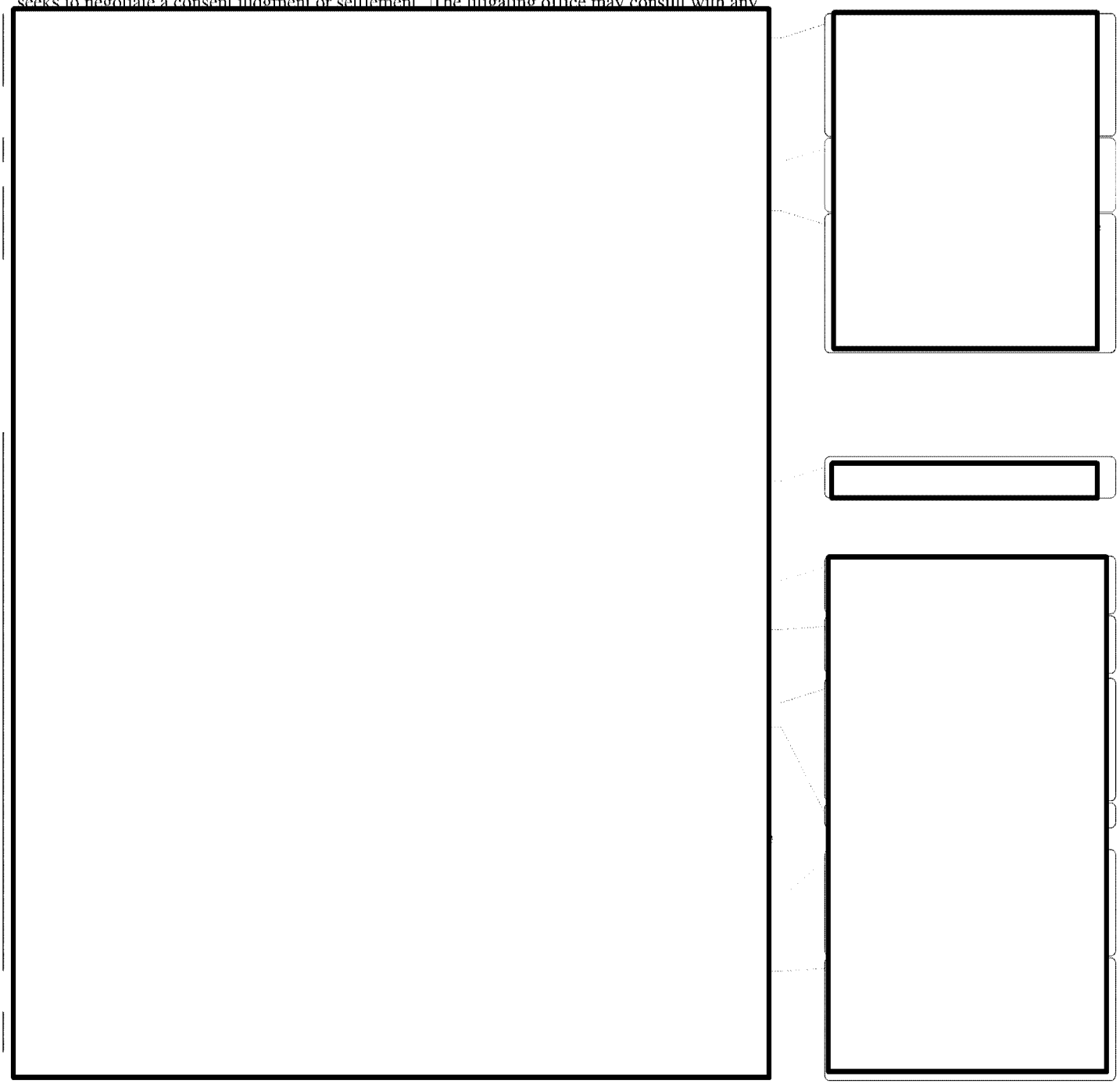
(b)(5)



(b)(5)

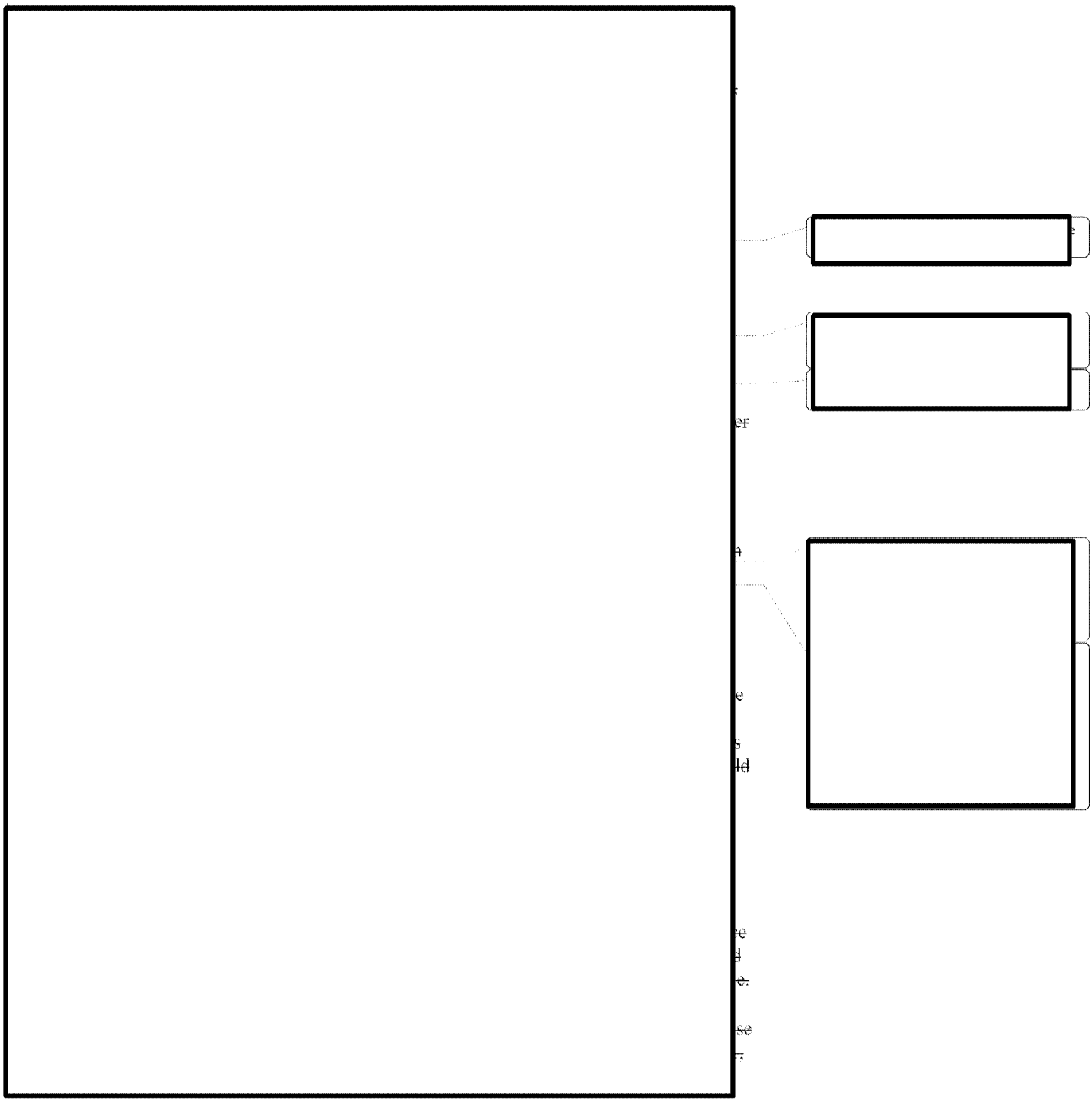
(b)(5)

4. The litigating office must consult with the referring agency if the litigating office seeks to negotiate a consent judgment or settlement. The litigating office may consult with any



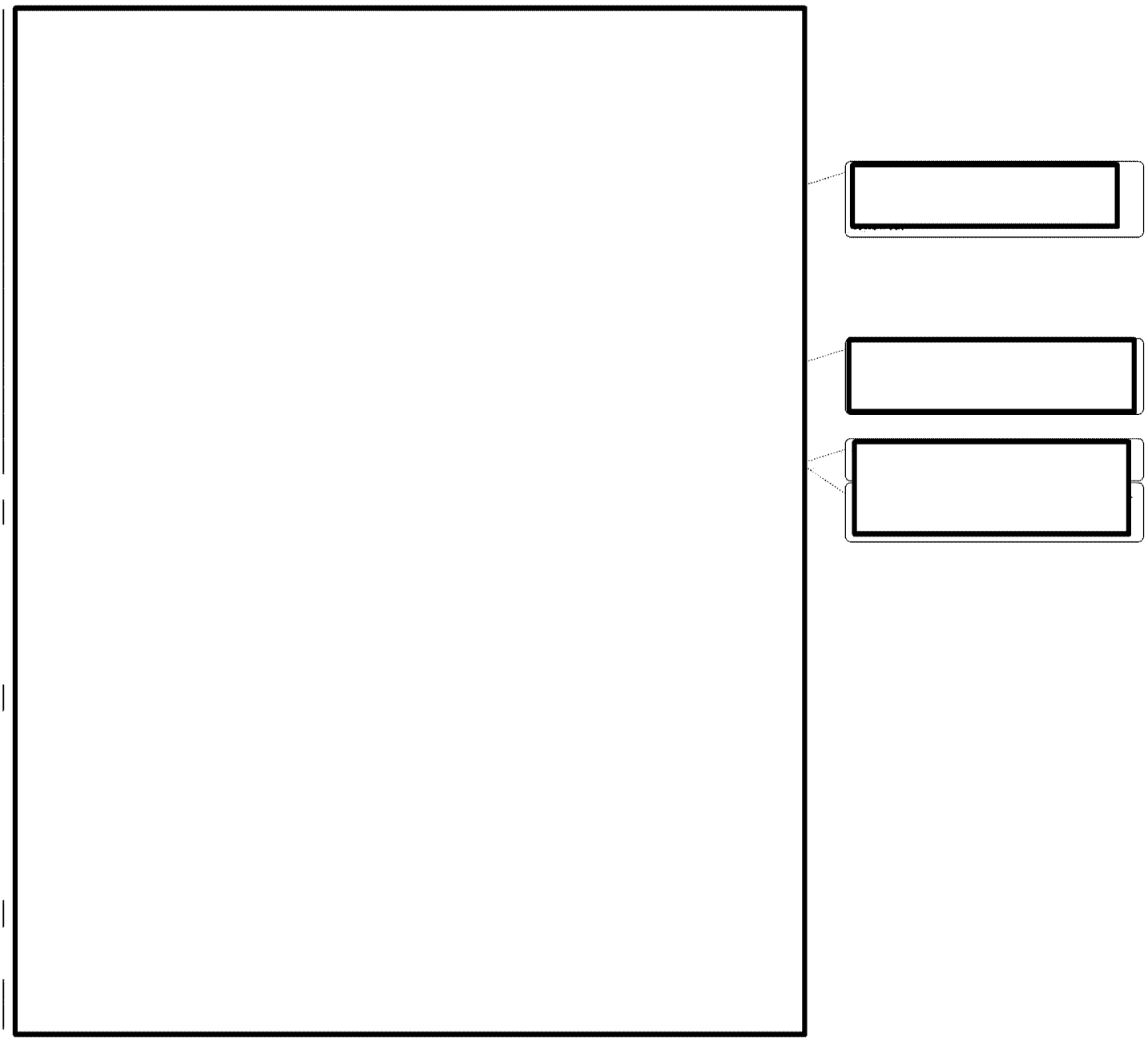
(b)(5)

(b)(5)



(b)(5)

(b)(5)



(b)(5)

_____ Dated

_____
Kirstjen M. Nielsen, Secretary
U.S. Department of Homeland Security

_____ Dated

_____
L. Francis Cissna, Director
U.S. Citizenship and Immigration Services

_____ Dated

_____
Ronald D. Vitiello, Acting Director
U.S. Immigration and Customs Enforcement

_____ Dated

_____
Kevin K. McAleenan, Commissioner
U.S. Customs and Border Protection

_____ Dated

_____
[redacted] (b)(5)

_____ Dated

[redacted] (b)(5)

_____ Dated

_____
James A. Crowell IV, Director
Executive Office for United States Attorneys

_____ Dated

_____
Chad A. Readler, Acting Assistant Attorney General
U.S. Department of Justice, Civil Division

_____ Dated

_____
William C. Peachey, Director
Office of Immigration Litigation, District Court Section

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Field Operations Directorate
Washington, DC 20529

U.S. Citizenship and Immigration Services

Decision Memorandum

TO: L. Francis Cissna
Director

FROM: Daniel M. Renaud
Chair, Executive Coordination Council

SUBJECT: **Settlement Process for Historical Fingerprint Enrollment Denaturalization Cases**

Purpose: To obtain a decision on the establishment of a panel, which will be composed of USCIS senior executives, who will review and respond to settlement offers that implicate USCIS interests in denaturalization cases. It should be noted that this issue is not limited to Historical Fingerprint Enrollment (HFE) cases, but HFE cases are the most numerous.

Background: A DHS Office of Inspector General (OIG) report dated September 8, 2016, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because Of Incomplete Fingerprint Records*, recommended that the U.S. Immigration and Customs Enforcement (ICE) agency complete the review of 148,000 alien files (A-files) and upload into the IDENT system any fingerprint cards of aliens who had final deportation/removal orders or criminal histories, and also those who were fugitives. Secondly, OIG recommended that USCIS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint record reveals a deportation/removal order under a different identity.

USCIS manually reviewed approximately 2,000 naturalization cases, which were identified after the fingerprints were uploaded into IDENT, where the individual who naturalized had previously been ordered removed under a different identity. The vast majority of the cases, approximately 1,600, involved individuals who concealed information and obtained naturalization unlawfully. In those instances, where the individual is found to have obtained naturalization unlawfully, the Field Operations Directorate (FOD) HFE Unit in Los Angeles (hereinafter referred to as HFE Unit) and the Office of the Chief Counsel (OCC) are presenting the cases to the U.S. Department of Justice (DOJ) for civil denaturalization. FOD and OCC are working towards preparing these cases for denaturalization. The HFE Unit will present the factual analysis and recommendation to the panel for its consideration of the HFE population, which may include input from ICE Office of the Principal Legal Advisor (OPLA). Additional consideration by the HFE Unit of other non-HFE denaturalization cases will need to be considered and defined. In addition to the HFE cases, USCIS encounters a number of cases each year that are amenable to denaturalization. The volume of cases, which now

include the HFE workload, requires USCIS to implement an efficient process that will ensure the timely and consistent review of settlement offers.

Discussion: As of May 2, 2018, USCIS has referred 89 cases to DOJ for possible denaturalization. Pursuant to an Executive Order 12988 – Civil Justice Reform, prior to filing a complaint, with very few exceptions, DOJ must contact the subject of the denaturalization case to determine if settlement can be reached prior to the filing of the case. Although DOJ can unilaterally accept a consent judgment, where the defendant simply admits to the allegations in the complaint and accepts the order of denaturalization, if the defendant seeks to obtain concessions by the United States in exchange for an order of denaturalization, USCIS or DHS may need to agree to the terms in order to accept such an offer. The most typical demand, which would require USCIS consent, would be a decision not to initiate Cancellation of Certificate (under INA 342) proceedings against derivative children of the defendant. Moreover, although USCIS may opine on issues of non-removability, any formal agreement not to remove an individual may only be obtained with the consent of OPLA. Accordingly, while USCIS may have authority to reject a proposed settlement in these cases, and it may also have authority to agree to certain settlement terms, USCIS does not have unilateral authority to agree to non-removal as part of a settlement agreement without ICE's concurrence.

Currently, USCIS is reviewing a case involving a subject who has indicated he would agree to denaturalization if, (1) he reverts back to Lawful Permanent Residence (LPR) status and no further adverse action, such as removal, is taken against him, and (2) the status of his naturalized wife and child would not be affected. Both spouse and child obtained their LPR status through the subject, and there is no indication that the spouse was aware of or participated in the fraudulent activity. If USCIS decides to decline the offer and continue with litigation, the Office of Immigration Litigation (OIL) and OCC are in agreement that USCIS has a strong legal case for denaturalization.

Key Considerations:

- Beginning in the next few months, USCIS is expecting to receive a large number of denaturalization settlement offers. Resolving these cases, short of full-scale litigation, is in the best interests of USCIS, in that it permits the efficient use of limited USCIS and DOJ resources, while also securing denaturalization in a large number of cases.

- USCIS has not had to consider settlement in a large number of individual cases involving denaturalization. To facilitate consistency in resolving these cases, USCIS should adopt general guidelines and a process for considering offers of settlement in denaturalization cases.

- Determine if removal of the subject is a priority or if denaturalization is sufficient.
    - Removal would generally be within the enforcement priorities, where the subject is denaturalized with an admission or judicial finding of fraud. Currently, a Notice to Appear (NTA) would be necessary to place the subject in removal proceedings. The authority to consent to non-removal, which is limited to exceptional circumstances, resides with the Principal Legal Advisor within ICE/OPLA has typically been cases involving.

- Determine if the subject's spouse and/or child should be permitted to retain their derived or acquired naturalization and residence status.
    - Case-by-case determinations, based on an analysis of aggravating and mitigating factors, will shape the desirability and terms of any settlement and the basis sought for denaturalization. While there are two grounds for denaturalization: 1) illegal procurement of naturalization and 2) procurement by concealment of a material fact or by willful misrepresentation of a material fact, illegal procurement alone allows for a child to keep his or her citizenship status rather than automatically losing it under INA 340(d). Even where a derivative beneficiary may be determined to be outside the enforcement priorities, additional restrictions can be worked into the settlement offer to enhance enforcement or deterrent value, considering the subject's fraud provided the opportunity for the beneficiary's status.

Recommendation: The Executive Coordination Council (ECC), the Office of Policy & Strategy (OP&S), and OCC recommend the development of a settlement process that will provide general guidelines to be considered in responding to settlement offers in denaturalization cases. To better inform the agency in developing such guidelines, ECC, OP&S, and OCC recommend establishing a panel of senior executives to review settlement terms proposed in such cases. The panel will initially be made up of Associate Directors and/or Deputy Associate Directors from the Refugee, Asylum and International Operations Directorate (RAIO), the Fraud Detection and National Security Directorate (FDNS), FOD, and OP&S.

The panel will review an initial set of cases to obtain baseline knowledge and determine general guidelines for settlement terms. Mitigating and aggravating factors will be considered by the panel when reviewing settlement offers, as well as the relative strength of the DOJ case for denaturalization. If consensus cannot be reached, the case will be escalated to the USCIS Deputy Director for a final decision. Considering the anticipated large volume of individuals who have unlawfully obtained naturalization, and their family members, who have consequently derived or acquired additional benefits, the availability of practical settlement options will be vital in USCIS' ability to successfully manage the HFE population and other non-HFE denaturalization cases. Once a sufficient body of data/experience is developed, the panel may propose further processes for consideration. The PANEL shall send the Director + Deputy Director a report on a quarterly basis describing the outcome of cases handled (settlement offers, whether such offers were accepted, whether the alien was removed, etc.)

Approve/date 2 FEB 5/10/18 Disapprove/date _____

Modify/date _____ Needs discussion/date _____

cc: Matthew D. Emrich, Associate Director, Fraud Detection and National Security
Jennifer B. Higgins, Associate Director, Refugee, Asylum, and International Operations

Coordination with Asylum Division

Field offices may encounter an SGN[1] when it was determined that the alien's underlying asylum status was granted without knowing all identities or previous encounters with immigration officials. When reviewing these SGNs to determine if termination of the underlying asylum status is the correct course of action, the ISO must first take into consideration several factors.

Termination of asylee status can only occur prior to an individual adjusting status to a permanent resident. Once an individual has adjusted status, the Asylum Division would conduct a Post Adjustment Eligibility Review (PAER) on the case. The PAER review looks to determine inadmissibility of asylum

[redacted]

(b)(5)

[redacted]

interview with the applicant. If, after issuing the NOIT and conducting an interview the asylum officer finds that there are grounds to terminate the asylum status, he or she will issue a Notice of Termination and an NTA. Asylum will serve the NTA on the immigration court and forward the A file to the referring office to either adjudicate or administratively close the pending Form I-485.[2]

If the asylum status was granted by an Immigration Judge, USCIS does not have the authority to issue a Notice of Intent to Terminate asylum status. In these cases, the field office must coordinate with ICE OPLA to determine if ICE is willing to submit a Motion to Reopen the immigration proceedings so that an Immigration Judge may review and rescind the grant of asylum.

[2] ISOs must follow current USCIS guidance for adjudicating cases while the alien is in removal proceedings.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS-2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

PM-602-####

Policy Memorandum

SUBJECT: Guidance for Prioritizing IDENT Derogatory Information Related to Historical Fingerprint Enrollment Records

Purpose

This policy memorandum (PM) provides guidance to U.S. Citizenship and Immigration Services

[redacted] (b)(5)

Scope

Unless specifically exempted herein, this PM applies to and binds all USCIS employees.[2]

[redacted]

Authorities

Immigration and Nationality Act (INA), sections 209, 212(a)(6)(C) and (9), 216, 216A, 235, 237, 240, 245, 246, 287, 316, 318, 319, 340 and 342; Title 8, Code of Federal Regulations (8 CFR) parts/sections 2.1 and 103.

Background

Today, all fingerprints collected by the U.S. Department of Homeland Security (DHS) are digitally uploaded into the Automated Biometric Identification System (IDENT), a data system that is accessible across all DHS components and interoperable with other federal agencies. DHS collects fingerprints from individuals at various points in time, including upon entry into the United States, when they are seeking an immigration benefit[3] or as part of a law enforcement encounter.

---

[1] ATLAS is a platform of screening technologies that enhances USCIS' ability to detect and investigate fraud, national security and public safety concerns, and intelligence threats. For a description of ATLAS capabilities, see the *Privacy Impact Assessment for the Fraud Detection and National Security Data System (FDNS-DS)*, DHS/USCIS/PIA-013(a) (May 18, 2016).

[redacted] (b)(5)

~~This~~The~~is~~This initial enrollment of a fingerprint creates a Fingerprint Identification Number (FIN) that is used to identify all subsequent encounters registered in IDENT.

[redacted]

past few years, DHS and its components have taken actions to address the challenges posed by the existence of these old, paper-based files and records that are not available in a usable electronic format. As a result of these actions, DHS and other entities have identified a number of decades-old fingerprints that were not digitized in IDENT. In September 2012, U.S. Immigration and

[redacted]

(b)(5)

[redacted]

~~Notification (~~SGN~~),~~ when more than one A-~~numbernumbern~~Number, name, and/or date of birth is associated with an individual FIN, and there is an indication that the individual has (or had) an

[redacted]

dates of birth), multiple applications for an immigration benefit or admission into the United States, and a prior enforcement encounter associated with a common FIN. Once USCIS has determined that action may be taken on an HFE-related SGN, officers will first complete a full

[redacted]

in accordance with existing operational guidance. HFE-related leads for pending immigration benefit requests must be handled by the adjudicating directorate ~~prior to~~before adjudication.

[redacted]

(b)(5)

[redacted]

[redacted]

Implementation

Operational components must create processes for addressing HFE related cases, both pre- and post-adjudication. A document outlining these processes must be published within [redacted] days of the issuance of this memorandum.

Use

This memorandum is intended solely for the guidance of USCIS personnel in the performance of their official duties. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law or by any individual or other party in removal proceedings, in litigation with the United States, or in any other form or manner.

Contact Information

Questions or suggestions regarding this PM should be addressed through appropriate channels to the Field Operations Directorate, Service Center Operations Directorate, or the Refugee, Asylum, and International Operations Directorate.

[redacted]

(b)(5)

Volume 12: CITIZENSHIP & NATURALIZATION
Part L: REVOCATION OF NATURALIZATION AND RENUNCIATION OF CITIZENSHIP
Chapter 2: Referral for Revocation of Naturalization

Suggest adding a Section A under the above Volume/Part/Chapter:

A: Revocation of Naturalization based on Historical Fingerprint Enrollment Records

This section is specific to cases that will be reviewed for civil denaturalization based on files associated with IDENT derogatory information from Historical Fingerprint Enrollment (HFE) records.

For more detailed information, please read; PM-602-#### - Guidance for Prioritizing IDENT Derogatory Information Related to Historical Fingerprint Enrollment Records. **WE WOULD NEED TO ADD THE LINK TO THE PM ONCE IT IS POSTED.**

USCIS has created a specific civil denaturalization unit. The Unit is comprised of Immigration Services Officers and Fraud Detection and National Security Immigration Officers. The Unit reviews all cases, independent of jurisdiction, for civil denaturalization, most of which are based on files associated with IDENT derogatory information from Historical Fingerprint Enrollment (HFE) records. If after review it is determined that the individual was ineligible to naturalize, the Unit works with the Office of Chief Counsel (OCC) to file civil denaturalization cases with the Department of Justice (DOJ), Office of Immigration Litigation (OIL).

The Unit will complete all adjudicative and fraud detection and national security-related matters for the cases over which it takes jurisdiction. A general breakdown of responsibilities is below:

- ISO Responsibilities:

(b)(5)

- IO Responsibilities

(b)(5)

(b)(7)(e)

interviewed to support charges within the civil denaturalization filing. Upon determination that an officer should be interviewed, OCC will coordinate that interview through Directorate

Leadership. **DISCUSSION POINT – I LEFT THIS VERY GENERAL SINCE WE STILL ARE DISCUSSING WITH OCC IF THIS IS NEEDED.**

(b)(5)

(b)(7)(e)

REMINDER: All non-HFE related referrals for revocation of naturalization should continue to follow the process outlined in CHAP Volume 12, Part L, Chapter 2.

U.S. Citizenship and Immigration Services

Field Operations Standard Operating Procedure Reviewing Naturalized Subjects with Multiple Identities for Civil Denaturalization

June 21, 2018

TABLE OF CONTENTS

Formatte
spacing: s

Formatte
Font color
grammar

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

Formatte
spelling ar

SCOPE

This Standard Operating Procedure (SOP) is intended to provide guidance on reviewing cases for potential civil denaturalization when the fingerprint analysis uncovers additional identities after the Subject has been naturalized. The SOP also provides a non-exhaustive list of frequently encountered issues when reviewing these types of cases and guidelines for making recommendations to local leadership and counsel.

PURPOSE

The purpose of this SOP is two-fold:

- To establish a standard operating procedure for all USCIS Field Offices nationwide, while allowing for local procedures where indicated in this SOP.

- To ensure consistent and accurate review of these case types, to include recommendations for leadership and counsel.

ROLES AND RESPONSIBILITIES

This section will highlight many of the administrative tasks required throughout this process and designate who shall be responsible for completion of each task.

Management and Supervisors

Management or designated supervisory team will provide immediate feedback and instant guidance when needed. The team will liaise with all stakeholders, and work to keep this SOP and other relevant documents up to date. The SOP, any subsequent versions of the SOP, and project relevant documents will be housed on the Enterprise Collaboration Network (ECN), in a site that has been authorized to store Personally Identifiable Information (PII). A local ECN site was created to track ISOs progress in work products and provides for the housing of live officer updated status reports.

Immigration Services Officers (ISOs)

(b)(5)

(b)(7)(e)

FDNS Immigration Officers (IOs)

(b)(5)

(b)(7)(e)

USCIS Counsel

(b)(5)

PRIMARY A-FILE

The primary file is the A-file containing the Subject's naturalization information. The content should be reviewed in accordance to the guidance found in this SOP, and recorded on the Case Review Sheet.

SECONDARY AND TERTIARY A-FILES

The secondary and tertiary A-file(s) are any additional A-file(s) related to the Subject that are discovered as a result of recent fingerprint enrollment efforts initiated by ICE or the FBI, or at the time of the officers review process. The content shall be reviewed in accordance to the guidance found in this SOP and incorporated into the denaturalization determination.

CASE REVIEW SHEETS

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

(b)(5)

(b)(7)(e)

Specific Areas of Review

(b)(5)

(b)(7)(e)

- Nationality: Note all nationalities claimed by the Subject

- Applications/ Petitions:
  - Note all forms filed by the Subject, and the decisions rendered on each
  - Note all forms filed on behalf of the Subject, and the decisions rendered on each
  - Note all petitions and applications connected to the subject, including those filed for and by their beneficiaries and report the findings to mitigate the accrual of additional benefits made possible by the subject's unlawfully acquired immigration status.

- Asylum Claims:
  - Simultaneous filings; multiple contradicting claims
  - Chronologically impossible claims
  - Subsequent, perfected claims

- Marital History:
  - Strong indications of marriage fraud
  - Undisclosed previous marriages- pay particular attention to any marriages that may or may not be listed on the I-589 and other subsequent petitions or applications throughout all files.
  - Marriages that may have occurred within 1yr of any asylum denials, any which may have occurred while the Subject was in removal proceedings

- Children:

* Undisclosed children- pay particular attention to any children that may or may not be listed on the I-589 and other subsequent petitions or applications throughout all files.
* Note ALL children's names, DOBs, etc.-listed throughout both files and all forms.

	(b)(5) (b)(7)(e)

- Removal Proceedings:
  * Subject ordered removed in absentia
  * Subject granted Voluntary Departure
  * Was the Subject's removal from the U.S. executed?
  * How was the Subject notified? (i.e. *personal service, certified or regular mail*)
  * How was the Subject's attorney/representative notified?
  * Was the notice returned as undeliverable?
  * Was Subject notified through personal service and an attorney/representative was present at the hearing?

- US entries
  * Dates, manner, and Ports of Entry (POEs)
  * Any Non-Immigrant US entry after removal order-whether bonafide or suspect?
  * Any Immigrant Visa entries to the US after removal order?
  * Did Subject make a non-immigrant US entry subsequent to removal order whether bona fide or suspect?

- Inadmissibilities:
  * Any inadmissibilities overcome with a waiver?
  * Any inadmissibilities without a waiver, for something other than false identity?
  * Did Subject acquire status via Legalization/ SAW? Any connection to items listed on the *Fraud Summary*? See ATTACHMENT D-1
  * ~~ATTACHMENT D-1.~~

Formatte
spelling ar

- Jurisdiction:
    * Was the Subject under the jurisdiction of Immigration Court or USCIS at time of adjustment?
    * Was the Subject under the jurisdiction of Immigration Court or USCIS at the time of naturalization?

Providing notes and responses to these topics will allow for complete and consistent officer reviews, inclusive database entry, and more thorough Affidavit of Good Cause completions.

Legalization/ SAW

In general, when an officer is reviewing these cases the expectation is that all documents in the files will be reviewed and that all relevant information will be summarized to the review sheet. However, when an officer encounters a case with limited use material relating to Legalization/SAW applications, officers may not review this material and transcribe the data to

(b)(5)

(b)(7)(e)

Recommended Case Review Workflow

- Perform an in-depth review of both files. It is recommended that the officer begin with the chronologically oldest file, which is frequently the Secondary A-file. In some instances officers will also have a tertiary file, which will need to be reviewed and included in the review.
- (b)(5)

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

(b)(5)

- [redacted]

(b)(5)

(b)(7)(e)

MITIGATING FACTORS

[redacted]

(b)(5)

(b)(7)(e)

Formatte
Italic, Font

FREQUENTLY IDENTIFIED ISSUES

[redacted]

(b)(5)

(b)(7)(e)

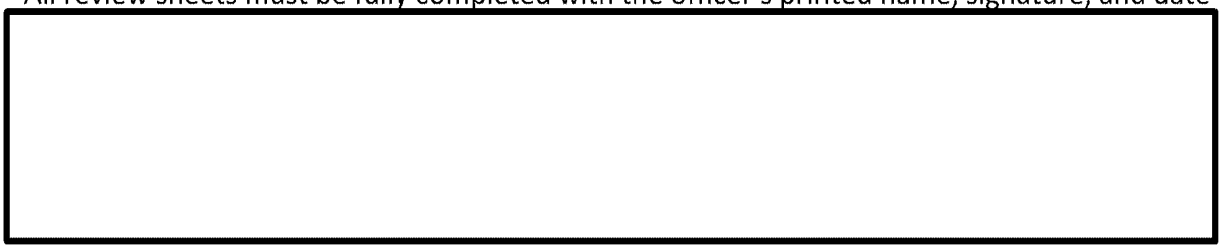
(b)(5)

(b)(7)(e)

SUMMARY AND RECOMMENDATION

The officer must provide a narrative summary of the Subject's immigration history that synthesizes all of the timelines and identifies relevant aggravating and mitigating factors. In addition, the officer must include a recommendation to either refer the case for civil denaturalization or to proceed without further action. The officer will then categorize the case according to the *Case Category Profiles* below. *See* ATTACHMENT B-6.

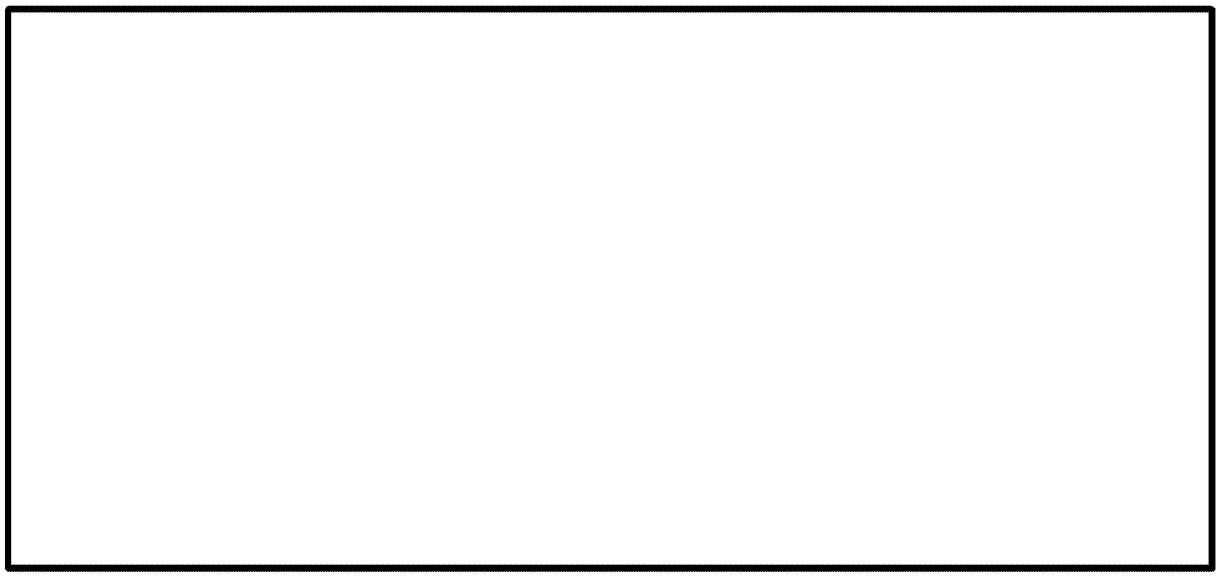
All review sheets must be fully completed with the officer's printed name, signature, and date



(b)(5)

(b)(7)(e)

CASE CATEGORY PROFILES



(b)(5)

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

- Weak or problematic evidence supporting denaturalization:
    - File does not clearly establish service of the NTA.
    - File establishes that the Subject did not receive NTA (original NTA in file returned as undeliverable).
    - Evidence of false testimony is ambiguous.
- Strong mitigating factors:
    - Subject appears to have limited culpability (Subject had dementia, was underage, etc.).
    - Subject served in U.S. military.
    - Subject does not clearly have 2 distinct identities- spelling variants, disclosed proceedings, information is otherwise consistent.

PREPARING THE AFFIDAVIT OF GOOD CAUSE

The Affidavit of Good Cause (AGC) must be filed with the court before civil denaturalization proceedings may begin.

The two grounds for civil denaturalization are:

- ***Illegal Procurement of Naturalization***
- ***Procurement of Naturalization by Willful Misrepresentation or Concealment of Material Facts***

These grounds should be substantiated by the information provided on the Full Case Review Sheets. The officer need only follow the AGC template for the proper format and instruction on

(b)(5)

(b)(7)(e)

Formatte

Settlement

In those instances where the individual is found to have obtained naturalization unlawfully, the HFE Unit and the Office of Chief Counsel (OCC) are presenting the cases to the Department of

Justice (DOJ) for civil denaturalization. During the litigation process, subjects may propose a settlement offer as part of the preliminary settlement negotiations.
A panel will initially be made up of Senior USCIS Leadership to review settlement offers, with Deputy Director review when necessary..

POST LITIGATION

OIL Headquarters handles the document cancellation in coordination with DOS and USCIS Records HQ Department. USCIS HQ Records Department will update DHS' systems as reflected in the CHAP. After the systems have been updated the files will be sent back to the HFE unit.

The collection of the U.S. passport and naturalization certificate is handled by OIL. The A-files are thereafter sent back to USCIS Records HQ to void and destroy the certificate after placing a copy of the voided certificate in the file. Thereafter, the file will be centralized within the D23 HFE unit until further Notice to Appear (NTA) action is taken.

Notifications to the following agencies will be made informing them of the subject's denaturalization:

- Department of State (DOS);
- Social Security Administration (SSA); and
- Each State's Secretary of State.

After denaturalization, the subject reverts to a permanent resident status and is entitled to receive proof of their status. The subject may file a Form I-90, Application to Replace Permanent Resident Card. A subject may also receive an I-551 temporary evidence stamp from their local office by requesting an Info pass appointment.

Return to Table of Contents

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5)

(b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5)

(b)(7)(e)

(b)(7)(c)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

PAGE WITHHELD PURSUANT TO

(b)(5)

PAGE WITHHELD PURSUANT TO

(b)(5) (b)(7)(e)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Field Operations Directorate
Washington, DC 20529

U.S. Citizenship and Immigration Services

***PREDECISIONAL – RECOMMEND FOIA EXEMPTION (b)(5)**

April 30, 2018

Decision Memorandum

TO: L. Francis Cissna
Director

FROM: Daniel M. Renaud
Chair, Executive Coordination Council

SUBJECT: Settlement Process for Historical Fingerprint Enrollment Denaturalization Cases

Purpose
To obtain a decision on the establishment of a panel made up of USCIS senior executives who will review and respond to settlement offers that implicate USCIS interests in denaturalization cases. It should be noted that this issue is not limited to HFE cases, but HFE is the largest population.

Background
A DHS Office of Inspector General (OIG) report dated September 8, 2016, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because Of Incomplete Fingerprint Records*, recommended that Immigration and Customs Enforcement complete the review of 148,000 alien files (A-files) and upload any fingerprint cards into the IDENT system involving aliens with final deportation/removal orders, criminal histories, or who were fugitives. Secondly, OIG recommended that USCIS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation/removal orders under a different identity.

USCIS manually reviewed the approximately 2,000 naturalization cases, identified after the fingerprints were uploaded into IDENT where the individual who naturalized had previously been ordered removed under a different identity. The vast majority of the cases, approximately 1600 cases, involved individuals who concealed information and obtained naturalization unlawfully. In those instances where the individual is found to have obtained naturalization unlawfully, the Field

Operations Directorate (FOD) HFE Unit in Los Angeles (hereinafter referred to as HFE Unit) and the Office of Chief Counsel (OCC) are presenting the cases to the Department of Justice (DOJ) for civil denaturalization. FOD and OCC are working towards preparing these cases for denaturalization. The HFE Unit will present the factual analysis and recommendation to the panel for its consideration of the HFE population. Additional consideration by the HFE Unit of other non-HFE denaturalization cases will need to be considered and defined.

In addition to the HFE cases, USCIS encounters a number of cases each year that are amenable to denaturalization. The volume of cases that now include the HFE workload requires USCIS to implement an efficient process that ensures timely and consistent review of settlement offers.

Discussion

(b)(5)

Key Considerations

(b)(5)

(b)(5)

Recommendation

(b)(5)

Approve/date_____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

cc: Matthew D. Emrich, Associate Director, Fraud Detection and National Security
Jennifer B. Higgins, Associate Director, Refugee, Asylum, and International Operations

OFFICE OF INSPECTOR GENERAL

Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records

Homeland Security

September 8, 2016
OIG-16-130

DHS OIG HIGHLIGHTS

Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records

September 8, 2016

Why We Did This Inspection

When aliens apply for U.S. citizenship, U.S. Citizenship and Immigration Services (USCIS) obtains information about their immigration history through fingerprint records. Our objective was to determine whether USCIS uses these records effectively during the naturalization process.

What We Recommend

We are recommending that ICE finish uploading into the digital repository the fingerprints it identified and that DHS resolve these cases of naturalized citizens who may have been ineligible.

For Further Information:
Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

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 available. The digital records were not available because although USCIS procedures require checking applicants' fingerprints against both the Department of Homeland Security's and the Federal Bureau of Investigation's (FBI) digital fingerprint repositories, neither contains all old fingerprint records. Not all old records were included in the DHS repository when it was being developed. Further, 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. The FBI repository is also missing records because, in the past, not all records taken during immigration encounters were forwarded to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing additional individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.

As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but is now taking steps to increase the number of cases to be investigated, particularly those who hold positions of public trust and who have security clearances.

Response

DHS concurred with both recommendations and has begun implementing corrective actions.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 8, 2016

MEMORANDUM FOR: The Honorable León Rodríguez
Director
U.S. Citizenship and Immigration Services

The Honorable Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement

Richard Chavez
Director
Office of Operations Coordination

FROM: John Roth
Inspector General

SUBJECT: *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records*

For your action is our final report, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records.* We incorporated the formal comments provided by your offices.

The report contains two recommendations aimed at improving the Department's ability to identify and investigate individuals who have obtained or may attempt to obtain naturalization through fraud or misrepresentation. Your offices concurred with both recommendations. Based on information provided in your response to the draft report, we consider both recommendations open and resolved. Once the Department has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your updates to the status of recommendations to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Anne L. Richards, Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.

Attachment

Table of Contents

Appendixes

Abbreviations

CBP	U.S. Customs and Border Protection
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FDNS	Fraud Detection and National Security Directorate
HFE	Historical Fingerprint Enrollment
IAFIS	Integrated Automated Fingerprint Identification System
ICE	U.S. Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
INA	Immigration and Nationality Act of 1952
INS	U.S. Immigration and Naturalization Service
NGI	Next Generation Identification
OIG	Office of Inspector General
OPS	Office of Operations Coordination
TSA	Transportation Security Administration
USAO	Offices of the United States Attorneys
USCIS	U.S. Citizenship and Immigration Services
USC	U.S. Code

Background

In 2008, a U.S. Customs and Border Protection (CBP) employee identified 206 aliens who had received final deportation orders[1] and subsequently used a different biographic identity, such as a name and date of birth, to obtain an immigration benefit (e.g., legal permanent resident status or citizenship). These aliens came from two special interest countries and two other countries that shared borders with a special interest country.[2] After further research, in 2009, CBP provided the results of Operation Targeting Groups of Inadmissible Subjects, now referred to as Operation Janus, to DHS. In response, the DHS Counterterrorism Working Group coordinated with multiple DHS components to form a working group to address the problem of aliens from special interest countries receiving immigration benefits after changing their identities and concealing their final deportation orders. In 2010, DHS' Office of Operations Coordination (OPS) began coordinating the Operation Janus working group.

In July 2014,[3] OPS provided the Office of Inspector General (OIG) with the names of individuals it had identified as coming from special interest countries or neighboring countries with high rates of immigration fraud, had final deportation orders under another identity, and had become naturalized U.S. citizens. OIG's review of the list of names revealed some were duplicates, which resulted in a final number of 1,029 individuals. Of the 1,029 individuals reported, 858 did not have a digital fingerprint record available in the DHS fingerprint repository at the time U.S. Citizenship and Immigration Services (USCIS) was reviewing and adjudicating their applications for U.S. citizenship.

USCIS Review of Naturalization Applicants

People from other countries (aliens) may apply to become naturalized U.S. citizens and may be granted citizenship, provided they meet the eligibility requirements established by Congress in the *Immigration and Nationality Act of 1952* (INA).[4] USCIS adjudicates applications for naturalization, as well as other immigration benefits, such as asylum and lawful permanent resident status. Naturalization eligibility requirements in the INA include lawful admission for

[1] When an immigration judge orders an alien to be deported the judge issues an order of removal. In this report, we refer to orders of removal as deportation orders.
[2] Special interest countries are generally defined as countries that are of concern to the national security of the United States, based on several U.S. Government reports.
[3] As of November 2015, OPS had identified 953 more individuals who had final deportation orders under another identity and had been naturalized; some of these individuals were from special interest countries or neighboring countries with high rates of fraud. OPS did not capture the dates these 953 individuals' fingerprint records were digitized, so we could not determine the number whose records were available in the DHS digital fingerprint repository when their applications were being reviewed and adjudicated.
[4] 8 U.S. Code (USC) 1101 et seq.

permanent residence, continuous residence and physical presence in the United States, and good moral character. During the naturalization process, USCIS may determine that aliens who lie under oath about their identity or immigration history do not meet the good moral character requirement. Aliens with final deportation orders may not meet the INA's admissibility requirement, unless other circumstances make them admissible.

On naturalization applications and in interviews, aliens are required to reveal any other identities they have used and whether they have been in deportation proceedings. They must also submit their fingerprints. USCIS checks applicants' fingerprint records throughout the naturalization process. By searching the DHS digital fingerprint repository, the Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation (FBI) digital fingerprint repository, the Next Generation Identification (NGI) system,[5] USCIS can gather information about an applicant's other identities (if any), criminal arrests and convictions, immigration violations and deportations, and links to terrorism. When there is a matching record, USCIS researches the circumstances underlying the record to determine whether the applicant is still eligible for naturalized citizenship.

If USCIS confirms that an applicant received a final deportation order under a different identity, and there are no other circumstances to provide eligibility, USCIS policy requires denial of naturalization. Also, USCIS may refer the applicant's case to U.S. Immigration and Customs Enforcement (ICE) for investigation. Likewise, if a naturalized citizen is discovered to have been ineligible for citizenship, ICE may investigate the circumstances and refer the case to the Department of Justice for revocation of citizenship.

Results of Inspection

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. Although USCIS procedures require checking applicants' fingerprints against both IDENT and NGI, neither repository has all the old fingerprint records available. IDENT is missing records because when they were developing it, neither DHS nor the U.S. Immigration and Naturalization Service (INS), one of its predecessor agencies, digitized and uploaded all old fingerprint records into the repository. Later, ICE identified missing fingerprint records for about 315,000 aliens who had final deportation orders or who were criminals or

[5] Until September 2014, when the FBI announced it had replaced its old system with NGI, fingerprints were vetted against the Integrated Automated Fingerprint Identification System.

fugitives, but it has not yet reviewed about 148,000 aliens' files to try to retrieve and digitize the old fingerprint cards.

NGI is also missing records because, in the past, neither INS nor ICE always forwarded fingerprint records to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing more individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently. As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' family members' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but within the last year has taken steps to identify additional cases for investigation.

Missing Digital Fingerprint Records Hinder USCIS' Ability to Fully Review Naturalization Applications

To determine whether there is any evidence that may make an alien ineligible for an immigration benefit, such as naturalization, USCIS has established procedures to check fingerprints against other sources of information. In addition, applicants are required to reveal all other identities and past immigration or criminal proceedings on their applications. However, even with fingerprint checks, unless fingerprint records are available or applicants reveal their immigration history, USCIS adjudicators will not know about all identities used by applicants, as well as any prior criminal or immigration issues or charges; therefore, they cannot fully review an application. Without this knowledge, adjudicators may grant citizenship to otherwise ineligible individuals.

The DHS Digital Fingerprint Repository Is Incomplete

During immigration enforcement encounters with aliens, CBP and ICE take fingerprint records. These components and their predecessor, INS, used to collect aliens' fingerprints on two paper cards. One card was supposed to be sent to the FBI to be stored in its repository. The other fingerprint card was to be placed in the alien's file with all other immigration-related documents.

In 2007, DHS established IDENT as the centralized, department-wide digital fingerprint repository. IDENT was built from a digital fingerprint repository

originally deployed by INS in 1994 (used primarily by the Border Patrol).[6] In 2008, according to officials we interviewed, ICE management directed its employees to send all fingerprints collected during immigration enforcement encounters to both IDENT and the FBI repository (at the time, the Integrated Automated Fingerprint Identification System or IAFIS, now NGI). At the same time, USCIS also began gathering fingerprints digitally and storing them in IDENT; since that time, the fingerprints of individuals who apply for immigration benefits requiring fingerprints are stored in IDENT.

Although fingerprints are now taken digitally and stored in IDENT, the repository is missing digitized fingerprint records of some aliens with final deportation orders, criminal convictions, or fugitive status whose fingerprints were taken on paper cards. The records are missing because when INS initially developed and deployed IDENT in 1994, it did not digitize and upload the fingerprint records it had collected on paper cards. Further, ICE investigators only began consistently uploading fingerprints taken from aliens during law enforcement encounters into the repository around 2010.

ICE has led an effort to digitize old fingerprint records that were taken on cards and upload them into IDENT. In 2011, ICE searched a DHS database for aliens who were fugitives, convicted criminals, or had final deportation orders dating back to 1990. ICE identified about 315,000 such aliens whose fingerprint records were not in IDENT. Because fingerprints are no longer taken on paper cards, this number will not grow. In 2012, DHS received $5 million from Congress to pull its paper fingerprint cards from aliens' files and digitize and upload them into IDENT, through an ICE-led project called the Historical Fingerprint Enrollment (HFE). Through HFE, ICE began digitizing the old fingerprint cards of the 315,000 aliens with final deportation orders, criminal convictions, or fugitive status and uploading them into IDENT. The process was labor intensive, requiring staff to manually pull the fingerprint cards from aliens' files. ICE reviewed 167,000 aliens' files and uploaded fingerprint records into IDENT before HFE funding was depleted. Some fingerprint cards were missing or unclear and could not be digitized. Since that time, ICE has not received further funding for HFE; efforts to digitize and upload the records have been sporadic, and the process has not been completed.

[6] In 2004, DHS copied the digital repository deployed by INS in 1994 and made it and other DHS information repositories available to the United States Visitor and Immigrant Status Indicator Technology Program. That program tracked aliens entering and exiting the United States by capturing their biographic information and digital fingerprints when they traveled. This version of IDENT ran in conjunction with the INS-developed digital repository the Border Patrol used until 2007 when the two repositories were merged to form the unified IDENT for all fingerprints collected by DHS.

The FBI Digital Fingerprint Repository Is Incomplete

The FBI has maintained a fingerprint repository since the 1920s, collecting and including in the repository fingerprints from state, local, and Federal agencies. INS and, later, ICE were supposed to provide copies of fingerprints collected during encounters with aliens to the FBI for its repository. In 1999, the FBI established a digital fingerprint repository, IAFIS, which facilitated electronic searches for fingerprint matches. In 2008, IAFIS and IDENT became capable of exchanging information with each other. In 2014, the FBI replaced IAFIS with a new digital fingerprint repository, NGI, which also exchanges information with IDENT.

When identifying aliens who were granted naturalized citizenship even though they had multiple identities and final deportation orders, Operation Janus checked NGI for matching FBI fingerprint records. These checks revealed that NGI does not contain all digital fingerprints from previous INS and ICE actions. ICE officials told us that, in the past, neither INS nor ICE always sent the FBI copies of paper fingerprint cards associated with immigration enforcement encounters. Also according to an official, ICE officers did not always update the information associated with fingerprint records to reflect issuance of final deportation orders. According to the FBI, it has digitized and uploaded into NGI all fingerprint records it received from DHS components and their predecessors, including all records related to immigration enforcement. NGI and IDENT are connected, so IDENT records can be accessed from NGI and NGI records can be accessed from IDENT.

USCIS Naturalized Individuals Who Had a Final Deportation Order Under a Different Identity

With neither a fingerprint record in IDENT, nor an admission by the applicant to alert adjudicators to an individual's immigration history, USCIS granted naturalization to individuals with final deportation orders who may not be eligible for citizenship. According to USCIS officials, merely having used multiple identities or having a previous final deportation order does not automatically render an individual ineligible for naturalization. Each applicant's specific circumstances must be thoroughly reviewed before a determination on eligibility can be made.

In these cases, however, USCIS adjudicators did not always have all the information necessary for a thorough review. Of the 1,029 individuals OPS identified who had final deportation orders under another identity and were naturalized, only 170 had fingerprint records in IDENT at the time of naturalization. The other 858 records were subsequently loaded into IDENT, but were not in the repository at the time of naturalization. If applicants had

revealed the facts of their immigration history, as required, on their applications and in interviews, USCIS adjudicators could have obtained the information. However, our review of 216 of these aliens' files showed that none of the applicants admitted to having another identity and final deportation orders on the naturalization application, and only 4 admitted to another identity and final deportation orders when USCIS adjudicators questioned them.

Because USCIS initially vetted applicants' fingerprints against NGI, adjudicators might also have obtained information about immigration histories from the FBI repository, but it is also missing records. Of the 1,029 naturalized citizens OPS identified as having multiple identities and final deportation orders, 40 had fingerprint records at the FBI. It is not clear whether these fingerprints were in the repository when the individuals were naturalized or whether the fingerprints were related to immigration offenses or other crimes.

Few of These Naturalized U.S. Citizens Have Been Investigated

Although their fingerprint records may not have been available in either the DHS or FBI digital repositories before these individuals were naturalized, all of their digital records are now available and their immigration histories are known. Some of these naturalized citizens may have attempted to defraud the U.S. Government. Yet, having been naturalized, they have many of the rights and privileges of U.S. citizens, including the right to petition for others to come to the United States and the right to work in law enforcement. For example, one U.S. citizen whom Operation Janus identified is now a law enforcement official. Naturalized U.S. citizens may also obtain security clearances or work in sensitive positions. Until they were identified and had their credentials revoked, three of these naturalized citizens obtained licenses to conduct security-sensitive work. One had obtained a Transportation Worker Identification Credential, which allows unescorted access to secure areas of maritime facilities and vessels. Two others received Aviation Workers' credentials, which allow access to secure areas of commercial airports.

Under the INA, a Federal court may revoke naturalization (denaturalize) through a civil or criminal proceeding if the citizenship was obtained through fraud or misrepresentation.[7] However, few of these individuals have been investigated and subsequently denaturalized. As it identified these 1,029 individuals, OPS referred the cases to ICE for investigation. As of March 2015, ICE had closed 90 investigations of these individuals and had 32 open investigations. The Offices of the United States Attorneys (USAO) accepted 2 cases for criminal prosecution, which could lead to denaturalization; the USAO

[7] 8 USC 1451(a), 8 USC 1451(e), and 18 USC 1425

declined 26 cases. ICE transferred two additional cases with fingerprint records linked to terrorism to the FBI's Joint Terrorism Task Force. ICE was scrutinizing another two cases for civil denaturalization.

According to ICE, it previously did not pursue investigation and subsequent revocation of citizenship for most of these individuals because the USAO generally did not accept immigration benefit fraud cases for criminal prosecution. ICE staff told us they needed to focus their resources on investigating cases the USAO will prosecute. In late 2015, however, ICE officials told us they discussed with the Department of Justice Office of Immigration Litigation the need to prosecute these types of cases, and that office agreed to prosecute individuals with Transportation Security Administration (TSA) credentials, security clearances, positions of public trust, or criminal histories. To date, and with assistance from OPS and USCIS, ICE has identified and prioritized 120 individuals to refer to the Department of Justice for potential criminal prosecution and denaturalization.

Recent Actions

In 2016, OPS eliminated Operation Janus and disbanded its staff, which raises concerns about the future ability of ICE and USCIS to continue identifying and prioritizing individuals for investigation. Since 2010 and until recently, Operation Janus identified these individuals, created watchlist entries to ensure law enforcement and immigration officials were aware of them, and coordinated DHS and other agencies' activities related to these individuals. Two DHS employees outside of OPS said that without Operation Janus, it would be difficult to coordinate these cases and combat immigration fraud perpetrated by individuals using multiple identities. We received this information late in our review and cannot assess the future impact of this change.

Conclusion

Given the risk of naturalizing aliens who may be ineligible for this immigration benefit and the difficulty of revoking citizenship, USCIS needs access to all information related to naturalization applicants. Because IDENT does not include 148,000 digitized fingerprint records of aliens with final deportation orders or who are criminals or fugitives, USCIS adjudicators may continue in the future to review and grant applications without full knowledge of applicants' immigration and criminal histories. ICE should review the remaining 148,000 aliens' files and digitize and upload all available fingerprint cards. By making these fingerprint records available in IDENT, USCIS would be better able to identify those aliens should they apply for naturalization or other immigration benefits and ensure a full review of their applications. This, in turn, would help prevent the naturalization of aliens who may be ineligible. In

addition, the digital fingerprint records could reveal others who have received immigration benefits to which they may not be entitled and should be investigated.

Recommendations

Recommendation 1. We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete the review of the 148,000 alien files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives, and digitize and upload into IDENT all available fingerprint records.

Recommendation 2. We recommend that the Directors of USCIS, ICE, and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on these cases until each has been resolved.

Management Comments and OIG Analysis

DHS concurred with our recommendations and has begun implementing corrective actions. In response to recommendation 1, ICE indicated that it has taken steps to procure contractor services to help review the 148,000 files and to digitize and upload to IDENT available fingerprint records. ICE anticipates awarding the contract before the end of fiscal year 2016. We will track ICE's progress in completing this recommendation.

The Department appears to be taking actions to address recommendation 2. DHS has established a team to review the records of the 858 aliens with final deportation orders who were naturalized under a different identity. The team will also review the 953 cases that OPS identified more recently and that we mention in footnote 3. During these reviews, the team will determine which individuals appear to have been ineligible for naturalization and will coordinate with DOJ for possible prosecution and denaturalization.

In addition, as the 148,000 fingerprints that are available are uploaded to IDENT, the team will evaluate whether any fingerprints match other identities of individuals who have been granted naturalization or other immigration benefits. The team will review records that are identified to determine whether ICE should investigate the individuals and coordinate possible prosecution

with DOJ. DHS plans to complete its review of these cases by December 31, 2016. We will track the Department's progress until the work is complete.

Appendix A
Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107–269) by amendment to the *Inspector General Act of 1978*.

The objective of our review was to determine whether USCIS uses fingerprint information effectively to identify naturalization applicants with multiple identities and final deportation orders.

We examined the records of 216 naturalized citizens that DHS OPS identified to confirm whether they: (1) had received final deportation orders under a second identity and (2) did not admit to the final deportation orders or identities on their naturalization applications. We also assessed TECS records and summary information related to investigations of these cases.

We analyzed communications among USCIS, CBP, ICE, and OPS personnel about these cases of possible naturalization fraud. We also reviewed user manuals, policies, system documentation, and summary presentations about the DHS fingerprint repository, IDENT, and the United States Visitor and Immigrant Status Indicator Technology Program Secondary Inspection Tool. We assessed USCIS user manuals, standard operating procedures, policies, guidance, and training material, as well as statutes and regulations related to final deportation orders, the naturalization and denaturalization processes, fraud detection, and use of fingerprint records. We reviewed ICE and CBP policies and procedures for handling naturalized citizens and legal permanent residents who have final orders of deportation under different identities, mission priorities, and coordination between DHS components and the Department of Justice.

We interviewed headquarters staff from DHS OPS, USCIS, ICE, CBP, the National Protection and Programs Directorate, and the Office of Policy. In addition, we travelled to Missouri and Kansas where we interviewed USCIS National Benefits Center staff in the Lee's Summit and Overland Park offices, and ICE staff at ICE Homeland Security Investigations' Kansas City field office. In addition, we met with CBP and ICE personnel at Dulles International Airport, JFK International Airport, and Newark Liberty International Airport. We also visited USCIS field offices in New York, New York; Newark, New Jersey; and Baltimore, Maryland, where we spoke with immigration services officers and FDNS personnel. In Virginia, we interviewed several CBP employees who worked in the National Targeting Center and a TSA employee familiar with vetting applicants for TSA-approved credentials. We conducted telephone interviews with USCIS adjudicators in Houston, Texas and Atlanta, Georgia, and ICE investigators in Los Angeles, California, Seattle Washington, and

Houston, Texas. We interviewed 46 USCIS staff members, 34 ICE staff members, 21 CBP staff members, 3 OPS staff members, and 5 staff members from the DHS Office of Biometric Identity Management and the Office of Policy.

We also interviewed FBI subject matter experts about the FBI fingerprint repository and information exchange with DHS.

After December 2015, we contacted subject matter experts in OPS, ICE, and USCIS to clarify issues in our report and to confirm that the conditions we identified had not changed. In May 2016, we briefed these subject matter experts on our report's findings and conclusions.

We conducted this review from July 2014 to December 2015 under the authority of the *Inspector General Act 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

Appendix B
Management Comments to the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 19, 2016

MEMORANDUM FOR: John Roth
Inspector General

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management's Response to OIG Draft Report: "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records"
(Project No. 14-127-ISP-DHS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

Over the past 12 years, DHS has developed an integrated data system that provides DHS components with access to digitized fingerprints of individuals stemming from DHS encounters as well as to many federal law enforcement fingerprint records. This system is accessed and reviewed by U.S. Citizenship and Immigration Services (USCIS) as part of the adjudication process of naturalization applications. DHS fingerprints are currently taken in digitized form and included in the DHS repository, which is accessible across DHS components. As the OIG report notes, however, legacy paper-based records of fingerprints taken by DHS or by other law enforcement agencies may not yet be included in DHS's digitized repository of records. Hence, the existence of such legacy paper-based fingerprint records may not be known or accessible at the time of an immigration benefit determination by USCIS.

The OIG recognizes that in the processing of certain naturalization cases, USCIS submitted fingerprint checks that did not return criminal histories and other encounter information due to the absence of digitized fingerprint records in the DHS repository at the time the check was conducted. As a result, USCIS was not made aware of information that may have affected the applicants' eligibility to naturalize. As the OIG report also notes, the fact that the availability of legacy fingerprint records may show that an applicant has a record under a different name, has a prior removal order, or has a prior

criminal conviction does not necessarily demonstrate that the applicant was ineligible for naturalization or that naturalization was fraudulently obtained. A complete review of the hardcopy DHS "A-file" is necessary to make such a determination.

Consistent with the OIG's recommendations, the Department is undertaking a review of each hardcopy file of the cases identified in OIG's report and will refer to the U.S. Department of Justice (DOJ) those cases that DHS believes warrant criminal or civil denaturalization proceedings. Additionally, the Department is continuing to digitize legacy paper fingerprint records and will continue to determine if the digitization of old records reveals other cases that warrant investigation or referral to DOJ for civil or criminal denaturalization proceedings. The Department is committed to combatting immigration benefit fraud and ensuring that immigration benefits, including naturalization, are only granted to those individuals deserving under the law, thus ensuring the integrity of our immigration system. This includes continuing to identify and remove aliens who present either a danger to national security or a risk to public safety.

As mentioned in the draft report, DHS and its components have taken actions to address challenges posed by the existence of legacy paper-based fingerprint records. Most significantly, transitioning to digital fingerprint records and the implementation of systems such as IDENT means most law enforcement encounters and all DHS immigration encounters are digitally available and searchable across DHS components. These advancements, in addition to continually reviewing new cases as they come to DHS's attention and in conjunction with the steps outlined in this response to address the OIG's recommendations, will assist in substantially mitigating the risk of returning false negative record check results in the future.

The OIG report contained two recommendations, with which the Department concurs. First, as recommended by OIG, the Department is taking action to confirm the enrollment into IDENT of the remaining 148,000 fingerprint records referenced in the OIG report. This will complete the digitization of the 315,000 cases where ICE identified potentially missing paper fingerprint records. As noted in the report, ICE had already completed enrollment of a prioritized set of 167,000 of these records. DHS will continue its ongoing efforts to identify and upload into IDENT any paper fingerprint records not digitally available at the time the Department's repository was being developed and that may not yet be included in IDENT.

Second, as recommended by the OIG, the Department is reviewing each of the cases cited in the OIG report to identify those that warrant referral to the DOJ for civil or criminal denaturalization proceedings. The Department understands that OIG did not conduct an

in-depth review of each individual case identified in its report[1] to determine if complete criminal histories were not provided to USCIS at the time of the original USCIS review and adjudication of the individuals' naturalization application. Out of an abundance of caution, the Department is reviewing both the cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and cases that the report indicated might lack such records. This effort is being led by USCIS, in collaboration with ICE and DHS headquarters personnel. In consultation with DOJ, DHS will refer appropriate cases for civil or criminal proceedings, including for denaturalization.

This review builds on the prior and ongoing work by ICE and other DHS components to open investigations and work with DOJ to seek denaturalization through civil or criminal proceedings of individuals who are determined to have obtained citizenship unlawfully. The draft report correctly notes that ICE has already prioritized a set of approximately 120 cases that will be referred to DOJ for potential criminal prosecution. Through its operating components, the Department continues to identify and prioritize individuals for investigation, efforts that had previously coordinated under the aegis of Operation Janus.

The draft report contained two recommendations with which the Department concurs. Please find our detailed response to each recommendation attached.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Attachment

[1] The cases to be reviewed includes not only the 858 individuals OIG identified as not having a digital fingerprint record available in the DHS fingerprint repository at the time USCIS reviewed and adjudicated their naturalization applications, but also the 953 individuals the draft report indicated *may* not have had a digital fingerprint record available in the repository at the time the naturalization applications were reviewed and adjudicated and who had final orders of removal under a different identity. The report did not specifically recommend review of the additional 953 cases, but DHS is subjecting them to the same scrutiny as the 858 cases. Together these total 1,811 names.

Attachment: DHS Management Response to Recommendations Contained in OIG 14-127-ISP-DHS

Recommendation 1: We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete its review of the 148,000 files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives. It should digitize and upload into IDENT all fingerprint records that are available.

Response: Concur. ICE's Enforcement and Removal Operations (ERO) Directorate is currently taking action to confirm the enrollment into IDENT of the 148,000 fingerprint records referenced above, which actually represent "A-files" that may or may not contain one or more fingerprint cards suitable for enrollment in IDENT. To that end, ERO has initiated procurement actions to award a contract by the end of Fiscal Year 2016 to perform this work.

As the draft notes, the enrollment of these fingerprint records will complete a project to enroll approximately 315,000 such records identified by ICE, of which 167,000 were previously reviewed for enrollment.

Estimated Completion Date (ECD): September 30, 2017.

Recommendation 2: We recommend that the Directors of USCIS, ICE and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation of whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on those cases until each has been resolved.

Response: Concur. DHS is taking action to develop and implement a plan for reviewing each of the 858 cases identified in OIG's report (as well as the 953 cases mentioned in footnote 3 of the report).

DHS actions include establishing a review team composed of staff from USCIS—which has primary responsibility for adjudication of naturalization applications—with support from ICE, OPS, and others; including oversight from the Department, as appropriate. The review team will analyze each case to determine whether naturalization was legally proper and whether referral to DOJ for criminal or civil denaturalization proceedings is

warranted[2] The Department understands that OIG did not conduct an in-depth review of each individual case identified in its report. DHS is reviewing both the 858 cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and the 953 cases that the OIG indicates might have lacked such records.

The review team will coordinate with DOJ to ensure consideration of DOJ's standards for bringing civil or criminal proceedings in these cases. In addition, the team will develop procedures to ensure the retention of relevant documentation and will track this process from review initiation to completion. The team will also periodically keep senior Component and Headquarters leadership apprised of its efforts.

As noted in OIG's report, ICE Homeland Security Investigations (HSI) has already initiated a nationwide enforcement operation that identified and prioritized for potential criminal prosecution approximately 120 naturalized citizens with prior criminal or deportation records whose fingerprint records may not have been available at the time of naturalization. ICE HSI continues to work closely with the United States Attorneys Offices (USAO) responsible for the criminal prosecution s of these cases. For any cases where criminal prosecution is declined, USCIS will work with DOJ to determine the appropriateness of civil denaturalization proceedings.

Finally, as the remaining 148,000 records referenced in Recommendation 1 (and any other legacy paper fingerprint records found) are uploaded into IDENT, DHS will use the same process described above to identify and, when appropriate, refer to DOJ any additional cases where the facts and circumstances indicate that naturalization was obtained unlawfully.

The Department understands this recommendation to require DHS to develop and implement a plan for reviewing and evaluating the eligibility for naturalization of those individuals identified in this report. DHS expects to complete its review of these cases by December 31, 2016. The review plan will include referral of cases to DOJ for criminal or civil proceedings including denaturalization proceedings, as appropriate, and such further actions as DOJ determines is warranted.

ECD: September 30, 2017.

[2] Denaturalization may only be ordered by an Article III federal court. Proceedings for denaturalization must be brought by DOJ. DHS only reviews and refers cases to DOJ with a recommended course of action.

Appendix C
Office of Inspections and Evaluations Major Contributors to This Report

John D. Shiffer, Chief Inspector
Deborah Outten-Mills, Chief Inspector
Elizabeth Kingma, Lead Inspector
Jennifer Kim, Senior Inspector
Megan Pardee, Inspector
Joseph Hernandez, Inspector
Kelly Herberger, Communications Analyst
Natalie Fussell Enclade, Independent Referencer

Appendix D
Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Assistant Secretary for Office of Policy
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Director, U.S. Citizenship and Immigration Services
Director, U.S. Immigration and Customs Enforcement
Director, Office of Operations Coordination
Under Secretary, National Protection and Programs Directorate
Audit Liaison, ICE
Audit Liaison, USCIS
Audit Liaison, OPS
Audit Liaison, NPPD

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees

ADDITIONAL INFORMATION AND COPIES

To view this and any of our other reports, please visit our website at: www.oig.dhs.gov.

For further information or questions, please contact Office of Inspector General Public Affairs at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov. Follow us on Twitter at: @dhsoig.

OIG HOTLINE

To report fraud, waste, or abuse, visit our website at www.oig.dhs.gov and click on the red "Hotline" tab. If you cannot access our website, call our hotline at (800) 323-8603, fax our hotline at (202) 254-4297, or write to us at:

Department of Homeland Security
Office of Inspector General, Mail Stop 0305
Attention: Hotline
245 Murray Drive, SW
Washington, DC 20528-0305

OFFICE OF INSPECTOR GENERAL

Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records

Homeland Security

September 8, 2016

OIG-16-130

DHS OIG HIGHLIGHTS

Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records

September 8, 2016

Why We Did This Inspection

When aliens apply for U.S. citizenship, U.S. Citizenship and Immigration Services (USCIS) obtains information about their immigration history through fingerprint records. Our objective was to determine whether USCIS uses these records effectively during the naturalization process.

What We Recommend

We are recommending that ICE finish uploading into the digital repository the fingerprints it identified and that DHS resolve these cases of naturalized citizens who may have been ineligible.

For Further Information:
Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

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 available. The digital records were not available because although USCIS procedures require checking applicants' fingerprints against both the Department of Homeland Security's and the Federal Bureau of Investigation's (FBI) digital fingerprint repositories, neither contains all old fingerprint records. Not all old records were included in the DHS repository when it was being developed. Further, 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. The FBI repository is also missing records because, in the past, not all records taken during immigration encounters were forwarded to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing additional individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.

As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but is now taking steps to increase the number of cases to be investigated, particularly those who hold positions of public trust and who have security clearances.

Response

DHS concurred with both recommendations and has begun implementing corrective actions.

OFFICE OF INSPECTOR GENERAL
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

September 8, 2016

MEMORANDUM FOR: The Honorable León Rodríguez
Director
U.S. Citizenship and Immigration Services

The Honorable Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement

Richard Chavez
Director
Office of Operations Coordination

FROM: John Roth
Inspector General

SUBJECT: *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records*

For your action is our final report, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records.* We incorporated the formal comments provided by your offices.

The report contains two recommendations aimed at improving the Department's ability to identify and investigate individuals who have obtained or may attempt to obtain naturalization through fraud or misrepresentation. Your offices concurred with both recommendations. Based on information provided in your response to the draft report, we consider both recommendations open and resolved. Once the Department has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your updates to the status of recommendations to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Anne L. Richards, Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.

Attachment

Table of Contents

Appendixes

Abbreviations

CBP	U.S. Customs and Border Protection
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FDNS	Fraud Detection and National Security Directorate
HFE	Historical Fingerprint Enrollment
IAFIS	Integrated Automated Fingerprint Identification System
ICE	U.S. Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
INA	Immigration and Nationality Act of 1952
INS	U.S. Immigration and Naturalization Service
NGI	Next Generation Identification
OIG	Office of Inspector General
OPS	Office of Operations Coordination
TSA	Transportation Security Administration
USAO	Offices of the United States Attorneys
USCIS	U.S. Citizenship and Immigration Services
USC	U.S. Code

Background

In 2008, a U.S. Customs and Border Protection (CBP) employee identified 206 aliens who had received final deportation orders[1] and subsequently used a different biographic identity, such as a name and date of birth, to obtain an immigration benefit (e.g., legal permanent resident status or citizenship). These aliens came from two special interest countries and two other countries that shared borders with a special interest country.[2] After further research, in 2009, CBP provided the results of Operation Targeting Groups of Inadmissible Subjects, now referred to as Operation Janus, to DHS. In response, the DHS Counterterrorism Working Group coordinated with multiple DHS components to form a working group to address the problem of aliens from special interest countries receiving immigration benefits after changing their identities and concealing their final deportation orders. In 2010, DHS' Office of Operations Coordination (OPS) began coordinating the Operation Janus working group.

In July 2014,[3] OPS provided the Office of Inspector General (OIG) with the names of individuals it had identified as coming from special interest countries or neighboring countries with high rates of immigration fraud, had final deportation orders under another identity, and had become naturalized U.S. citizens. OIG's review of the list of names revealed some were duplicates, which resulted in a final number of 1,029 individuals. Of the 1,029 individuals reported, 858 did not have a digital fingerprint record available in the DHS fingerprint repository at the time U.S. Citizenship and Immigration Services (USCIS) was reviewing and adjudicating their applications for U.S. citizenship.

USCIS Review of Naturalization Applicants

People from other countries (aliens) may apply to become naturalized U.S. citizens and may be granted citizenship, provided they meet the eligibility requirements established by Congress in the *Immigration and Nationality Act of 1952* (INA).[4] USCIS adjudicates applications for naturalization, as well as other immigration benefits, such as asylum and lawful permanent resident status. Naturalization eligibility requirements in the INA include lawful admission for

[1] When an immigration judge orders an alien to be deported the judge issues an order of removal. In this report, we refer to orders of removal as deportation orders.
[2] Special interest countries are generally defined as countries that are of concern to the national security of the United States, based on several U.S. Government reports.
[3] As of November 2015, OPS had identified 953 more individuals who had final deportation orders under another identity and had been naturalized; some of these individuals were from special interest countries or neighboring countries with high rates of fraud. OPS did not capture the dates these 953 individuals' fingerprint records were digitized, so we could not determine the number whose records were available in the DHS digital fingerprint repository when their applications were being reviewed and adjudicated.
[4] 8 U.S. Code (USC) 1101 et seq.

permanent residence, continuous residence and physical presence in the United States, and good moral character. During the naturalization process, USCIS may determine that aliens who lie under oath about their identity or immigration history do not meet the good moral character requirement. Aliens with final deportation orders may not meet the INA's admissibility requirement, unless other circumstances make them admissible.

On naturalization applications and in interviews, aliens are required to reveal any other identities they have used and whether they have been in deportation proceedings. They must also submit their fingerprints. USCIS checks applicants' fingerprint records throughout the naturalization process. By searching the DHS digital fingerprint repository, the Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation (FBI) digital fingerprint repository, the Next Generation Identification (NGI) system,[5] USCIS can gather information about an applicant's other identities (if any), criminal arrests and convictions, immigration violations and deportations, and links to terrorism. When there is a matching record, USCIS researches the circumstances underlying the record to determine whether the applicant is still eligible for naturalized citizenship.

If USCIS confirms that an applicant received a final deportation order under a different identity, and there are no other circumstances to provide eligibility, USCIS policy requires denial of naturalization. Also, USCIS may refer the applicant's case to U.S. Immigration and Customs Enforcement (ICE) for investigation. Likewise, if a naturalized citizen is discovered to have been ineligible for citizenship, ICE may investigate the circumstances and refer the case to the Department of Justice for revocation of citizenship.

Results of Inspection

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. Although USCIS procedures require checking applicants' fingerprints against both IDENT and NGI, neither repository has all the old fingerprint records available. IDENT is missing records because when they were developing it, neither DHS nor the U.S. Immigration and Naturalization Service (INS), one of its predecessor agencies, digitized and uploaded all old fingerprint records into the repository. Later, ICE identified missing fingerprint records for about 315,000 aliens who had final deportation orders or who were criminals or

[5] Until September 2014, when the FBI announced it had replaced its old system with NGI, fingerprints were vetted against the Integrated Automated Fingerprint Identification System.

fugitives, but it has not yet reviewed about 148,000 aliens' files to try to retrieve and digitize the old fingerprint cards.

NGI is also missing records because, in the past, neither INS nor ICE always forwarded fingerprint records to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing more individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently. As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' family members' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but within the last year has taken steps to identify additional cases for investigation.

Missing Digital Fingerprint Records Hinder USCIS' Ability to Fully Review Naturalization Applications

To determine whether there is any evidence that may make an alien ineligible for an immigration benefit, such as naturalization, USCIS has established procedures to check fingerprints against other sources of information. In addition, applicants are required to reveal all other identities and past immigration or criminal proceedings on their applications. However, even with fingerprint checks, unless fingerprint records are available or applicants reveal their immigration history, USCIS adjudicators will not know about all identities used by applicants, as well as any prior criminal or immigration issues or charges; therefore, they cannot fully review an application. Without this knowledge, adjudicators may grant citizenship to otherwise ineligible individuals.

The DHS Digital Fingerprint Repository Is Incomplete

During immigration enforcement encounters with aliens, CBP and ICE take fingerprint records. These components and their predecessor, INS, used to collect aliens' fingerprints on two paper cards. One card was supposed to be sent to the FBI to be stored in its repository. The other fingerprint card was to be placed in the alien's file with all other immigration-related documents.

In 2007, DHS established IDENT as the centralized, department-wide digital fingerprint repository. IDENT was built from a digital fingerprint repository

originally deployed by INS in 1994 (used primarily by the Border Patrol).[6] In 2008, according to officials we interviewed, ICE management directed its employees to send all fingerprints collected during immigration enforcement encounters to both IDENT and the FBI repository (at the time, the Integrated Automated Fingerprint Identification System or IAFIS, now NGI). At the same time, USCIS also began gathering fingerprints digitally and storing them in IDENT; since that time, the fingerprints of individuals who apply for immigration benefits requiring fingerprints are stored in IDENT.

Although fingerprints are now taken digitally and stored in IDENT, the repository is missing digitized fingerprint records of some aliens with final deportation orders, criminal convictions, or fugitive status whose fingerprints were taken on paper cards. The records are missing because when INS initially developed and deployed IDENT in 1994, it did not digitize and upload the fingerprint records it had collected on paper cards. Further, ICE investigators only began consistently uploading fingerprints taken from aliens during law enforcement encounters into the repository around 2010.

ICE has led an effort to digitize old fingerprint records that were taken on cards and upload them into IDENT. In 2011, ICE searched a DHS database for aliens who were fugitives, convicted criminals, or had final deportation orders dating back to 1990. ICE identified about 315,000 such aliens whose fingerprint records were not in IDENT. Because fingerprints are no longer taken on paper cards, this number will not grow. In 2012, DHS received $5 million from Congress to pull its paper fingerprint cards from aliens' files and digitize and upload them into IDENT, through an ICE-led project called the Historical Fingerprint Enrollment (HFE). Through HFE, ICE began digitizing the old fingerprint cards of the 315,000 aliens with final deportation orders, criminal convictions, or fugitive status and uploading them into IDENT. The process was labor intensive, requiring staff to manually pull the fingerprint cards from aliens' files. ICE reviewed 167,000 aliens' files and uploaded fingerprint records into IDENT before HFE funding was depleted. Some fingerprint cards were missing or unclear and could not be digitized. Since that time, ICE has not received further funding for HFE; efforts to digitize and upload the records have been sporadic, and the process has not been completed.

[6] In 2004, DHS copied the digital repository deployed by INS in 1994 and made it and other DHS information repositories available to the United States Visitor and Immigrant Status Indicator Technology Program. That program tracked aliens entering and exiting the United States by capturing their biographic information and digital fingerprints when they traveled. This version of IDENT ran in conjunction with the INS-developed digital repository the Border Patrol used until 2007 when the two repositories were merged to form the unified IDENT for all fingerprints collected by DHS.

The FBI Digital Fingerprint Repository Is Incomplete

The FBI has maintained a fingerprint repository since the 1920s, collecting and including in the repository fingerprints from state, local, and Federal agencies. INS and, later, ICE were supposed to provide copies of fingerprints collected during encounters with aliens to the FBI for its repository. In 1999, the FBI established a digital fingerprint repository, IAFIS, which facilitated electronic searches for fingerprint matches. In 2008, IAFIS and IDENT became capable of exchanging information with each other. In 2014, the FBI replaced IAFIS with a new digital fingerprint repository, NGI, which also exchanges information with IDENT.

When identifying aliens who were granted naturalized citizenship even though they had multiple identities and final deportation orders, Operation Janus checked NGI for matching FBI fingerprint records. These checks revealed that NGI does not contain all digital fingerprints from previous INS and ICE actions. ICE officials told us that, in the past, neither INS nor ICE always sent the FBI copies of paper fingerprint cards associated with immigration enforcement encounters. Also according to an official, ICE officers did not always update the information associated with fingerprint records to reflect issuance of final deportation orders. According to the FBI, it has digitized and uploaded into NGI all fingerprint records it received from DHS components and their predecessors, including all records related to immigration enforcement. NGI and IDENT are connected, so IDENT records can be accessed from NGI and NGI records can be accessed from IDENT.

USCIS Naturalized Individuals Who Had a Final Deportation Order Under a Different Identity

With neither a fingerprint record in IDENT, nor an admission by the applicant to alert adjudicators to an individual's immigration history, USCIS granted naturalization to individuals with final deportation orders who may not be eligible for citizenship. According to USCIS officials, merely having used multiple identities or having a previous final deportation order does not automatically render an individual ineligible for naturalization. Each applicant's specific circumstances must be thoroughly reviewed before a determination on eligibility can be made.

In these cases, however, USCIS adjudicators did not always have all the information necessary for a thorough review. Of the 1,029 individuals OPS identified who had final deportation orders under another identity and were naturalized, only 170 had fingerprint records in IDENT at the time of naturalization. The other 858 records were subsequently loaded into IDENT, but were not in the repository at the time of naturalization. If applicants had

revealed the facts of their immigration history, as required, on their applications and in interviews, USCIS adjudicators could have obtained the information. However, our review of 216 of these aliens' files showed that none of the applicants admitted to having another identity and final deportation orders on the naturalization application, and only 4 admitted to another identity and final deportation orders when USCIS adjudicators questioned them.

Because USCIS initially vetted applicants' fingerprints against NGI, adjudicators might also have obtained information about immigration histories from the FBI repository, but it is also missing records. Of the 1,029 naturalized citizens OPS identified as having multiple identities and final deportation orders, 40 had fingerprint records at the FBI. It is not clear whether these fingerprints were in the repository when the individuals were naturalized or whether the fingerprints were related to immigration offenses or other crimes.

Few of These Naturalized U.S. Citizens Have Been Investigated

Although their fingerprint records may not have been available in either the DHS or FBI digital repositories before these individuals were naturalized, all of their digital records are now available and their immigration histories are known. Some of these naturalized citizens may have attempted to defraud the U.S. Government. Yet, having been naturalized, they have many of the rights and privileges of U.S. citizens, including the right to petition for others to come to the United States and the right to work in law enforcement. For example, one U.S. citizen whom Operation Janus identified is now a law enforcement official. Naturalized U.S. citizens may also obtain security clearances or work in sensitive positions. Until they were identified and had their credentials revoked, three of these naturalized citizens obtained licenses to conduct security-sensitive work. One had obtained a Transportation Worker Identification Credential, which allows unescorted access to secure areas of maritime facilities and vessels. Two others received Aviation Workers' credentials, which allow access to secure areas of commercial airports.

Under the INA, a Federal court may revoke naturalization (denaturalize) through a civil or criminal proceeding if the citizenship was obtained through fraud or misrepresentation.[7] However, few of these individuals have been investigated and subsequently denaturalized. As it identified these 1,029 individuals, OPS referred the cases to ICE for investigation. As of March 2015, ICE had closed 90 investigations of these individuals and had 32 open investigations. The Offices of the United States Attorneys (USAO) accepted 2 cases for criminal prosecution, which could lead to denaturalization; the USAO

[7] 8 USC 1451(a), 8 USC 1451(e), and 18 USC 1425

declined 26 cases. ICE transferred two additional cases with fingerprint records linked to terrorism to the FBI's Joint Terrorism Task Force. ICE was scrutinizing another two cases for civil denaturalization.

According to ICE, it previously did not pursue investigation and subsequent revocation of citizenship for most of these individuals because the USAO generally did not accept immigration benefit fraud cases for criminal prosecution. ICE staff told us they needed to focus their resources on investigating cases the USAO will prosecute. In late 2015, however, ICE officials told us they discussed with the Department of Justice Office of Immigration Litigation the need to prosecute these types of cases, and that office agreed to prosecute individuals with Transportation Security Administration (TSA) credentials, security clearances, positions of public trust, or criminal histories. To date, and with assistance from OPS and USCIS, ICE has identified and prioritized 120 individuals to refer to the Department of Justice for potential criminal prosecution and denaturalization.

Recent Actions

In 2016, OPS eliminated Operation Janus and disbanded its staff, which raises concerns about the future ability of ICE and USCIS to continue identifying and prioritizing individuals for investigation. Since 2010 and until recently, Operation Janus identified these individuals, created watchlist entries to ensure law enforcement and immigration officials were aware of them, and coordinated DHS and other agencies' activities related to these individuals. Two DHS employees outside of OPS said that without Operation Janus, it would be difficult to coordinate these cases and combat immigration fraud perpetrated by individuals using multiple identities. We received this information late in our review and cannot assess the future impact of this change.

Conclusion

Given the risk of naturalizing aliens who may be ineligible for this immigration benefit and the difficulty of revoking citizenship, USCIS needs access to all information related to naturalization applicants. Because IDENT does not include 148,000 digitized fingerprint records of aliens with final deportation orders or who are criminals or fugitives, USCIS adjudicators may continue in the future to review and grant applications without full knowledge of applicants' immigration and criminal histories. ICE should review the remaining 148,000 aliens' files and digitize and upload all available fingerprint cards. By making these fingerprint records available in IDENT, USCIS would be better able to identify those aliens should they apply for naturalization or other immigration benefits and ensure a full review of their applications. This, in turn, would help prevent the naturalization of aliens who may be ineligible. In

addition, the digital fingerprint records could reveal others who have received immigration benefits to which they may not be entitled and should be investigated.

Recommendations

Recommendation 1. We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete the review of the 148,000 alien files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives, and digitize and upload into IDENT all available fingerprint records.

Recommendation 2. We recommend that the Directors of USCIS, ICE, and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on these cases until each has been resolved.

Management Comments and OIG Analysis

DHS concurred with our recommendations and has begun implementing corrective actions. In response to recommendation 1, ICE indicated that it has taken steps to procure contractor services to help review the 148,000 files and to digitize and upload to IDENT available fingerprint records. ICE anticipates awarding the contract before the end of fiscal year 2016. We will track ICE's progress in completing this recommendation.

The Department appears to be taking actions to address recommendation 2. DHS has established a team to review the records of the 858 aliens with final deportation orders who were naturalized under a different identity. The team will also review the 953 cases that OPS identified more recently and that we mention in footnote 3. During these reviews, the team will determine which individuals appear to have been ineligible for naturalization and will coordinate with DOJ for possible prosecution and denaturalization.

In addition, as the 148,000 fingerprints that are available are uploaded to IDENT, the team will evaluate whether any fingerprints match other identities of individuals who have been granted naturalization or other immigration benefits. The team will review records that are identified to determine whether ICE should investigate the individuals and coordinate possible prosecution

with DOJ. DHS plans to complete its review of these cases by December 31, 2016. We will track the Department's progress until the work is complete.

Appendix A
Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107–269) by amendment to the *Inspector General Act of 1978*.

The objective of our review was to determine whether USCIS uses fingerprint information effectively to identify naturalization applicants with multiple identities and final deportation orders.

We examined the records of 216 naturalized citizens that DHS OPS identified to confirm whether they: (1) had received final deportation orders under a second identity and (2) did not admit to the final deportation orders or identities on their naturalization applications. We also assessed TECS records and summary information related to investigations of these cases.

We analyzed communications among USCIS, CBP, ICE, and OPS personnel about these cases of possible naturalization fraud. We also reviewed user manuals, policies, system documentation, and summary presentations about the DHS fingerprint repository, IDENT, and the United States Visitor and Immigrant Status Indicator Technology Program Secondary Inspection Tool. We assessed USCIS user manuals, standard operating procedures, policies, guidance, and training material, as well as statutes and regulations related to final deportation orders, the naturalization and denaturalization processes, fraud detection, and use of fingerprint records. We reviewed ICE and CBP policies and procedures for handling naturalized citizens and legal permanent residents who have final orders of deportation under different identities, mission priorities, and coordination between DHS components and the Department of Justice.

We interviewed headquarters staff from DHS OPS, USCIS, ICE, CBP, the National Protection and Programs Directorate, and the Office of Policy. In addition, we travelled to Missouri and Kansas where we interviewed USCIS National Benefits Center staff in the Lee's Summit and Overland Park offices, and ICE staff at ICE Homeland Security Investigations' Kansas City field office. In addition, we met with CBP and ICE personnel at Dulles International Airport, JFK International Airport, and Newark Liberty International Airport. We also visited USCIS field offices in New York, New York; Newark, New Jersey; and Baltimore, Maryland, where we spoke with immigration services officers and FDNS personnel. In Virginia, we interviewed several CBP employees who worked in the National Targeting Center and a TSA employee familiar with vetting applicants for TSA-approved credentials. We conducted telephone interviews with USCIS adjudicators in Houston, Texas and Atlanta, Georgia, and ICE investigators in Los Angeles, California, Seattle Washington, and

Houston, Texas. We interviewed 46 USCIS staff members, 34 ICE staff members, 21 CBP staff members, 3 OPS staff members, and 5 staff members from the DHS Office of Biometric Identity Management and the Office of Policy.

We also interviewed FBI subject matter experts about the FBI fingerprint repository and information exchange with DHS.

After December 2015, we contacted subject matter experts in OPS, ICE, and USCIS to clarify issues in our report and to confirm that the conditions we identified had not changed. In May 2016, we briefed these subject matter experts on our report's findings and conclusions.

We conducted this review from July 2014 to December 2015 under the authority of the *Inspector General Act 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

Appendix B
Management Comments to the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 19, 2016

MEMORANDUM FOR: John Roth
Inspector General

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management's Response to OIG Draft Report: "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records"
(Project No. 14-127-ISP-DHS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

Over the past 12 years, DHS has developed an integrated data system that provides DHS components with access to digitized fingerprints of individuals stemming from DHS encounters as well as to many federal law enforcement fingerprint records. This system is accessed and reviewed by U.S. Citizenship and Immigration Services (USCIS) as part of the adjudication process of naturalization applications. DHS fingerprints are currently taken in digitized form and included in the DHS repository, which is accessible across DHS components. As the OIG report notes, however, legacy paper-based records of fingerprints taken by DHS or by other law enforcement agencies may not yet be included in DHS's digitized repository of records. Hence, the existence of such legacy paper-based fingerprint records may not be known or accessible at the time of an immigration benefit determination by USCIS.

The OIG recognizes that in the processing of certain naturalization cases, USCIS submitted fingerprint checks that did not return criminal histories and other encounter information due to the absence of digitized fingerprint records in the DHS repository at the time the check was conducted. As a result, USCIS was not made aware of information that may have affected the applicants' eligibility to naturalize. As the OIG report also notes, the fact that the availability of legacy fingerprint records may show that an applicant has a record under a different name, has a prior removal order, or has a prior

criminal conviction does not necessarily demonstrate that the applicant was ineligible for naturalization or that naturalization was fraudulently obtained. A complete review of the hardcopy DHS "A-file" is necessary to make such a determination.

Consistent with the OIG's recommendations, the Department is undertaking a review of each hardcopy file of the cases identified in OIG's report and will refer to the U.S. Department of Justice (DOJ) those cases that DHS believes warrant criminal or civil denaturalization proceedings. Additionally, the Department is continuing to digitize legacy paper fingerprint records and will continue to determine if the digitization of old records reveals other cases that warrant investigation or referral to DOJ for civil or criminal denaturalization proceedings. The Department is committed to combatting immigration benefit fraud and ensuring that immigration benefits, including naturalization, are only granted to those individuals deserving under the law, thus ensuring the integrity of our immigration system. This includes continuing to identify and remove aliens who present either a danger to national security or a risk to public safety.

As mentioned in the draft report, DHS and its components have taken actions to address challenges posed by the existence of legacy paper-based fingerprint records. Most significantly, transitioning to digital fingerprint records and the implementation of systems such as IDENT means most law enforcement encounters and all DHS immigration encounters are digitally available and searchable across DHS components. These advancements, in addition to continually reviewing new cases as they come to DHS's attention and in conjunction with the steps outlined in this response to address the OIG's recommendations, will assist in substantially mitigating the risk of returning false negative record check results in the future.

The OIG report contained two recommendations, with which the Department concurs. First, as recommended by OIG, the Department is taking action to confirm the enrollment into IDENT of the remaining 148,000 fingerprint records referenced in the OIG report. This will complete the digitization of the 315,000 cases where ICE identified potentially missing paper fingerprint records. As noted in the report, ICE had already completed enrollment of a prioritized set of 167,000 of these records. DHS will continue its ongoing efforts to identify and upload into IDENT any paper fingerprint records not digitally available at the time the Department's repository was being developed and that may not yet be included in IDENT.

Second, as recommended by the OIG, the Department is reviewing each of the cases cited in the OIG report to identify those that warrant referral to the DOJ for civil or criminal denaturalization proceedings. The Department understands that OIG did not conduct an

in-depth review of each individual case identified in its report[1] to determine if complete criminal histories were not provided to USCIS at the time of the original USCIS review and adjudication of the individuals' naturalization application. Out of an abundance of caution, the Department is reviewing both the cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and cases that the report indicated might lack such records. This effort is being led by USCIS, in collaboration with ICE and DHS headquarters personnel. In consultation with DOJ, DHS will refer appropriate cases for civil or criminal proceedings, including for denaturalization.

This review builds on the prior and ongoing work by ICE and other DHS components to open investigations and work with DOJ to seek denaturalization through civil or criminal proceedings of individuals who are determined to have obtained citizenship unlawfully. The draft report correctly notes that ICE has already prioritized a set of approximately 120 cases that will be referred to DOJ for potential criminal prosecution. Through its operating components, the Department continues to identify and prioritize individuals for investigation, efforts that had previously coordinated under the aegis of Operation Janus.

The draft report contained two recommendations with which the Department concurs. Please find our detailed response to each recommendation attached.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Attachment

[1] The cases to be reviewed includes not only the 858 individuals OIG identified as not having a digital fingerprint record available in the DHS fingerprint repository at the time USCIS reviewed and adjudicated their naturalization applications, but also the 953 individuals the draft report indicated *may* not have had a digital fingerprint record available in the repository at the time the naturalization applications were reviewed and adjudicated and who had final orders of removal under a different identity. The report did not specifically recommend review of the additional 953 cases, but DHS is subjecting them to the same scrutiny as the 858 cases. Together these total 1,811 names.

Attachment: DHS Management Response to Recommendations Contained in OIG 14-127-ISP-DHS

Recommendation 1: We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete its review of the 148,000 files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives. It should digitize and upload into IDENT all fingerprint records that are available.

Response: Concur. ICE's Enforcement and Removal Operations (ERO) Directorate is currently taking action to confirm the enrollment into IDENT of the 148,000 fingerprint records referenced above, which actually represent "A-files" that may or may not contain one or more fingerprint cards suitable for enrollment in IDENT. To that end, ERO has initiated procurement actions to award a contract by the end of Fiscal Year 2016 to perform this work.

As the draft notes, the enrollment of these fingerprint records will complete a project to enroll approximately 315,000 such records identified by ICE, of which 167,000 were previously reviewed for enrollment.

Estimated Completion Date (ECD): September 30, 2017.

Recommendation 2: We recommend that the Directors of USCIS, ICE and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation of whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on those cases until each has been resolved.

Response: Concur. DHS is taking action to develop and implement a plan for reviewing each of the 858 cases identified in OIG's report (as well as the 953 cases mentioned in footnote 3 of the report).

DHS actions include establishing a review team composed of staff from USCIS—which has primary responsibility for adjudication of naturalization applications—with support from ICE, OPS, and others; including oversight from the Department, as appropriate. The review team will analyze each case to determine whether naturalization was legally proper and whether referral to DOJ for criminal or civil denaturalization proceedings is

warranted[2] The Department understands that OIG did not conduct an in-depth review of each individual case identified in its report. DHS is reviewing both the 858 cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and the 953 cases that the OIG indicates might have lacked such records.

The review team will coordinate with DOJ to ensure consideration of DOJ's standards for bringing civil or criminal proceedings in these cases. In addition, the team will develop procedures to ensure the retention of relevant documentation and will track this process from review initiation to completion. The team will also periodically keep senior Component and Headquarters leadership apprised of its efforts.

As noted in OIG's report, ICE Homeland Security Investigations (HSI) has already initiated a nationwide enforcement operation that identified and prioritized for potential criminal prosecution approximately 120 naturalized citizens with prior criminal or deportation records whose fingerprint records may not have been available at the time of naturalization. ICE HSI continues to work closely with the United States Attorneys Offices (USAO) responsible for the criminal prosecution s of these cases. For any cases where criminal prosecution is declined, USCIS will work with DOJ to determine the appropriateness of civil denaturalization proceedings.

Finally, as the remaining 148,000 records referenced in Recommendation 1 (and any other legacy paper fingerprint records found) are uploaded into IDENT, DHS will use the same process described above to identify and, when appropriate, refer to DOJ any additional cases where the facts and circumstances indicate that naturalization was obtained unlawfully.

The Department understands this recommendation to require DHS to develop and implement a plan for reviewing and evaluating the eligibility for naturalization of those individuals identified in this report. DHS expects to complete its review of these cases by December 31, 2016. The review plan will include referral of cases to DOJ for criminal or civil proceedings including denaturalization proceedings, as appropriate, and such further actions as DOJ determines is warranted.

ECD: September 30, 2017.

[2] Denaturalization may only be ordered by an Article III federal court. Proceedings for denaturalization must be brought by DOJ. DHS only reviews and refers cases to DOJ with a recommended course of action.

Appendix C
Office of Inspections and Evaluations Major Contributors to This Report

John D. Shiffer, Chief Inspector
Deborah Outten-Mills, Chief Inspector
Elizabeth Kingma, Lead Inspector
Jennifer Kim, Senior Inspector
Megan Pardee, Inspector
Joseph Hernandez, Inspector
Kelly Herberger, Communications Analyst
Natalie Fussell Enclade, Independent Referencer

Appendix D
Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Assistant Secretary for Office of Policy
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
Director, U.S. Citizenship and Immigration Services
Director, U.S. Immigration and Customs Enforcement
Director, Office of Operations Coordination
Under Secretary, National Protection and Programs Directorate
Audit Liaison, ICE
Audit Liaison, USCIS
Audit Liaison, OPS
Audit Liaison, NPPD

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

Congressional Oversight and Appropriations Committees

ADDITIONAL INFORMATION AND COPIES

To view this and any of our other reports, please visit our website at: www.oig.dhs.gov.

For further information or questions, please contact Office of Inspector General Public Affairs at: DHS-OIG.OfficePublicAffairs@oig.dhs.gov. Follow us on Twitter at: @dhsoig.

OIG HOTLINE

To report fraud, waste, or abuse, visit our website at www.oig.dhs.gov and click on the red "Hotline" tab. If you cannot access our website, call our hotline at (800) 323-8603, fax our hotline at (202) 254-4297, or write to us at:

Department of Homeland Security
Office of Inspector General, Mail Stop 0305
Attention: Hotline
245 Murray Drive, SW
Washington, DC 20528-0305