



Report on Internal Affairs Investigations

Semi-Annual Report to Congress
July – December 2021



Homeland
Security

*U.S. Citizenship and
Immigration Services*

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**Homeland
Security**

April 19, 2022

I. Foreword

I am pleased to present the following “Report on Internal Affairs Investigations” prepared by the Office of Investigations of the U.S. Citizenship and Immigration Services. The report responds to a requirement of Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177, 120 Stat. 192, and is the 26th semi-annual report on this topic.

The report provides a description of the Office of Investigations’ internal affairs operations at the United States Citizenship and Immigration Services for the period from July through December 2021, including a discussion of the general state of such operations, a summary of misconduct investigative activity, and data on the personnel resources devoted to such investigations during the reporting period.

This report is provided to the following Members of Congress:

The Honorable Richard Durbin
Chairman, Senate Committee on the Judiciary

The Honorable Chuck Grassley
Ranking Member, Senate Committee on the Judiciary

The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, House Committee on the Judiciary

Please feel free to contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in cursive script that reads "Alice Lugo".

Alice Lugo
Assistant Secretary for Legislative Affairs

II. Executive Summary

As recommended in a 2016 review by the Department of Homeland Security (DHS) Office of Inspector General (OIG), on July 10, 2018, the United States Citizenship and Immigration Services (USCIS) Director announced the organizational realignment of the Office of Security and Integrity's (OSI) Investigations Division to an independent program office named the Office of Investigations (OI) reporting directly to the USCIS Deputy Director.

The OI manages the agency's program that investigates alleged USCIS employee misconduct not otherwise under investigation by the DHS OIG.

This report is submitted pursuant to Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177, 120 Stat. 192, and provides a description of the OI internal affairs operations at the USCIS for the period from July through December 2021.

The report also provides an overview of the USCIS investigative process and outlines employee training and outreach initiatives USCIS developed to deter and prevent employee misconduct.

The report contains a graphical summary of misconduct investigative activity conducted by the OI during the reporting period.

III. Statutory Requirement and Background

This report responds to the reporting requirements set forth in Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, which provides:

ADDITIONAL REPORT - At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a written report providing a description of internal affairs operations at the USCIS, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted no later than April 1, 2006.

Under Section 453(a)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (codified at 6 U.S.C. § 273(a)(1)), the USCIS Director is responsible for “conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of the USCIS that are not subject to investigation by the Inspector General for the Department.” The USCIS Director has delegated this responsibility to the Chief of the OI.

Since the dissolution of the U.S. Department of Justice’s Immigration and Naturalization Service in 2003 and the subsequent creation of the USCIS, the OI has worked to create and build its own internal affairs capability, including staffing, facilities, policy and procedural guidance, and other resources to support the collection, analysis, and reporting of investigative activities.

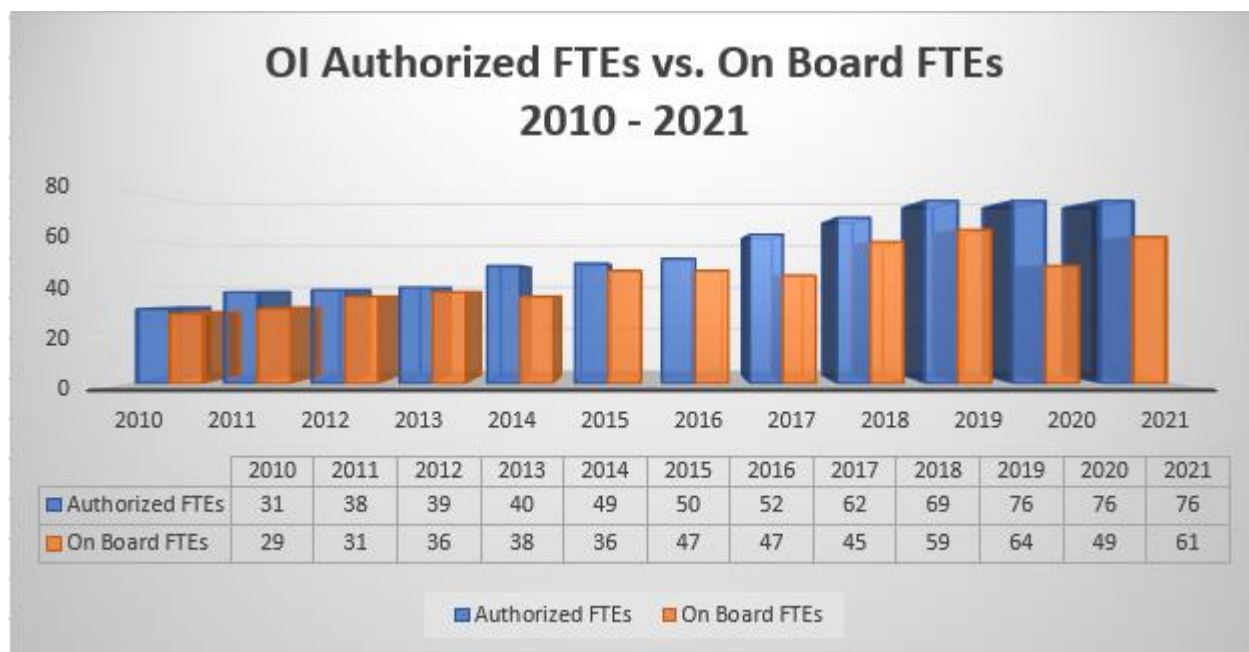
IV. Resources Devoted to Internal Affairs Investigations

As of December 2021, the OI’s staff consisted of 76 Federal Employees (61 on board and 15 vacancies at the end of this reporting period).

The OI’s authorized organizational staff consists of 56 Investigative Specialists (GS-1801), 10 Investigative Analysts (GS-1805), 8 Management and Program Analysts (GS-0343), 1 Criminal Investigator (GS-1811), and 1 Senior Advisor (GS-0301).

Investigators and other staff are located at the USCIS Headquarters in Camp Springs, MD and in the following OI field office locations in Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Los Angeles, California; Miami, Florida; New York, New York; Orlando, Florida; Washington, D.C.; and West Palm Beach, Florida.

The following graph¹ illustrates the number of OI federal employees had on board as compared to the number of authorized positions, known as full-time equivalents (FTEs) over time.



Subsequent sections of this report provide more detailed information on the OI’s investigations process and on the number of cases opened, completed, and closed in the second half of calendar year 2021.

¹ The chart does not include 16 Rehired Annuitants positions that conducted investigations (2016, 2017, 2018, 2019) as they were not permanent, full-time federal employees. Data shown reflect the levels calculated at the end of the calendar year.

V. USCIS Investigations Process

A. Jurisdiction

Under Section 453(a)(1) of the Homeland Security Act of 2002 (codified at 6 U.S.C. § 273(a)(1)), the USCIS Director is responsible for “conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of the USCIS that are not subject to investigation by the Inspector General for the Department.” In accordance with a Memorandum of Understanding entered with the DHS OIG in April 2003, all criminal cases are referred to the DHS OIG for review and investigative determination. In compliance with *DHS Management Directive 0810.1, The Office of Inspector General*, any allegation as described in Appendix A² of that document is referred to the DHS OIG for review and investigative determination. Cases not accepted by the DHS OIG for investigation are returned to the OI for investigation and agency disposition.

Allegations of misconduct by federal employees and contractors that are not accepted for investigation by the DHS OIG, or that do not meet the criteria for referral to the DHS OIG, are referred to the OI’s Field Investigations Division or the Special Investigations Division, depending on the nature of the alleged misconduct and where it occurred. In accordance with standard guidelines developed by the OI, the receiving Special Agent in Charge evaluates the nature of the complaint information and determines whether to:

- Retain the complaint for investigation;
- Refer the complaint to the appropriate manager within the USCIS for a formal Management Inquiry (to be conducted by management assigned personnel with the findings reported to the OI); or
- Forward the complaint to the appropriate USCIS manager’s attention as an information referral and for any further action that local management deems appropriate.

B. The Intake Process

The OI Intake Group receives employee misconduct allegations from a variety of sources, to include but not limited to the DHS OIG Hotline referral system; the OI intranet online complaint form for reporting USCIS employee and contractor misconduct; the Joint Intake Center, administered by the U.S. Immigration and Customs Enforcement and the U.S. Customs and Border Protection; OSI’s Command Center Significant Incident Report system; other DHS components and employees; and e-mail, or regular mail correspondence from complainants, their representatives, and various advocacy groups. All allegations of misconduct by federal or contractor employees working for the USCIS are recorded, assigned a case number, and initially evaluated and categorized by the OI.

² Appendix A of DHS MD 0810.1 identifies categories of misconduct that require referral to the DHS OIG. Examples include all allegations of criminal misconduct against a DHS employee, all allegations of misconduct against DHS employees at the GS-15 level or higher, and all allegations of fraud by DHS contractors.

OI's Investigations Division Case Management System (IDCMS) database is the primary centralized mechanism for recording and monitoring allegations of employee and contractor misconduct received from all sources, both internal and external, to USCIS.

IDCMS includes data search and compilation capabilities and allows the OI to track the status of all investigative referrals to and from the OI.

To enhance the efficiency of data tracking and to facilitate investigative review and referral, the OI categorizes allegations of misconduct into four classes as follows:

Class of Allegation	Description
Class I	Potential criminal misconduct
Class II	Serious non-criminal misconduct
Class III	Conduct that is non-criminal in nature but is sufficiently serious to warrant a formal review
Class IV	Conduct that is less serious in nature and more conducive to intervention by agency management at the local level

C. Management Inquiry Program

The Management Inquiry Program (MIP) allows USCIS to use its resources strategically by using local Management Inquiry Officers (MIOs) to address less complex and less serious allegations while focusing the OI resources on more serious allegations of misconduct, corruption, and fraud.

MIOs are USCIS employees, identified by their USCIS management, and trained by the OI. MIOs conduct Management Inquiries under the auspices and guidance of a Special Agent in the OI. A Management Inquiry is an inquiry into alleged employee or contractor misconduct that is not criminal in nature and is referred to local USCIS management by the OI for completion by an OI-trained MIO.

At the conclusion of an inquiry, the MIOs prepare a Management Inquiry Report (MIR) that reflects the relevant information collected and provides a summary of the MIO's findings. The MIR allows field and headquarters leadership to make appropriate decisions on the alleged employee misconduct based on the detailed information contained in the report.

The OI trained 121 MIOs during the reporting period bringing the total number of trained MIOs to 512. All MIOs receive a copy of the Management Inquiry Handbook which provides operational guidance and ensures consistency in the program across USCIS.

During the reporting period, the OI opened 38 new Management Inquiries as shown in the table below.

**The OI’s Management Inquiry
Investigations During the Reporting Period**

Divisions	Allegation Class	New Management Inquiries	Closed Management Inquiries	Management Inquiries Open at End of Reporting Period ³
Field Investigations Division (FID) ⁴	1	2	0	3
	2	6	2	45
	3	29	22	146
	4	0	0	0
Special Investigations Division (SID) ⁵	1	0	0	0
	2	0	0	8
	3	1	1	9
	4	0	0	0
Total		38	25	211

VI. Investigations During The Reporting Period

Listed on the next page is a summary of the OI misconduct investigative activity during the reporting period. “Class” refers to the nature of the allegation and is based on the OI system discussed in section V. B. of this report. The OI categorizes as *completed* any investigation for which a report of investigation was completed by a Special Agent, approved by a Special Agent in Charge, and submitted to the deciding management official who determines what, if any, disciplinary actions are to be taken. Such cases remain open pending final judicial disposition or administrative action by the deciding management official. A case is considered *closed* when all investigative, judicial, and management actions are completed and the final case disposition is documented in the IDCMS.

³ This number is cumulative, reflecting both management inquiries that were opened during this reporting period and those that remain open from previous reporting periods.

⁴ The Field Investigations Division refers management inquiries from all the OI field office locations: Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Los Angeles, California; Miami, Florida; New York, New York; Orlando, Florida; Washington, DC; and West Palm Beach, Florida.

⁵ The Special Investigations Division may refer matters related to GS-15 and above employees as management inquiries.

The OI processed 1,027 complaints during the reporting period (542 in the 4th quarter, FY21 and 485 in the 1st quarter of FY22), of which 600 were provided as “customer service-type complaints” to other USCIS directorates or program offices and other governmental agencies. The OI retained a total of 427 complaints which were resolved as follows:

- 169 complaints were processed as information referrals;
- 121 complaints were opened as investigations;
- 99 complaints were processed as Headquarter Referrals to other organizations; Requests for Assistance, or Request for Information; and
- 38 complaints were assigned to the USCIS Directorates and Program Offices as Management Inquiries.

The OI’s Investigation Activity During the Reporting Period

Divisions	Allegation Class	New Investigations	Investigations Completed	Investigations Closed	Investigations Open-Ended Reporting Period ⁶
Field Investigations Division (FID)⁷	1	33	30	22	38
	2	42	24	21	49
	3	32	21	18	28
	4	1	0	0	0
Special Investigations Division (SID)⁸	1	4	3	4	5
	2	5	2	3	7
	3	4	2	2	5
	4	0	0	0	0
Total		121	82	70	132

⁶ This number is cumulative, reflecting both cases that were opened during this reporting period and those that remain open from previous periods. However, during the course of an investigation, information, including the Class, may change. The Investigations Completed and Investigations Closed columns include only those cases resulting in a final Report of Investigation.

⁷ The Field Investigations Division is responsible for investigating misconduct allegations in the following OI field office locations: Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Los Angeles, California; Miami, Florida; New York, New York; Orlando, Florida; Washington, DC; and West Palm Beach, Florida.

⁸ The Special Investigations Division data includes investigations related to GS-15 or above employees or significant cases of interest from throughout the USCIS.

VII. Training and Outreach

USCIS continues to develop and implement comprehensive training and outreach on an ongoing basis to enhance integrity and prevent employee misconduct, corruption, and fraud.

All new employees who join USCIS are required to complete the “*USCIS Ethics and Integrity Course*” within 90 days of entering on duty. The course, which is a web-based learning tool, is designed to enhance employee’s awareness about behavioral standards, e.g., ethics, which employees need to know to serve as a federal employee and perform their job at USCIS successfully. Training includes situations employees may face on the job and guidance for ensuring they make sound, reasoned choices and judgments based on an understanding of the Standards of Ethical Conduct and associated ethics laws and policies.

Training provides an understanding of the central role of ethics and integrity in earning and maintaining the public’s trust, individually as a federal employee and collectively as an employee of the USCIS. Training also reviews the USCIS Management Directive 256-005.1 “*Reporting Known or Suspected Misconduct*,” and explains the employee’s obligation to report misconduct and discusses indicators for internal misconduct, correction, and fraud. Ensuring employees are reminded of the central role of ethics and integrity plays in earning and maintaining the public’s trust is a vital part of the training.

All new Immigration Services Officers are required to attend the USCIS Academy Training Center’s Immigration Officer Basic Training Program (BASIC). This course includes an Ethics and Integrity module, which is facilitated by a USCIS Ethics Officer, who then assigns various ethical dilemmas to small groups to discuss and then share with the wider class. It emphasizes that integrity is fundamental to the USCIS mission and reminds employees to maintain the highest ethical standards and to report known or suspected misconduct.

In addition to taking the USCIS Ethics and Integrity Course, like ISOs at BASIC, as part of their foundational training, new Asylum Officers (AO) and Refugee Officers (RO) within the Refugee Asylum & International Operations Directorate (RAIO), also attend the “*RAIO Core Values and Guiding Principles for RAIO Employees*.” This course stresses the core value of integrity and includes a practical exercise where officers identify types of situations they may encounter on the job which would require them to apply these principles. Prior to taking the RAIO Core Values training, each AO and RO sign the Student Honor Code Pledge, agreeing to refrain from unauthorized assistance during the training.

In addition, the USCIS Ethics Office conducts Ethics and Integrity webinars for new supervisors to address issues specific to management and to give new agency leaders an opportunity to discuss issues with an Ethics Officer.

USCIS created and published integrity-related materials and made them available on the USCIS Intranet for all employees. In March 2009, the OSI launched a misconduct prevention video focusing on preventing workplace misconduct. The video, “*A Spirit of Integrity . . . the Heart of Mission Success*,” emphasizes the importance of strong internal controls, and encourages employees to report suspected misconduct. In January 2011, the OSI developed the “*Integrity Begins with You*” guidebook, which explains the important role employees play in ensuring the integrity of the immigration system.

The OI also provides misconduct training to new employees as part of USCIS’ new employee orientation and the OI actively engages with USCIS Directorates and Program Offices to provide training, support, and guidance for MIOs on how to ensure timely, high-quality resolution of misconduct allegations.

In August 2021, the OI revised and updated USCIS Management Directive 256-005.1 “*Reporting Known or Suspected Misconduct*.” This directive established the policy for mandatory reporting requirements for known or suspected misconduct. These requirements include, but are not limited to, violations or suspected violations of federal, state, or local laws and agency rules, regulation, or policies.

Further, to make this directive and all other integrity guidance accessible to employees, the OI developed a USCIS OI Connect intranet site that directs USCIS federal and contractor employees to resources and information on a broad range of ethics, integrity, and misconduct issues.

VIII. Historic Trends

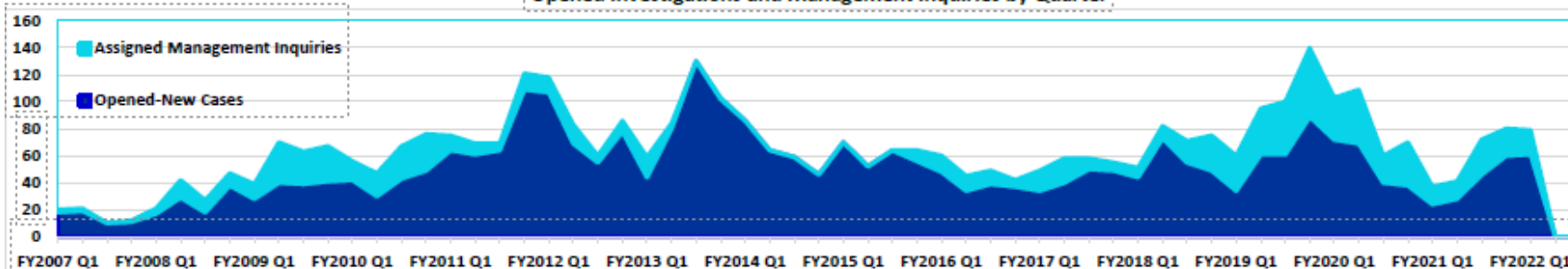
The following historic charts illustrate the OI’s internal affairs investigative activities.⁹ The relative increase in the number of assigned management Inquiries and investigative cases handled by the USCIS during 2020 are the result of several factors: the increase in the number of USCIS employees; enhanced employee awareness of the need to report suspected misconduct; and a significant increase in the number of allegations referred to the OI from the DHS OIG.

Beginning in 2016, the MIP allowed the OI to use its resources strategically by using local MIOs to address less complex and less serious allegations while focusing the OI resources on more serious allegations of misconduct, corruption, and fraud.

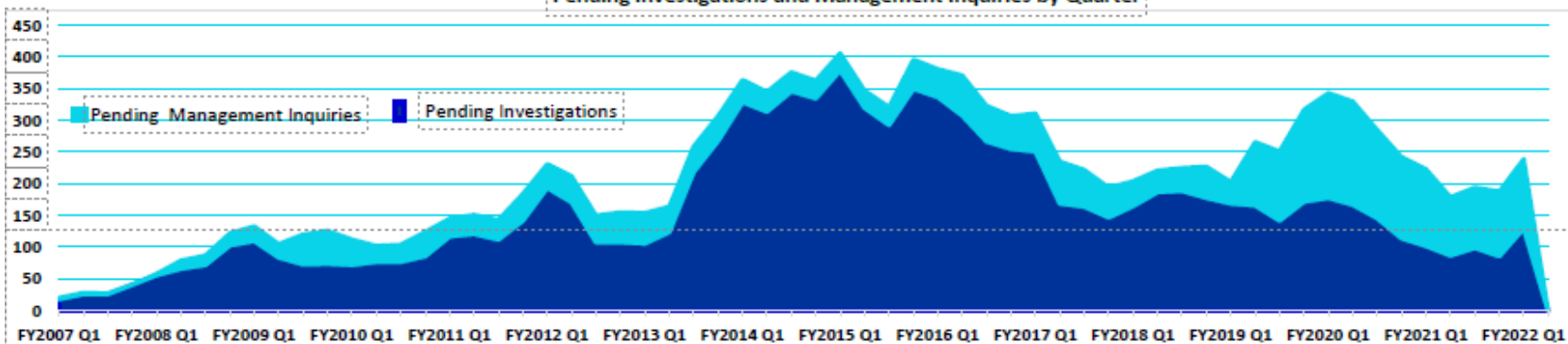
In addition, the OI implemented more defined acceptance criteria to screen potential cases; updated internal policies that provide more investigative flexibilities to Special Agents; re-emphasized completing investigations; and reevaluated existing cases in the investigative queue.

⁹ These charts reflect the OI and management inquiry investigations only. Cases referred to other investigative agencies are not included because those statistics are reported as part of their agency statistics. While the OI monitors the status of these cases, once referred they are no longer within our investigative purview.

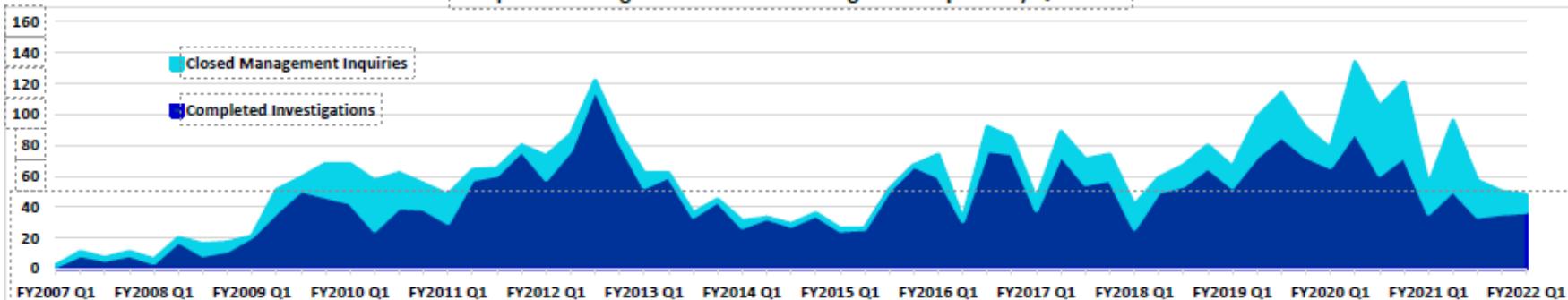
Opened Investigations and Management Inquiries by Quarter



Pending Investigations and Management Inquiries by Quarter



Completed Investigations and Closed Management Inquiries by Quarter¹²



¹² The spike in completed cases in 2012 is a result of the completion of the earlier surge in new cases in the latter half of 2011. OI typically experiences a dip in completed investigations during the first quarter of most fiscal years as a result of several factors: reduced travel while awaiting travel funding at the beginning of each fiscal year and holiday leave of both investigators and subjects who are interviewed for the cases.

IX. Conclusion

OI, in coordination with other USCIS offices and the DHS OIG, continues to enhance the agency's internal affairs capability. In addition to conducting investigations of employee misconduct and overseeing the training and execution of the MIP, OI devoted significant resources to outreach via its USCIS intranet page to foster a culture of integrity, respect, and professionalism within USCIS.