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June 27, 2016

VIA ELECTRONIC TRANSMISSION

The Honorable Jeh Johnson
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Johnson:

On September 10, 2014, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released a report about the DHS Visa Security Program (VSP) containing ten recommendations to improve the program.¹ As of March 15, 2016, only five of the ten recommendations have been implemented by DHS. The report further found that the VSP's potential in counteracting threats before they enter the United States is extremely handicapped due to the inability of U.S. Immigration Customs Enforcement (ICE) to accurately assess the effectiveness of the program. The program was developed in 2002 to allow Homeland Security Investigations (HSI) special agents to deploy to consular posts overseas to interdict criminals and terrorists, like the 9/11 hijackers, by screening and vetting oversees applicants who exploit the visa process to enter the United States.²

The VSP has been touted as the "first line of defense in the visa process against terrorists and criminal organizations by preventing foreign nationals who pose a threat to national security from entering the United States," yet despite the importance of the program, the OIG recommendations were not implemented.³ The recommendations awaiting complete implementation include suggestions to "develop performance measures that [ICE] can use to accurately determine the success of the VSP in meeting mission objectives."⁴ While ICE concurs with the recommendation, it has delayed creating the performance measures until the Pre-Adjudicated Threat Recognition and Intelligence Operations Team (PATRIOT), the

¹ Department of Homeland Security Office of Inspector General Report dated September 10, 2014 on the DHS Visa Security Program, addressed to Commissioner Kerlikowske, U.S. Customs and Border Protection and Deputy Assistant Secretary Windowski, U.S. Immigration and Customs Enforcement from John Roth, Inspector General.

² Department of Homeland Security-Preventing Terrorism-Visa Security Program: www.ice.gov/visa-security-program

³ www.ice.gov/sites/default/files/documents/Speech/2016/160315saldana.pdf

⁴ ID1 at 13

information technology modernization initiative to integrate ICE, U.S. Customs and Border Protection (CBP), and U.S. Department of State (DOS) systems, is fully deployed. Deployment of the PATRIOT program was initiated over 5 years ago.

Another recommendation included developing and implementing a training curriculum for consular employees at Visa Security Unit (VSU) posts in coordination with the Bureau of Consular Affairs.⁵ In Section 428(e)(2)(A) of the Homeland Security Act of 2002, VSP Special Agents are required to provide “expert advice” and training to consular officers.⁶ The 2014 OIG report identified discrepancies in the amount of training offered to consular officers to identify security threats. This recommendation remains to be implemented.

On March 15, 2016, Inspector General John Roth provided testimony to the U.S. Senate Committee on Homeland Security and Governmental Affairs regarding the security of U.S. Visa Programs.⁷ Roth testified that “the effectiveness of the Visa Security Program cannot be determined. Notwithstanding that ICE was required to develop measures to assess performance, it has not taken appropriate actions to ensure that (1) data needed to assess program performance is collected and reported, (2) appropriate advice and training is provided to consular officers, and (3) the amount of time needed for visa security related activities at each post is tracked and used in determining staffing and funding needs. As a result, to this date ICE is unable to ensure that the Visa Security Program is operating as intended.”⁸

Congress has repeatedly voiced concerns that the VSP has not established more VSUs in visa-issuing posts.⁹ To date, ICE has established only 26 VSUs out of 225 visa-issuing posts. In August 2010, ICE officials acknowledged that a solution to the VSP slow expansion might be the PATRIOT program and further explained this initiative will be capable of screening visa applications from all visa-issuing posts.¹⁰ This initiative is supposed to integrate ICE, CBP and DOS systems to identify national security, public safety, and other visa eligibility concerns. According to the 2014 OIG report, the implementation of PATRIOT has allowed for better VSP data collection and reporting for the 26 VSP posts at high-risk locations in 20 countries.

Accordingly, please provide an update as to the response of the outstanding recommendations that Inspector General Roth referenced during his March 15, 2016, testimony, and answer the following questions for a better understanding of the current VSP programs mission and objectives no later than July 11, 2016.

⁵ *Id.* at 19.

⁶ Memorandum of Understanding between the Secretaries of State and Homeland Security concerning the implementation of Section 428 of the Homeland Security Act of 2002, 6.e.

⁷ Testimony of Inspector General John Roth, before the Committee on Homeland Security and Governmental Affairs. Entitled: The Security of U.S. Visa Programs. Dated March 15, 2016. www.oig.dhs.gov/assets/TM/2016/OIGtm-JR-031516.pdf

⁸ *Id.* at 7.

⁹ Department of Homeland Security Office of Inspector General Report dated September 10, 2014 on the DHS Visa Security Program, addressed to Commissioner Kerlikowske, U.S. Customs and Border Protection and Principal Deputy Assistant Secretary Winkowski, U.S. Immigration and Customs Enforcement from John Roth, Inspector General.

¹⁰ *Id.*

1. What are the Department's plans to address the remaining 5 recommendations highlighted in Inspector General Roth's testimony? Please explain.
2. In a survey conducted by the OIG, 94% of VSP agents who responded to the survey said they provide training to Consular Officers. However, only 64% of the Consular Officers that responded to the survey said that they received training at VSU posts. As these Consular Officers are on the front line in preventing terrorists and other inadmissible aliens from entering the United States, the lack of coordination and training of consular officers is alarming. How do you explain this discrepancy?¹¹
3. In the 2014 OIG report, recommendation #1 requested the development and implementation of performance metrics that accurately determine the success of VSP objectives. Please provide a copy of the performance metrics.
4. What is the status of ICE's Five Year Expansion Plan that was established in 2007?
5. Please provide a list of current VSP posts, including the date on which each post was opened and the number of agents staffing the post.
6. According to the 2014 OIG report, ICE and DOS agreed in 2007 to a five-year expansion plan for the VSP that projected deployment to 32 additional posts in 2009 through 2013.
 - a. Please provide the list of 32 posts included in the referenced expansion plan and identify which of those 32 posts have since been established.
 - b. Please provide the list of posts that are currently on the VSP expansion plan.
 - c. What is the timeline to expand the VSP to each of the other visa issuing posts in the current expansion plan?
7. What method does ICE use to determine which visa-issuing post requires a Visa Security Unit? Please explain.
8. What is the status of the PATRIOT initiative? When do you expect it to be fully deployed?
9. For each fiscal year since FY09 please provide:
 - a. The number of visa applications that VSP agents have recommended be denied;
 - b. The number of applications described in question 9(a) that DOS denied. If DHS does not have this data, please explain why DHS did not follow up with DOS to determine if the recommendation to deny was followed;
 - c. An explanation of the outcome for each application in question 9(a) that DOS did not deny.

¹¹ *Id.* at 17

10. Please list all National Security Decision Directive (NSDD-38) requests from FY09 to present made by DHS to DOS for the establishment of VSUs at overseas posts, including the date on which the request was submitted to DOS, as well as the date and substance of the response from DOS (e.g. approval, rejection, still pending).
11. How much does it cost to establish a VSU at an overseas post? How much are annual costs of maintaining a VSU?
12. Please list the request for VSP funding made in each DHS budget request since FY09.

Thank you for your attention to this matter. If you have any questions, please contact Katherine Nikas of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman,
Committee on the Judiciary

cc:

The Honorable Patrick Leahy
Ranking Member
Senate Committee on the Judiciary