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Statement of

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Subcommittees on Border Security and Immigration, and Crime and Counterterrorism

Good afternoon Chairman Cornyn, Ranking Member Padilla, Chairman Hawley, Ranking Member Durbin, and distinguished members of the Subcommittees. Thank you for inviting me to appear before you today to discuss our previous oversight work related to the screening and vetting of displaced people from Afghanistan.

In June 2021, the Department of State requested Department of Defense (DoD) support for the Special Immigrant Visa (SIV) applicant processing by verifying SIV applicants' qualifying employment with the United States. The DoD tasked the Army's National Ground Intelligence Center (NGIC) to support the Department of State request. In July 2021, the Department of State, as the lead Federal agency for Operation Allies Refuge (OAR), began coordinating the U.S. Government's efforts to bring qualified Afghan SIV applicants to the U.S. once their security vetting was completed.

In August 2021, the President designated the Department of Homeland Security (DHS) to lead Operation Allies Welcome (OAW) to support displaced persons from Afghanistan, including those who are eligible for a SIV. DHS was the lead agency responsible for biometric screening of Afghan evacuees traveling to the U.S. and overseas military installations. In this role, DHS worked closely with DoD personnel to conduct overseas biometric enrolling, screening, and vetting activities for Afghan evacuees.¹ In August 2021, the Joint Staff directed the DoD combatant commanders supporting the biometric enrollments during the Afghan relocation mission to assist with screening enrolled individuals against DoD and DHS databases.

In August 2021, to ensure that U.S. agencies vetted Afghan evacuees against all biometric data, NGIC expanded its review of biometric watchlist matches to include non-watchlist matches of all evacuees, in addition to SIV applicants. Customs and Border Protection (CBP) conducted a portion of the enrollments of Afghan evacuees at the overseas staging bases and stored its collected information

¹ Enrollment involves collecting biometric data and does not entail any analysis. Screening is taking enrollments and searching for other information about an individual on other databases. Vetting is a determination of suitability.

in the IDENT database.² The DoD completed the remaining enrollments and screened its information against the DoD Automated Biometric Identification System (ABIS) database.

In October 2021, the DoD initiated Operation Enduring Sentinel (OES) to conduct over-the-horizon counterterrorism operations against threats coming from Afghanistan. The DoD has also engaged in security cooperation activities with Central Asian and South Asian regional partners to build their border security and counterterrorism capacity. The DoD Inspector General serves as the Lead Inspector General (Lead IG) for OES. As the Lead IG for OES, the DoD Office of Inspector General (OIG) issues quarterly reports to Congress on the activities of the U.S. Government in support of OES, as well as the work of the DoD, the Department of State, and the U.S. Agency for International Development (USAID) to further the U.S. Government's policy goals in Afghanistan.³ The quarterly reports also discuss the planned, ongoing, and completed oversight work conducted by the Lead IG agencies—the DoD, Department of State, and USAID OIGs—and partner oversight agencies.

In addition, the DoD OIG issued 21 audit and evaluation reports related to the DoD's support for displaced persons from Afghanistan. Today I will discuss two DoD OIG reports on the DoD's supporting role in enrolling, screening, and vetting those displaced persons.

Screening of Displaced Persons from Afghanistan

In February 2022, we issued a report on DoD tracking of displaced persons from Afghanistan through the biometric enrollment, screening, and vetting process.⁴ The DoD had a supporting role during the biometric enrollment of Afghan evacuees in staging locations outside the continental U.S. and assisted in screening SIV applicants.

We determined that the National Counterterrorism Center (NCTC) was not using all DoD data to vet Afghan evacuees prior their arrival in the continental U.S. Specifically, the NCTC did not have

² The name of the IDENT database is the DHS Automated Biometric Identification System.

³ Section 419 of the Inspector General Act of 1978, as amended, requires the Lead Inspector General for an overseas contingency operation to provide quarterly reports on the contingency operation.

⁴ DoD OIG Report No. DODIG-2022-065, "Evaluation of the Screening of Displaced Persons from Afghanistan," February 15, 2022.

access to some DoD biometric and contextual data in the ABIS database, such as tactical operations debriefings and reports or fingerprints from improvised explosive devices, or access to intelligence databases used by the DoD on the Secret Internet Protocol Router Network. This occurred because CBP enrollments forwarded to the NCTC by the National Targeting Center for vetting purposes were compared against the DHS IDENT data, which did not initially include all biometric data located in the ABIS database, and because NGIC had agreements with foreign partners that prohibited sharing some ABIS data with U.S. agencies outside of the DoD.

In August 2021, because Afghan evacuees were not screened using all data in the DoD's ABIS database, NGIC personnel expanded their analytic review of Afghan evacuees. By September 17, 2021, NGIC personnel identified 31 Afghans with derogatory information from the DoD ABIS database who were already in the U.S.⁵ By November 2, 2021, NGIC personnel had identified 50 Afghan individuals in the U.S. with information that indicated potential significant security concerns.⁶ NGIC developed informal procedures to notify both the DoD and interagency stakeholders about these individuals. Subsequently, NGIC relied on a broad dissemination list, with the expectation that individual base commanders would attempt to identify if the Afghan of concern was located on their base in the U.S.

As a result, the U.S. faced potential security risks if individuals with derogatory information or security concerns are allowed to stay in the country. In addition, the U.S. Government could mistakenly grant SIV or parolee status to ineligible Afghan evacuees with derogatory information or security concerns.

We made two recommendations to address the deficiencies we identified. We recommended that the DoD negotiate an extension to the temporary sharing agreement of biometric information with DHS beyond the expiration date of December 27, 2021, to allow NGIC personnel to complete their

⁵ Derogatory information is information that potentially justifies an unfavorable fitness or access determination. Such information may prompt a request for additional investigation or clarification to resolve an issue.

⁶ Significant security concerns include individuals whose latent fingerprints have been found on improvised explosive devices and known or suspected terrorists for which NGIC sends derogatory information notifications to appropriate DoD personnel.

analytic review of Afghan evacuees for derogatory information. We also recommended that the Under Secretary of Defense for Intelligence and Security develop procedures for sharing derogatory information on Afghan evacuees with the DoD and interagency stakeholders.

DoD Support to Other Agencies' Requests for Screening of Displaced Persons from Afghanistan

In June 2023, we issued a report on the extent to which the DoD supported other agencies' requests for screening Afghan evacuees.⁷ In addition, we determined the extent to which the DoD followed DoD guidance for deleting biometric information from DoD databases and removing identities from the DoD Biometrically Enabled Watch List (BEWL).⁸

We determined that DoD personnel supported other Federal agencies' requests for screening Afghan evacuees, conducting biometric enrollments of approximately two-thirds of all Afghan evacuees at intermediate staging bases overseas, and conducting counterintelligence screening interviews of Afghans who were identified as a match to the BEWL. In addition, NGIC analysts conducted biometric assessments of all watchlist encounters and biographic analyses of more than 84,000 Afghan evacuee records, and sent out rapid notifications to a wide distribution list to identify evacuees who may pose a threat to national security.

However, NGIC did not consistently follow the BEWL Guide and NGIC standard operating procedures (SOPs) when deciding to retain in or remove some Afghan evacuees from the BEWL. For example, NGIC analysts:

- incorrectly applied removal criteria for U.S. persons to Afghan evacuees who had not been confirmed to have U.S. person status;
- removed Afghans from the BEWL for reasons not cited in the SOPs; and

⁷ DoD OIG Report No. DODIG-2023-088, "Evaluation of DoD Support to Other Agencies' Requests for Screening of Displaced Persons from Afghanistan," June 16, 2023.

⁸ The DoD OIG initiated this evaluation following receipt of an August 4, 2022 letter from two U.S. Senators expressing their concerns based on new allegations raised by a DoD whistleblower.

- inconsistently applied the BEWL Guide and SOPs requiring the use of detailed removal justifications that follow analytic tradecraft standards.

These deviations and inconsistencies occurred for the following reasons.

- Early in the evacuation, NGIC analysts incorrectly assumed that Afghan SIV applicants should be accorded the same status as U.S. persons.
- NGIC's BEWL Guide and SOPs did not include standards for removing Afghans from the BEWL based on theater-specific requirements.
- NGIC senior analysts did not always thoroughly review subordinate analysts' removal justifications and ensure that they followed the BEWL Guide and SOPs.

As a result, NGIC may have removed from the BEWL some Afghan identities that should have been retained on the list. DHS used the BEWL as at least one consideration for its screening and vetting analysis to determine whether Afghan evacuees should be allowed to travel onward and apply for parole into the U.S.

We recommended that the NGIC Commander update BEWL guidance and SOPs to incorporate specific criteria for removal of theater-only requirements, and review and correct all Afghan evacuee BEWL removal records based on updated criteria. We also recommended that the Under Secretary of Defense for Intelligence and Security revise or replace DoD policy to reflect the transition of responsibilities to the Under Secretary of Defense for Intelligence and Security for the management, support, and requirements of the BEWL, and review and approve NGIC's BEWL guidance and SOPs.

The two reports identified significant challenges in the interagency effort to enroll, screen, and vet displaced Afghans for possible security threats before they were granted access to the U.S. This concludes my statement, and I would be happy to answer any questions you have.