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United States Senate

CHARLES E. GRASSLEY

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July 23, 2019

VIA ELECTRONIC SUBMISSION

The Honorable William Barr
Attorney General
U.S. Department of Justice

The Honorable Kevin McAleenan
Acting Secretary
U.S. Department of Homeland Security

Dear Attorney General Barr and Acting Secretary McAleenan:

I write to you both today about findings documented in the *Audit of the Department of Justice's Use of Immigration Sponsorship Programs*, released by the Office of the Inspector General (DOJ-OIG).^[1] In particular, I am concerned about the OIG's findings pertaining to the Department of Justice's (DOJ) "significant public benefit parole" (SPBP) authority, which permits the Attorney General to sponsor foreign nationals – who are otherwise inadmissible and statutorily barred from legal entry – for entry and temporary residency in the United States.^[2] Over the last several years, I have raised concerns about SPBP authority.^[3] ^[4] The OIG's audit confirms that much work needs to be done.

^[1] *Audit of the Department of Justice's Use of Immigration Sponsorship Programs*, Office of the Inspector General, U.S. Department of Justice (June 2019), available at <https://oig.justice.gov/reports/2019/a1932.pdf> [hereinafter "OIG Audit"]

^[2] 8 U.S.C. §1182(d)(5)

^[3] Ltr. from Chmn. Grassley to Secy Johnson (Nov. 3, 2015) available at <https://www.grassley.senate.gov/news/news-releases/administration%E2%80%99s-immigration-parole-practices-exceed-congressional-authorization>

^[4] Ltr. from Chmn. Grassley to Secy Kelly (July 11, 2017) available at <https://www.grassley.senate.gov/news/news-releases/grassley-seeks-visa-and-parole-information-russian-lawyer%E2%80%99s-travel-united-states>

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The OIG's audit suggests that the federal government has been negligent in its responsibility to monitor and track these foreign nationals while they are physically present in the U.S. Specifically, the OIG found "deficiencies in DOJ components' execution of the responsibilities essential to the sponsorship of foreign nationals, including efforts to monitor the location and activities of sponsored foreign nationals."^[5] The OIG also expressed concerns over DOJ's "tracking and reporting of information related to sponsorships, which led to lapses in legal immigration status and generally unreliable data on the population of sponsored foreign nationals."^[6] As both of you are aware, this is extremely worrisome because law enforcement-sponsored foreign nationals often have criminal backgrounds or association with criminal enterprises.^[7] In other words, but for this sponsorship, these individuals would be considered inadmissible.

The Department's failure to properly account for the individuals it sponsors is unsettling and unacceptable. By the OIG's account, in January and February 2018, there were 1,078 SPBP sponsorships "in need of resolution."^[8] This number consists of individuals who have absconded from DOJ control, fallen out of legal status due to the expiration of their sponsorship, or those for whom DOJ has no corresponding documentation.^[9] Specifically, the OIG found that 62 foreign nationals under SPBP sponsorship had absconded from DOJ control.^[10] The U.S. government cannot accept that this number of individuals with criminal backgrounds are meandering throughout the interior, putting the safety and security of Americans at risk. DOJ and DHS must swiftly and effectively locate these individuals and resolve the outstanding SPBP cases.

To better understand what DOJ and DHS are doing to address these concerns, as well as the concerns mentioned by the OIG, please provide written responses to the following questions to my staff by August 12, 2019:

1. What specific steps are both DOJ and DHS taking to address concerns mentioned in the OIG's Audit? In your response, please specifically touch on the following areas of concern:
 - a. instances in which the foreign national absconded or fell out of legal status due to inaction on the part of the sponsoring DOJ component;
 - b. deficiencies in DOJ components' execution of the responsibilities essential to the sponsorship of foreign nationals, including efforts to monitor the location and activities of sponsored foreign nationals;

^[5] OIG Audit, p. 5.

^[6] *Id.*

^[7] Dunleavy, Jerry, *DOJ lost track of dozens of foreign nationals in US to help law enforcement*, Washington Examiner (June 20, 2019) available at <https://www.washingtonexaminer.com/news/doj-lost-track-of-dozens-of-foreign-nationals-in-u-s-to-help-law-enforcement>

^[8] OIG Audit, p. 7.

^[9] *Id.*

^[10] See Dunleavy.

- c. concerns with the tracking and reporting of information related to sponsorships, which led to lapses in legal immigration status and generally unreliable data on the population of sponsored foreign nationals; and
 - d. issues specific to the S visa program, resulting in diminished perceptions of the program's ability to achieve its intent of providing a longer-term-solution for foreign nationals who provide valuable contributions to certain investigations.
- 2. What is the exact number of foreign nationals, with criminal backgrounds and/or criminal affiliation, who were granted SPBP sponsorship and whose locations are now unknown?
 - a. Within this number, what percentage of foreign nationals have had their "parole" status terminated?
- 3. What actions are being taken to improve future communication and reporting between the DOJ and DHS?
- 4. What steps are DOJ and DHS taking to address, monitor, and terminate the status of SPBP-sponsored foreign nationals who have violated the terms of their parole?
- 5. Have state and local law enforcement agencies been notified of individual cases, in which an SPBP-sponsored foreign national has absconded?
- 6. Do DOJ and DHS have a process in place for working with state and local law enforcement if and when SPBP-sponsored foreign nationals have absconded, or violated the terms of their parole?

Thank you for your attention to this matter. Please contact DeLisa Ragsdale or Drew Robinson of my staff at (202) 224- 4515 if you have any questions.

Sincerely,



Charles E. Grassley
Chairman
U.S. Senate Committee on Finance