

SEP 24 2010

**The Honorable Charles Grassley
United States Senator
Washington, DC 20510**

Dear Senator Grassley:

Thank you for your September 10, 2010 letter regarding adjudications conducted by U.S. Citizenship and Immigration Services (USCIS), in particular the approach of USCIS leadership to fraud and national-security concerns. I am pleased to address this very important subject, as it is central to the USCIS mission and to my efforts since I joined the agency.

I am dedicated to seeing that USCIS adjudicate all cases according to the statutory requirements established by Congress, with great care taken to identify fraud and those individuals who may be a threat to the American people. Our agency has no higher priority than safeguarding national security and the integrity of the immigration system. I am focused on these matters, and I am proud of our strong partnerships with law-enforcement and intelligence agencies within the Department of Homeland Security (DHS) and throughout the government.

During my thirteen months at USCIS, I have taken substantial steps to strengthen our safeguards against fraud and national-security threats. My work in the enforcement area draws on my time as an Assistant United States Attorney and United States Attorney, when I participated in the prosecution of hundreds of cases involving immigration crimes and other violations of our nation's laws. Among other important enhancements of USCIS's national security and anti-fraud programs, I have:

- Elevated our anti-fraud and national-security efforts by creating a new operational component, the Fraud Detection and National Security Directorate (FDNS), dedicated exclusively to those priorities;**
- Expanded support to law enforcement and intelligence communities with additional FDNS officers detailed to joint terrorism task forces and other inter-agency operations;**
- Fully implemented and expanded our Administrative Site Visit Verification Program designed to prevent, detect, deter, and punish fraud in the H-1B and religious worker visa programs. We are currently in the process of hiring more than 80 new FDNS officers to transition this program to one implemented by federal employees, in contrast to the contract personnel who formerly implemented this program;**

- Developed and transitioned to an electronic FBI name check program and database; and,
- Supported hundreds of counterterrorism investigations in response to requests for information from our intelligence and law-enforcement partners, as well as through the course of vetting derogatory information that emerges in connection with applications and petitions filed with USCIS.

Your letter expressed a concern about alleged improper pressure on some within the agency to increase approval rates at the expense of the statutory eligibility requirements and appropriate scrutiny for fraud and security risks. You also noted claims that personnel decisions involving USCIS's California Service Center may have been made in retaliation against those who stated allegations of improper pressure.

I agree wholeheartedly with you that those types of improper pressure and retaliation, wherever they may occur, are unacceptable. It is my expectation that USCIS personnel will work to reach the correct result dictated by the facts and the law in each individual case, not to reach a particular level of approvals or denials. Bare approval and denial rates are useful only to the extent they may help identify inconsistencies in adjudications around the agency. I have been very publicly focused on maintaining consistent vigilance toward fraud and security threats, as well as ensuring consistent application of the law in all of USCIS's work.

Let me also assure you that it is USCIS's policy and practice to cooperate fully with all investigations conducted by the DHS Inspector General.

Your letter included five questions and requests related to the personnel matters that you identified. I am pleased to address each of those questions and will do so in the order in which they appeared in your letter.

1. An SES employee may be reassigned at any time to a different SES position for which that person is qualified. USCIS reassigned SES leadership at the California Service Center to increase the effectiveness of the agency's performance in the best manner available, in light of our important responsibilities under the law. The reassignments were made consistent with all applicable rules and requirements.
2. Relocations of SES personnel at USCIS are governed by the reassignment provisions found at 5 C.F.R. Part 317. Those regulations permit an agency to reassign a career SES appointee to any other SES position for which that employee is qualified. See 5 C.F.R. 317.901(b).

3. From August 1, 2007 to August 31, 2010, USCIS made 25 reassignments of SES personnel.

You requested supporting documentation for each reassignment. To allow us to be as comprehensive as possible in responding to your request, while also respecting the privacy rights of all individuals concerned, we have referred this specific part of your request to the USCIS Freedom of Information Act (FOIA) unit for processing under FOIA, Title 5 USC § 552 and U.S. Department of Justice, Office of Information Privacy guidance, *Congressional Access Under FOIA*, FOIA Update, Vol. V, No.1, 1984.

4. You requested copies of all documents, including internal email and memoranda, related to the transfer of the "two or three California Service Center employees" and any inquiry USCIS may have conducted in which they were subjects. To allow us to be as comprehensive as possible in responding to your request, while also respecting the privacy rights of all individuals concerned, we have referred this specific part of your request to the USCIS FOIA unit, in the same manner indicated for the document request under item 3 above.

5. In response to your request that we make five specified employees available for an interview, the USCIS Office of Legislative Affairs has forwarded your letter and request to all five employees. Our Office of Legislative Affairs noted Brian Downey of your staff as the contact person for arranging an interview and also reiterated the preferred time frame of your request.

Independent of the conversations your staff may have with the individual employees about their own understanding of the subject matter you raised in your letter, I am always ready to communicate with you when you have questions and concerns about USCIS's official policies and practices.

Thank you again for your letter. In all my actions as Director, I will continue to prioritize safeguarding our national security and protecting the integrity of our immigration system. I look forward to collaborating with you and your staff on those critical shared objectives.

Sincerely,

A handwritten signature in black ink, reading "Alejandro N. Mayorkas". The signature is fluid and cursive, with the first name "Alejandro" being the most prominent part.

Alejandro N. Mayorkas
Director