

**United States Senate**  
WASHINGTON, DC 20510

October 29, 2024

**VIA ELECTRONIC TRANSMISSION**

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security

Dear Secretary Mayorkas:

According to the Department of Homeland Security (DHS) Office of Inspector General (OIG), in fiscal year 2023, over 363 million people sought entry into the United States.<sup>1</sup> DHS and its components, Customs and Border Patrol (CBP) and U.S. Citizenship and Immigration Services (USCIS), are supposed to play an important role in screening and vetting individuals before they enter our country.<sup>2</sup> CBP is responsible for identifying dangerous and inadmissible noncitizen travelers seeking to enter the U.S. by air, land, and sea ports of entry (POE) by verifying individuals' identities against travel documents.<sup>3</sup> USCIS determines whether noncitizens seeking asylum are eligible to remain in the country as asylees by collecting biometrics and conducting asylum interviews.<sup>4</sup> However, I have raised concerns, which have gone unanswered, about the inadequacy of the Biden-Harris administration's screening and vetting of migrants seeking asylum and admission into the U.S.<sup>5</sup>

On June 7, 2024, the DHS OIG issued a report entitled, *DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States*.<sup>6</sup> DHS OIG found DHS technology and procedures "were not fully effective to screen and vet" noncitizens and asylum seekers applying for admission into the United States.<sup>7</sup> Without any change, DHS OIG stated DHS is at "risk of admitting dangerous persons into the country or enabling asylum seekers who may pose significant threats to public safety and national security."<sup>8</sup>

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<sup>1</sup> Office of Inspector General of the Department of Homeland Security, Office of Inspector General, *Final Report – DHS Needs to Improve Its Screening and Vetting of Asylum Seekers and Noncitizens Applying for Admission into the United States* (OIG-24-27), at 1 (June 7, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-06/OIG-24-27-Jun24-Redacted.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 3-4. Affirmative asylum seekers must be present in the United States, not be an unaccompanied minor, and not be subject to immigration removal proceedings or have a removal order. Defensive asylum seekers assert asylum as a defense against removal from the United States and must be in removal proceedings with the Department of Justice's Executive Office for Immigration Review (EOIR).

<sup>5</sup> Letter from Charles E. Grassley, Ranking Member, Senate Budget Committee, to the Honorable Alejandro Mayorkas (Oct. 26, 2023), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_dhs\\_mayorkas\\_cpb\\_miller\\_ice\\_lechleitner\\_-\\_cbp\\_one.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_dhs_mayorkas_cpb_miller_ice_lechleitner_-_cbp_one.pdf) (discussing concerns with DHS's CBP One phone app which was used to parole thousands of Special Interest Aliens (SIAs) into the United States from countries designated as a national security concern); Letter from Charles E. Grassley, Ranking Member, Senate Budget Committee, to the Honorable Alejandro Mayorkas (June 25, 2024), [https://www.grassley.senate.gov/imo/media/doc/grassley\\_to\\_dhs\\_-\\_afghan\\_evacuees\\_oig\\_report.pdf](https://www.grassley.senate.gov/imo/media/doc/grassley_to_dhs_-_afghan_evacuees_oig_report.pdf) (discussing a DHS Office of Inspector General (OIG) report that found DHS failed to properly vet and monitor Afghan evacuees paroled into the United States under Operation Allies Welcome (OAW)); see also Office of the Inspector General of the Department of Homeland Security, Office of Inspector General, *DHS Has a Fragmented Process for Identifying and Resolving Derogatory Information for Operation Allies Welcome Parolees* (OIG-24-24), at 1 (May 6, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-05/OIG-24-24-May24.pdf>.

<sup>6</sup> *Supra* note 1.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

DHS OIG reported that although CBP deployed new technology to process travelers, it still could not access all the necessary data to conduct complete screenings.<sup>9</sup> Specifically, the report noted there are data sharing limitations between DHS's biometric system, and the Department of Defense's (DoD) biometric system, Automated Biometric Identification System (ABIS), which contains DoD's Biometrically Enabled Watchlist (BEWL).<sup>10</sup> The report stated that access to ABIS and BEWL data is "vital for CBP to make a fully informed decision regarding traveler admissibility."<sup>11</sup> DHS OIG also noted CBP lacked camera technology to conduct instant facial comparisons for travelers arriving in vehicles, requiring CBP officers to manually inspect travel documents.<sup>12</sup> DHS OIG found CBP used varied and inconsistent inspection procedures.<sup>13</sup> For example, the report indicated CBP directed officers to only query drivers, not other passengers, to expedite processing.<sup>14</sup> According to the report, this practice leaves CBP officers "unaware of potentially derogatory information about persons in a vehicle other than the driver."<sup>15</sup>

Additionally, DHS OIG found USCIS did not always adjudicate affirmative asylum applications in a timely manner and failed to perform interim screenings.<sup>16</sup> The report identified over 413,000 cases that USCIS took up to five years to adjudicate and found USCIS did not rescreen applicants during this period.<sup>17</sup> This means that USCIS failed to identify applicants who committed crimes or should have been considered a potential threat while residing in the United States.<sup>18</sup> According to the report, a 2020 review of backlogged USCIS asylum cases revealed derogatory information for 53,649 of the 330,000 pending applications, with at least 620 involving national security concerns.<sup>19</sup> DHS OIG found that the USCIS interim screening processes were limited and "do not provide USCIS a holistic view to identify persons whose actions while residing in the country may pose a risk to public safety and national security."<sup>20</sup>

As a result of this report, DHS OIG made five recommendations, all which DHS concurred with but according to the DHS OIG report, the status of these recommendations remain open.<sup>21</sup> Further, it was recently reported that DHS has admitted more than 100 migrants with potential ties to the dangerous Venezuelan gang Tren de Aragua into the U.S. that the agency now deems "subjects of interests" and recommends be placed on the FBI's Watchlist for Transnational Criminal Organizations.<sup>22</sup> It is imperative that DHS take all the necessary steps to keep our homeland safe and ensure that all noncitizens and asylum seekers who enter the United States are properly screened and vetted. Our communities must be protected.

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<sup>9</sup> *Id.* at 5. From 2018 to 2023, CBP implemented new technology for instant facial comparison at air POEs and land POE pedestrian lanes. This technology allows CBP officers to improve detection of imposters and confirm traveler identities in less than one second. As of April 2023, 1,767 imposters were identified using this technology.

<sup>10</sup> *Id.* at 6.

<sup>11</sup> *Supra* note 1 at 6.

<sup>12</sup> *Id.* at 10.

<sup>13</sup> *Id.* at 7.

<sup>14</sup> *Id.* At all three POEs DHS OIG visited, CBP officers did not query all vehicle occupants to identify criminal warrants, national security concerns, or border crossing history before admitting them into the country.

<sup>15</sup> *Id.* at 8.

<sup>16</sup> *Supra* note 1 at 11; *see also* 8 U.S.C. § 1158(d)(5)(A)(ii)-(iii) (requiring USCIS to adjudicate affirmative asylum applications within 180 days after the filing date, unless exceptional circumstances exist).

<sup>17</sup> *Id.* at 12.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* at 13.

<sup>20</sup> *Id.* at 12.

<sup>21</sup> *Supra* note 1 at 14-15.

<sup>22</sup> *See* Adam Shaw, Griff Jenkins, Bill Melugin, *DHS identifies hundreds of migrants with possible ties to bloodthirsty Venezuelan gang*, Fox News (Oct. 23, 2024) <https://www.foxnews.com/politics/dhs-identifies-hundreds-migrants-in-us-possible-ties-bloodthirsty-venezuelan-gang>.

Accordingly, please answer the following questions no later than November 12, 2024:

1. What steps has DHS taken, or plans to take, to close the open recommendations from the June 7, 2024, report? Provide all records.<sup>23</sup>
2. For all noncitizen travelers who arrived at a United States land POE from 2021 as of the date of this letter, please answer the following:
  - a. How many did CBP admit into the country who were later found to be on DoD's Biometrically Enabled Watchlist (BEWL)? Provide all records.
  - b. How many vehicle travelers did CBP admit into the country without a query into the travelers' criminal record, border crossing history, or any potential national security concerns? Provide all records.
  - c. How many were later deemed subjects of interests? Provide all records.
3. For all asylum seekers with pending asylum applications from 2021 as of the date of this letter, please answer the following:
  - a. How many were charged or convicted of a crime while awaiting USCIS review of their asylum application? Provide all records.
  - b. How many received a removal order or were subject to a removal proceeding while awaiting USCIS review of their asylum application? Provide all records.
  - c. How many were later deemed subjects of interests? Provide all records.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Brian Randolph and Tucker Akin on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

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<sup>23</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).