

United States Senate

WASHINGTON, DC 20510

June 25, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Director Wray:

On May 26, 2022, and August 22, 2022, I wrote to you requesting information regarding the screening and vetting of individuals evacuated from Afghanistan through Operations Allies Refuge and those resettled in the United States under Operation Allies Welcome (OAW).¹ Those letters highlighted the February 15, 2022, report from the Office of the Inspector of the Department of Defense entitled, *Evaluation of the Screening of Displaced Persons from Afghanistan*.² The report revealed that Afghan evacuees were not vetted against all available DOD tactical data prior to being paroled into the United States by the Department of Homeland Security (DHS).³ This report found that, as a result of the Biden administration's failure to vet, at least 50 Afghan evacuees paroled into the United States were flagged for the FBI by the National Ground Intelligence Center (NGIC) as "potentially significant security concerns."⁴

Importantly, on July 14, 2022, the FBI participated in a classified multi-agency briefing to congressional staff regarding this matter and shared new information beyond the more than 50 individuals initially flagged by NGIC. While Biden administration officials asserted that the relevant information provided at that staff briefing was classified, similar information in other contexts is unclassified. The American people deserve answers about President Biden's decision

¹ Letter from Sen. Charles E. Grassley, Ranking Member, Senate Judiciary Committee, Sen. Rob Portman, Ranking Member, Senate Homeland Security and Government Affairs Committee, and Sen. James M. Inhofe, Ranking Member, Senate Armed Services Committee, to the Honorable Christopher Wray, Director, Federal Bureau of Investigation (May 26,

2022) https://www.grassley.senate.gov/imo/media/doc/ceg_et_al.tofbiupdateonafghanevacueevetting.pdf; see also Letter from Sen. Charles E. Grassley, Ranking Member, Senate Judiciary Committee, Sen. Rob Portman, Ranking Member, Senate Homeland Security and Government Affairs Committee, and Sen. James M. Inhofe, Ranking Member, Senate Armed Services Committee, to the Honorable Christopher Wray, Director, Federal Bureau of Investigation (Aug. 22, 2022) https://www.grassley.senate.gov/imo/media/doc/grassley_portman_inhofe_to_fbi_-_afghan_vetting_follow-up.pdf.

² Office of the Inspector General of the Department of Defense, *Evaluation of the Screening of Displaced Persons from Afghanistan* (DODIG-2022-065) (Feb. 15, 2022) <https://www.dodig.mil/reports.html/article/2938359/evaluation-of-the-screening-of-displaced-persons-from-afghanistan-dodig-2022-065/>.

³ *Id.* at 9. The term "vetted" is used in the report to describe the process of screening evacuees using biometric data and not typical vetting with in-person interviews that is used for immigration purposes.

⁴ *Id.*

to parole individuals into the country without adequate screening and to understand the FBI's role in assessing and investigating these security concerns.

Moreover, during the August 4, 2022, Senate Judiciary Committee FBI Oversight Hearing, I asked you whether the FBI knows where certain flagged evacuees are located.⁵ You responded:

We have a lot of information about where people are located. I can't sit here right now and tell you that we know where all are located at any given time. That's probably true.⁶

As the August 22, 2022, letter to you noted, your response did not inspire confidence that the FBI knows the exact location of at least 50 Afghan evacuees with significant security concerns.⁷ To date, you have failed to provide any meaningful update with respect to your testimony.

More recently, on May 6, 2024, the DHS OIG released a report entitled, *DHS Has a Fragmented Process for Identifying and Resolving Derogatory Information for Operation Allies Welcome Parolees*.⁸ Unfortunately, this report confirms the concerns I, and my colleagues, outlined previously – that the Biden administration failed to properly vet Afghan evacuees. Specifically, the report notes DHS has a “fragmented process for identifying and resolving issues for noncitizens with derogatory information, including OAW parolees.”⁹ Further, DHS's approach “creates potential gaps in CBP, USCIS, and ICE's responsibility for terminating parole, initiating removal proceedings, or monitoring parole expiration.”¹⁰

The report also noted the FBI's refusal to provide U.S Citizenship and Immigration Services (USCIS) with full access to its National Crime Information Center Interstate Identification Index (Triple I) System.¹¹ According to the DHS OIG report, this refusal was because “the FBI does not consider USCIS a criminal justice agency and deems immigration and naturalization issues as noncriminal justice matters.”¹² The DHS OIG report also found that OAW parolees “were later convicted of committing crimes such as abusive sexual contact with a minor, indecent exposure, sexual assault, auto grand larceny, assault, and battery.”¹³ The Biden administration's failure to properly vet evacuees and the FBI's concurrent failure to provide full access to the Triple I system have put American communities at risk.

⁵ Oversight of the Federal Bureau of Investigation: Hearing before the U.S. Senate Committee on the Judiciary, 117th Cong. (2022), <https://www.judiciary.senate.gov/committee-activity/hearings/08/04/2022/oversight-of-the-federal-bureau-of-investigation>.

⁶ *Id.*

⁷ *Supra* note 1 (Aug. 22, 2022).

⁸ DHS, Office of Inspector General, *OIG-24-24, DHS Has a Fragmented Process for Identifying and Resolving Derogatory Information for Operation Allies Welcome Parolees* (May 6, 2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-05/OIG-24-24-May24.pdf>.

⁹ *Id.* at 21.

¹⁰ *Id.*

¹¹ *Id.* at 12.

¹² *Id.*

¹³ *Id.* at 10, 15.

Clearly, not only is vetting OAW Afghan evacuees a national security issue, but it is also a criminal justice matter. The FBI has responsibility to provide DHS access to relevant databases to allow the agency to properly adjudicate the immigration status of these individuals.

So Congress may conduct objective and independent oversight concerning the FBI's efforts to protect the American taxpayer from potential security concerns because of the Biden administration's failure to vet Afghan evacuees, provide answers to the following no later than July 9, 2024. Notably, the FBI has provided answers to some of these questions in a classified setting; however, the FBI has improperly classified the information. Therefore, I am requesting updated data and that it be delivered in an unclassified form, rather than hiding it from the American public.

1. Describe, in detail, actions the FBI has taken to monitor Afghan evacuees deemed a significant or potentially significant national security concern.
2. How many Afghan evacuees deemed a national security concern are currently located in the United States? Is the FBI aware of their location?
3. How many Afghan evacuees deemed a national security concern have been cleared and are no longer deemed a concern?
4. How many Afghan evacuees deemed a potential national security concern are currently subject to an assessment, preliminary investigation, or full investigation? Does the FBI know where each is located?
5. Will the FBI provide USCIS full access to its Triple I system? If not, why not?

Thank you for your prompt review and responses. If you have any questions, please contact Tucker Akin of my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget