

**Potentially Ineligible  
Individuals Have Been  
Granted U.S. Citizenship  
Because of Incomplete  
Fingerprint Records**





# DHS OIG HIGHLIGHTS

## *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records*

**September 8, 2016**

### **Why We Did This Inspection**

When aliens apply for U.S. citizenship, U.S. Citizenship and Immigration Services (USCIS) obtains information about their immigration history through fingerprint records. Our objective was to determine whether USCIS uses these records effectively during the naturalization process.

### **What We Recommend**

We are recommending that ICE finish uploading into the digital repository the fingerprints it identified and that DHS resolve these cases of naturalized citizens who may have been ineligible.

#### **For Further Information:**

Contact our Office of Public Affairs at (202) 254-4100, or email us at [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov)

### **What We Found**

USCIS granted U.S. citizenship to at least 858 individuals ordered deported or removed under another identity when, during the naturalization process, their digital fingerprint records were not available. The digital records were not available because although USCIS procedures require checking applicants' fingerprints against both the Department of Homeland Security's and the Federal Bureau of Investigation's (FBI) digital fingerprint repositories, neither contains all old fingerprint records. Not all old records were included in the DHS repository when it was being developed. Further, U.S. Immigration and Customs Enforcement (ICE) has identified, about 148,000 older fingerprint records that have not been digitized of aliens with final deportation orders or who are criminals or fugitives. The FBI repository is also missing records because, in the past, not all records taken during immigration encounters were forwarded to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing additional individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.

As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but is now taking steps to increase the number of cases to be investigated, particularly those who hold positions of public trust and who have security clearances.

### **Response**

DHS concurred with both recommendations and has begun implementing corrective actions.



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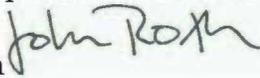
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September 8, 2016

MEMORANDUM FOR: The Honorable León Rodríguez  
Director  
U.S. Citizenship and Immigration Services

The Honorable Sarah R. Saldaña  
Director  
U.S. Immigration and Customs Enforcement

Richard Chavez  
Director  
Office of Operations Coordination

FROM: John Roth   
Inspector General

SUBJECT: *Potentially Ineligible Individuals Have Been Granted  
U.S. Citizenship Because of Incomplete Fingerprint  
Records*

For your action is our final report, *Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records*. We incorporated the formal comments provided by your offices.

The report contains two recommendations aimed at improving the Department's ability to identify and investigate individuals who have obtained or may attempt to obtain naturalization through fraud or misrepresentation. Your offices concurred with both recommendations. Based on information provided in your response to the draft report, we consider both recommendations open and resolved. Once the Department has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your updates to the status of recommendations to [OIGInspectionsFollowup@oig.dhs.gov](mailto:OIGInspectionsFollowup@oig.dhs.gov).

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.



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Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

Please call me with any questions, or your staff may contact Anne L. Richards, Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.

Attachment



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**Abbreviations**

CBP	U.S. Customs and Border Protection
DOJ	Department of Justice
FBI	Federal Bureau of Investigation
FDNS	Fraud Detection and National Security Directorate
HFE	Historical Fingerprint Enrollment
IAFIS	Integrated Automated Fingerprint Identification System
ICE	U.S. Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
INA	Immigration and Nationality Act of 1952
INS	U.S. Immigration and Naturalization Service
NGI	Next Generation Identification
OIG	Office of Inspector General
OPS	Office of Operations Coordination
TSA	Transportation Security Administration
USAO	Offices of the United States Attorneys
USCIS	U.S. Citizenship and Immigration Services
USC	U.S. Code



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### Background

In 2008, a U.S. Customs and Border Protection (CBP) employee identified 206 aliens who had received final deportation orders<sup>1</sup> and subsequently used a different biographic identity, such as a name and date of birth, to obtain an immigration benefit (e.g., legal permanent resident status or citizenship). These aliens came from two special interest countries and two other countries that shared borders with a special interest country.<sup>2</sup> After further research, in 2009, CBP provided the results of Operation Targeting Groups of Inadmissible Subjects, now referred to as Operation Janus, to DHS. In response, the DHS Counterterrorism Working Group coordinated with multiple DHS components to form a working group to address the problem of aliens from special interest countries receiving immigration benefits after changing their identities and concealing their final deportation orders. In 2010, DHS' Office of Operations Coordination (OPS) began coordinating the Operation Janus working group.

In July 2014,<sup>3</sup> OPS provided the Office of Inspector General (OIG) with the names of individuals it had identified as coming from special interest countries or neighboring countries with high rates of immigration fraud, had final deportation orders under another identity, and had become naturalized U.S. citizens. OIG's review of the list of names revealed some were duplicates, which resulted in a final number of 1,029 individuals. Of the 1,029 individuals reported, 858 did not have a digital fingerprint record available in the DHS fingerprint repository at the time U.S. Citizenship and Immigration Services (USCIS) was reviewing and adjudicating their applications for U.S. citizenship.

#### USCIS Review of Naturalization Applicants

People from other countries (aliens) may apply to become naturalized U.S. citizens and may be granted citizenship, provided they meet the eligibility requirements established by Congress in the *Immigration and Nationality Act of 1952* (INA).<sup>4</sup> USCIS adjudicates applications for naturalization, as well as other immigration benefits, such as asylum and lawful permanent resident status. Naturalization eligibility requirements in the INA include lawful admission for

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<sup>1</sup> When an immigration judge orders an alien to be deported the judge issues an order of removal. In this report, we refer to orders of removal as deportation orders.

<sup>2</sup> Special interest countries are generally defined as countries that are of concern to the national security of the United States, based on several U.S. Government reports.

<sup>3</sup> As of November 2015, OPS had identified 953 more individuals who had final deportation orders under another identity and had been naturalized; some of these individuals were from special interest countries or neighboring countries with high rates of fraud. OPS did not capture the dates these 953 individuals' fingerprint records were digitized, so we could not determine the number whose records were available in the DHS digital fingerprint repository when their applications were being reviewed and adjudicated.

<sup>4</sup> 8 U.S. Code (USC) 1101 et seq.



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permanent residence, continuous residence and physical presence in the United States, and good moral character. During the naturalization process, USCIS may determine that aliens who lie under oath about their identity or immigration history do not meet the good moral character requirement. Aliens with final deportation orders may not meet the INA's admissibility requirement, unless other circumstances make them admissible.

On naturalization applications and in interviews, aliens are required to reveal any other identities they have used and whether they have been in deportation proceedings. They must also submit their fingerprints. USCIS checks applicants' fingerprint records throughout the naturalization process. By searching the DHS digital fingerprint repository, the Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigation (FBI) digital fingerprint repository, the Next Generation Identification (NGI) system,<sup>5</sup> USCIS can gather information about an applicant's other identities (if any), criminal arrests and convictions, immigration violations and deportations, and links to terrorism. When there is a matching record, USCIS researches the circumstances underlying the record to determine whether the applicant is still eligible for naturalized citizenship.

If USCIS confirms that an applicant received a final deportation order under a different identity, and there are no other circumstances to provide eligibility, USCIS policy requires denial of naturalization. Also, USCIS may refer the applicant's case to U.S. Immigration and Customs Enforcement (ICE) for investigation. Likewise, if a naturalized citizen is discovered to have been ineligible for citizenship, ICE may investigate the circumstances and refer the case to the Department of Justice for revocation of citizenship.

### **Results of Inspection**

USCIS granted U.S. citizenship to at least 858 individuals ordered deported or removed under another identity when, during the naturalization process, their digital fingerprint records were not in the DHS digital fingerprint repository, IDENT. Although USCIS procedures require checking applicants' fingerprints against both IDENT and NGI, neither repository has all the old fingerprint records available. IDENT is missing records because when they were developing it, neither DHS nor the U.S. Immigration and Naturalization Service (INS), one of its predecessor agencies, digitized and uploaded all old fingerprint records into the repository. Later, ICE identified missing fingerprint records for about 315,000 aliens who had final deportation orders or who were criminals or

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<sup>5</sup> Until September 2014, when the FBI announced it had replaced its old system with NGI, fingerprints were vetted against the Integrated Automated Fingerprint Identification System.  
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fugitives, but it has not yet reviewed about 148,000 aliens' files to try to retrieve and digitize the old fingerprint cards.

NGI is also missing records because, in the past, neither INS nor ICE always forwarded fingerprint records to the FBI. As long as the older fingerprint records have not been digitized and included in the repositories, USCIS risks making naturalization decisions without complete information and, as a result, naturalizing more individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently. As naturalized citizens, these individuals retain many of the rights and privileges of U.S. citizenship, including serving in law enforcement, obtaining a security clearance, and sponsoring other aliens' family members' entry into the United States. ICE has investigated few of these naturalized citizens to determine whether they should be denaturalized, but within the last year has taken steps to identify additional cases for investigation.

### **Missing Digital Fingerprint Records Hinder USCIS' Ability to Fully Review Naturalization Applications**

To determine whether there is any evidence that may make an alien ineligible for an immigration benefit, such as naturalization, USCIS has established procedures to check fingerprints against other sources of information. In addition, applicants are required to reveal all other identities and past immigration or criminal proceedings on their applications. However, even with fingerprint checks, unless fingerprint records are available or applicants reveal their immigration history, USCIS adjudicators will not know about all identities used by applicants, as well as any prior criminal or immigration issues or charges; therefore, they cannot fully review an application. Without this knowledge, adjudicators may grant citizenship to otherwise ineligible individuals.

### The DHS Digital Fingerprint Repository Is Incomplete

During immigration enforcement encounters with aliens, CBP and ICE take fingerprint records. These components and their predecessor, INS, used to collect aliens' fingerprints on two paper cards. One card was supposed to be sent to the FBI to be stored in its repository. The other fingerprint card was to be placed in the alien's file with all other immigration-related documents.

In 2007, DHS established IDENT as the centralized, department-wide digital fingerprint repository. IDENT was built from a digital fingerprint repository



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originally deployed by INS in 1994 (used primarily by the Border Patrol).<sup>6</sup> In 2008, according to officials we interviewed, ICE management directed its employees to send all fingerprints collected during immigration enforcement encounters to both IDENT and the FBI repository (at the time, the Integrated Automated Fingerprint Identification System or IAFIS, now NGI). At the same time, USCIS also began gathering fingerprints digitally and storing them in IDENT; since that time, the fingerprints of individuals who apply for immigration benefits requiring fingerprints are stored in IDENT.

Although fingerprints are now taken digitally and stored in IDENT, the repository is missing digitized fingerprint records of some aliens with final deportation orders, criminal convictions, or fugitive status whose fingerprints were taken on paper cards. The records are missing because when INS initially developed and deployed IDENT in 1994, it did not digitize and upload the fingerprint records it had collected on paper cards. Further, ICE investigators only began consistently uploading fingerprints taken from aliens during law enforcement encounters into the repository around 2010.

ICE has led an effort to digitize old fingerprint records that were taken on cards and upload them into IDENT. In 2011, ICE searched a DHS database for aliens who were fugitives, convicted criminals, or had final deportation orders dating back to 1990. ICE identified about 315,000 such aliens whose fingerprint records were not in IDENT. Because fingerprints are no longer taken on paper cards, this number will not grow. In 2012, DHS received \$5 million from Congress to pull its paper fingerprint cards from aliens' files and digitize and upload them into IDENT, through an ICE-led project called the Historical Fingerprint Enrollment (HFE). Through HFE, ICE began digitizing the old fingerprint cards of the 315,000 aliens with final deportation orders, criminal convictions, or fugitive status and uploading them into IDENT. The process was labor intensive, requiring staff to manually pull the fingerprint cards from aliens' files. ICE reviewed 167,000 aliens' files and uploaded fingerprint records into IDENT before HFE funding was depleted. Some fingerprint cards were missing or unclear and could not be digitized. Since that time, ICE has not received further funding for HFE; efforts to digitize and upload the records have been sporadic, and the process has not been completed.

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<sup>6</sup> In 2004, DHS copied the digital repository deployed by INS in 1994 and made it and other DHS information repositories available to the United States Visitor and Immigrant Status Indicator Technology Program. That program tracked aliens entering and exiting the United States by capturing their biographic information and digital fingerprints when they traveled. This version of IDENT ran in conjunction with the INS-developed digital repository the Border Patrol used until 2007 when the two repositories were merged to form the unified IDENT for all fingerprints collected by DHS.



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#### The FBI Digital Fingerprint Repository Is Incomplete

The FBI has maintained a fingerprint repository since the 1920s, collecting and including in the repository fingerprints from state, local, and Federal agencies. INS and, later, ICE were supposed to provide copies of fingerprints collected during encounters with aliens to the FBI for its repository. In 1999, the FBI established a digital fingerprint repository, IAFIS, which facilitated electronic searches for fingerprint matches. In 2008, IAFIS and IDENT became capable of exchanging information with each other. In 2014, the FBI replaced IAFIS with a new digital fingerprint repository, NGI, which also exchanges information with IDENT.

When identifying aliens who were granted naturalized citizenship even though they had multiple identities and final deportation orders, Operation Janus checked NGI for matching FBI fingerprint records. These checks revealed that NGI does not contain all digital fingerprints from previous INS and ICE actions. ICE officials told us that, in the past, neither INS nor ICE always sent the FBI copies of paper fingerprint cards associated with immigration enforcement encounters. Also according to an official, ICE officers did not always update the information associated with fingerprint records to reflect issuance of final deportation orders. According to the FBI, it has digitized and uploaded into NGI all fingerprint records it received from DHS components and their predecessors, including all records related to immigration enforcement. NGI and IDENT are connected, so IDENT records can be accessed from NGI and NGI records can be accessed from IDENT.

#### USCIS Naturalized Individuals Who Had a Final Deportation Order Under a Different Identity

With neither a fingerprint record in IDENT, nor an admission by the applicant to alert adjudicators to an individual's immigration history, USCIS granted naturalization to individuals with final deportation orders who may not be eligible for citizenship. According to USCIS officials, merely having used multiple identities or having a previous final deportation order does not automatically render an individual ineligible for naturalization. Each applicant's specific circumstances must be thoroughly reviewed before a determination on eligibility can be made.

In these cases, however, USCIS adjudicators did not always have all the information necessary for a thorough review. Of the 1,029 individuals OPS identified who had final deportation orders under another identity and were naturalized, only 170 had fingerprint records in IDENT at the time of naturalization. The other 858 records were subsequently loaded into IDENT, but were not in the repository at the time of naturalization. If applicants had



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revealed the facts of their immigration history, as required, on their applications and in interviews, USCIS adjudicators could have obtained the information. However, our review of 216 of these aliens' files showed that none of the applicants admitted to having another identity and final deportation orders on the naturalization application, and only 4 admitted to another identity and final deportation orders when USCIS adjudicators questioned them.

Because USCIS initially vetted applicants' fingerprints against NGI, adjudicators might also have obtained information about immigration histories from the FBI repository, but it is also missing records. Of the 1,029 naturalized citizens OPS identified as having multiple identities and final deportation orders, 40 had fingerprint records at the FBI. It is not clear whether these fingerprints were in the repository when the individuals were naturalized or whether the fingerprints were related to immigration offenses or other crimes.

### **Few of These Naturalized U.S. Citizens Have Been Investigated**

Although their fingerprint records may not have been available in either the DHS or FBI digital repositories before these individuals were naturalized, all of their digital records are now available and their immigration histories are known. Some of these naturalized citizens may have attempted to defraud the U.S. Government. Yet, having been naturalized, they have many of the rights and privileges of U.S. citizens, including the right to petition for others to come to the United States and the right to work in law enforcement. For example, one U.S. citizen whom Operation Janus identified is now a law enforcement official. Naturalized U.S. citizens may also obtain security clearances or work in sensitive positions. Until they were identified and had their credentials revoked, three of these naturalized citizens obtained licenses to conduct security-sensitive work. One had obtained a Transportation Worker Identification Credential, which allows unescorted access to secure areas of maritime facilities and vessels. Two others received Aviation Workers' credentials, which allow access to secure areas of commercial airports.

Under the INA, a Federal court may revoke naturalization (denaturalize) through a civil or criminal proceeding if the citizenship was obtained through fraud or misrepresentation.<sup>7</sup> However, few of these individuals have been investigated and subsequently denaturalized. As it identified these 1,029 individuals, OPS referred the cases to ICE for investigation. As of March 2015, ICE had closed 90 investigations of these individuals and had 32 open investigations. The Offices of the United States Attorneys (USAO) accepted 2 cases for criminal prosecution, which could lead to denaturalization; the USAO

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<sup>7</sup> 8 USC 1451(a), 8 USC 1451(e), and 18 USC 1425  
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declined 26 cases. ICE transferred two additional cases with fingerprint records linked to terrorism to the FBI's Joint Terrorism Task Force. ICE was scrutinizing another two cases for civil denaturalization.

According to ICE, it previously did not pursue investigation and subsequent revocation of citizenship for most of these individuals because the USAO generally did not accept immigration benefit fraud cases for criminal prosecution. ICE staff told us they needed to focus their resources on investigating cases the USAO will prosecute. In late 2015, however, ICE officials told us they discussed with the Department of Justice Office of Immigration Litigation the need to prosecute these types of cases, and that office agreed to prosecute individuals with Transportation Security Administration (TSA) credentials, security clearances, positions of public trust, or criminal histories. To date, and with assistance from OPS and USCIS, ICE has identified and prioritized 120 individuals to refer to the Department of Justice for potential criminal prosecution and denaturalization.

### **Recent Actions**

In 2016, OPS eliminated Operation Janus and disbanded its staff, which raises concerns about the future ability of ICE and USCIS to continue identifying and prioritizing individuals for investigation. Since 2010 and until recently, Operation Janus identified these individuals, created watchlist entries to ensure law enforcement and immigration officials were aware of them, and coordinated DHS and other agencies' activities related to these individuals. Two DHS employees outside of OPS said that without Operation Janus, it would be difficult to coordinate these cases and combat immigration fraud perpetrated by individuals using multiple identities. We received this information late in our review and cannot assess the future impact of this change.

### **Conclusion**

Given the risk of naturalizing aliens who may be ineligible for this immigration benefit and the difficulty of revoking citizenship, USCIS needs access to all information related to naturalization applicants. Because IDENT does not include 148,000 digitized fingerprint records of aliens with final deportation orders or who are criminals or fugitives, USCIS adjudicators may continue in the future to review and grant applications without full knowledge of applicants' immigration and criminal histories. ICE should review the remaining 148,000 aliens' files and digitize and upload all available fingerprint cards. By making these fingerprint records available in IDENT, USCIS would be better able to identify those aliens should they apply for naturalization or other immigration benefits and ensure a full review of their applications. This, in turn, would help prevent the naturalization of aliens who may be ineligible. In



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addition, the digital fingerprint records could reveal others who have received immigration benefits to which they may not be entitled and should be investigated.

### Recommendations

**Recommendation 1.** We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete the review of the 148,000 alien files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives, and digitize and upload into IDENT all available fingerprint records.

**Recommendation 2.** We recommend that the Directors of USCIS, ICE, and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on these cases until each has been resolved.

### Management Comments and OIG Analysis

DHS concurred with our recommendations and has begun implementing corrective actions. In response to recommendation 1, ICE indicated that it has taken steps to procure contractor services to help review the 148,000 files and to digitize and upload to IDENT available fingerprint records. ICE anticipates awarding the contract before the end of fiscal year 2016. We will track ICE's progress in completing this recommendation.

The Department appears to be taking actions to address recommendation 2. DHS has established a team to review the records of the 858 aliens with final deportation orders who were naturalized under a different identity. The team will also review the 953 cases that OPS identified more recently and that we mention in footnote 3. During these reviews, the team will determine which individuals appear to have been ineligible for naturalization and will coordinate with DOJ for possible prosecution and denaturalization.

In addition, as the 148,000 fingerprints that are available are uploaded to IDENT, the team will evaluate whether any fingerprints match other identities of individuals who have been granted naturalization or other immigration benefits. The team will review records that are identified to determine whether ICE should investigate the individuals and coordinate possible prosecution



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with DOJ. DHS plans to complete its review of these cases by December 31, 2016. We will track the Department's progress until the work is complete.



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### **Appendix A**

#### **Objective, Scope, and Methodology**

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107–269) by amendment to the *Inspector General Act of 1978*.

The objective of our review was to determine whether USCIS uses fingerprint information effectively to identify naturalization applicants with multiple identities and final deportation orders.

We examined the records of 216 naturalized citizens that DHS OPS identified to confirm whether they: (1) had received final deportation orders under a second identity and (2) did not admit to the final deportation orders or identities on their naturalization applications. We also assessed TECS records and summary information related to investigations of these cases.

We analyzed communications among USCIS, CBP, ICE, and OPS personnel about these cases of possible naturalization fraud. We also reviewed user manuals, policies, system documentation, and summary presentations about the DHS fingerprint repository, IDENT, and the United States Visitor and Immigrant Status Indicator Technology Program Secondary Inspection Tool. We assessed USCIS user manuals, standard operating procedures, policies, guidance, and training material, as well as statutes and regulations related to final deportation orders, the naturalization and denaturalization processes, fraud detection, and use of fingerprint records. We reviewed ICE and CBP policies and procedures for handling naturalized citizens and legal permanent residents who have final orders of deportation under different identities, mission priorities, and coordination between DHS components and the Department of Justice.

We interviewed headquarters staff from DHS OPS, USCIS, ICE, CBP, the National Protection and Programs Directorate, and the Office of Policy. In addition, we travelled to Missouri and Kansas where we interviewed USCIS National Benefits Center staff in the Lee’s Summit and Overland Park offices, and ICE staff at ICE Homeland Security Investigations’ Kansas City field office. In addition, we met with CBP and ICE personnel at Dulles International Airport, JFK International Airport, and Newark Liberty International Airport. We also visited USCIS field offices in New York, New York; Newark, New Jersey; and Baltimore, Maryland, where we spoke with immigration services officers and FDNS personnel. In Virginia, we interviewed several CBP employees who worked in the National Targeting Center and a TSA employee familiar with vetting applicants for TSA-approved credentials. We conducted telephone interviews with USCIS adjudicators in Houston, Texas and Atlanta, Georgia, and ICE investigators in Los Angeles, California, Seattle Washington, and



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Houston, Texas. We interviewed 46 USCIS staff members, 34 ICE staff members, 21 CBP staff members, 3 OPS staff members, and 5 staff members from the DHS Office of Biometric Identity Management and the Office of Policy.

We also interviewed FBI subject matter experts about the FBI fingerprint repository and information exchange with DHS.

After December 2015, we contacted subject matter experts in OPS, ICE, and USCIS to clarify issues in our report and to confirm that the conditions we identified had not changed. In May 2016, we briefed these subject matter experts on our report's findings and conclusions.

We conducted this review from July 2014 to December 2015 under the authority of the *Inspector General Act 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.



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**Appendix B**  
**Management Comments to the Draft Report**

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

August 19, 2016

MEMORANDUM FOR: John Roth  
Inspector General

FROM: Jim H. Crumacker, CIA, CFE   
Director  
Departmental GAO-OIG Liaison Office

SUBJECT: Management's Response to OIG Draft Report: "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records"  
(Project No. 14-127-ISP-DHS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

Over the past 12 years, DHS has developed an integrated data system that provides DHS components with access to digitized fingerprints of individuals stemming from DHS encounters as well as to many federal law enforcement fingerprint records. This system is accessed and reviewed by U.S. Citizenship and Immigration Services (USCIS) as part of the adjudication process of naturalization applications. DHS fingerprints are currently taken in digitized form and included in the DHS repository, which is accessible across DHS components. As the OIG report notes, however, legacy paper-based records of fingerprints taken by DHS or by other law enforcement agencies may not yet be included in DHS's digitized repository of records. Hence, the existence of such legacy paper-based fingerprint records may not be known or accessible at the time of an immigration benefit determination by USCIS.

The OIG recognizes that in the processing of certain naturalization cases, USCIS submitted fingerprint checks that did not return criminal histories and other encounter information due to the absence of digitized fingerprint records in the DHS repository at the time the check was conducted. As a result, USCIS was not made aware of information that may have affected the applicants' eligibility to naturalize. As the OIG report also notes, the fact that the availability of legacy fingerprint records may show that an applicant has a record under a different name, has a prior removal order, or has a prior



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criminal conviction does not necessarily demonstrate that the applicant was ineligible for naturalization or that naturalization was fraudulently obtained. A complete review of the hardcopy DHS "A-file" is necessary to make such a determination.

Consistent with the OIG's recommendations, the Department is undertaking a review of each hardcopy file of the cases identified in OIG's report and will refer to the U.S. Department of Justice (DOJ) those cases that DHS believes warrant criminal or civil denaturalization proceedings. Additionally, the Department is continuing to digitize legacy paper fingerprint records and will continue to determine if the digitization of old records reveals other cases that warrant investigation or referral to DOJ for civil or criminal denaturalization proceedings. The Department is committed to combatting immigration benefit fraud and ensuring that immigration benefits, including naturalization, are only granted to those individuals deserving under the law, thus ensuring the integrity of our immigration system. This includes continuing to identify and remove aliens who present either a danger to national security or a risk to public safety.

As mentioned in the draft report, DHS and its components have taken actions to address challenges posed by the existence of legacy paper-based fingerprint records. Most significantly, transitioning to digital fingerprint records and the implementation of systems such as IDENT means most law enforcement encounters and all DHS immigration encounters are digitally available and searchable across DHS components. These advancements, in addition to continually reviewing new cases as they come to DHS's attention and in conjunction with the steps outlined in this response to address the OIG's recommendations, will assist in substantially mitigating the risk of returning false negative record check results in the future.

The OIG report contained two recommendations, with which the Department concurs. First, as recommended by OIG, the Department is taking action to confirm the enrollment into IDENT of the remaining 148,000 fingerprint records referenced in the OIG report. This will complete the digitization of the 315,000 cases where ICE identified potentially missing paper fingerprint records. As noted in the report, ICE had already completed enrollment of a prioritized set of 167,000 of these records. DHS will continue its ongoing efforts to identify and upload into IDENT any paper fingerprint records not digitally available at the time the Department's repository was being developed and that may not yet be included in IDENT.

Second, as recommended by the OIG, the Department is reviewing each of the cases cited in the OIG report to identify those that warrant referral to the DOJ for civil or criminal denaturalization proceedings. The Department understands that OIG did not conduct an



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in-depth review of each individual case identified in its report<sup>1</sup> to determine if complete criminal histories were not provided to USCIS at the time of the original USCIS review and adjudication of the individuals' naturalization application. Out of an abundance of caution, the Department is reviewing both the cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and cases that the report indicated might lack such records. This effort is being led by USCIS, in collaboration with ICE and DHS headquarters personnel. In consultation with DOJ, DHS will refer appropriate cases for civil or criminal proceedings, including for denaturalization.

This review builds on the prior and ongoing work by ICE and other DHS components to open investigations and work with DOJ to seek denaturalization through civil or criminal proceedings of individuals who are determined to have obtained citizenship unlawfully. The draft report correctly notes that ICE has already prioritized a set of approximately 120 cases that will be referred to DOJ for potential criminal prosecution. Through its operating components, the Department continues to identify and prioritize individuals for investigation, efforts that had previously coordinated under the aegis of Operation Janus.

The draft report contained two recommendations with which the Department concurs. Please find our detailed response to each recommendation attached.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Attachment

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<sup>1</sup> The cases to be reviewed includes not only the 858 individuals OIG identified as not having a digital fingerprint record available in the DHS fingerprint repository at the time USCIS reviewed and adjudicated their naturalization applications, but also the 953 individuals the draft report indicated *may* not have had a digital fingerprint record available in the repository at the time the naturalization applications were reviewed and adjudicated and who had final orders of removal under a different identity. The report did not specifically recommend review of the additional 953 cases, but DHS is subjecting them to the same scrutiny as the 858 cases. Together these total 1,811 names.



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**Attachment: DHS Management Response to Recommendations  
Contained in OIG 14-127-ISP-DHS**

**Recommendation 1:** We recommend that the ICE Deputy Assistant Director for Law Enforcement Systems and Analysis complete its review of the 148,000 files for fingerprint records of aliens with final deportation orders or criminal histories or who are fugitives. It should digitize and upload into IDENT all fingerprint records that are available.

**Response:** Concur. ICE's Enforcement and Removal Operations (ERO) Directorate is currently taking action to confirm the enrollment into IDENT of the 148,000 fingerprint records referenced above, which actually represent "A-files" that may or may not contain one or more fingerprint cards suitable for enrollment in IDENT. To that end, ERO has initiated procurement actions to award a contract by the end of Fiscal Year 2016 to perform this work.

As the draft notes, the enrollment of these fingerprint records will complete a project to enroll approximately 315,000 such records identified by ICE, of which 167,000 were previously reviewed for enrollment.

Estimated Completion Date (ECD): September 30, 2017.

**Recommendation 2:** We recommend that the Directors of USCIS, ICE and OPS establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under a different identity. The plan should include a review of the facts of each case and, if the individual is determined to be ineligible, a recommendation of whether to seek denaturalization through criminal or civil proceedings. The plan should also require documentation and tracking of the decisions made and actions taken on those cases until each has been resolved.

**Response:** Concur. DHS is taking action to develop and implement a plan for reviewing each of the 858 cases identified in OIG's report (as well as the 953 cases mentioned in footnote 3 of the report).

DHS actions include establishing a review team composed of staff from USCIS—which has primary responsibility for adjudication of naturalization applications—with support from ICE, OPS, and others; including oversight from the Department, as appropriate. The review team will analyze each case to determine whether naturalization was legally proper and whether referral to DOJ for criminal or civil denaturalization proceedings is



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warranted<sup>2</sup> The Department understands that OIG did not conduct an in-depth review of each individual case identified in its report. DHS is reviewing both the 858 cases that the draft identifies as not having digitized fingerprint records at the time of adjudication and the 953 cases that the OIG indicates might have lacked such records.

The review team will coordinate with DOJ to ensure consideration of DOJ's standards for bringing civil or criminal proceedings in these cases. In addition, the team will develop procedures to ensure the retention of relevant documentation and will track this process from review initiation to completion. The team will also periodically keep senior Component and Headquarters leadership apprised of its efforts.

As noted in OIG's report, ICE Homeland Security Investigations (HSI) has already initiated a nationwide enforcement operation that identified and prioritized for potential criminal prosecution approximately 120 naturalized citizens with prior criminal or deportation records whose fingerprint records may not have been available at the time of naturalization. ICE HSI continues to work closely with the United States Attorneys Offices (USAO) responsible for the criminal prosecutions of these cases. For any cases where criminal prosecution is declined, USCIS will work with DOJ to determine the appropriateness of civil denaturalization proceedings.

Finally, as the remaining 148,000 records referenced in Recommendation 1 (and any other legacy paper fingerprint records found) are uploaded into IDENT, DHS will use the same process described above to identify and, when appropriate, refer to DOJ any additional cases where the facts and circumstances indicate that naturalization was obtained unlawfully.

The Department understands this recommendation to require DHS to develop and implement a plan for reviewing and evaluating the eligibility for naturalization of those individuals identified in this report. DHS expects to complete its review of these cases by December 31, 2016. The review plan will include referral of cases to DOJ for criminal or civil proceedings including denaturalization proceedings, as appropriate, and such further actions as DOJ determines is warranted.

ECD: September 30, 2017.

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<sup>2</sup> Denaturalization may only be ordered by an Article III federal court. Proceedings for denaturalization must be brought by DOJ. DHS only reviews and refers cases to DOJ with a recommended course of action.



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**Appendix C**  
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