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ONE HUNDRED FOURTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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December 2, 2016

The Honorable Jeh Johnson  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson,

I write regarding background checks for foreign nationals seeking immigration benefits and the seeming lack of ability of U.S. Citizenship and Immigration Services (USCIS) to ensure the completion of such background checks prior to approval of immigration benefits applications.

Specifically, on the morning of November 29, 2016, the Associate Director for the Field Operations Directorate at USCIS, sent an email to USCIS regional and district officials as well as USCIS leadership and senior officials, stating "Effective immediately offices are instructed not to approve or oath any naturalization cases in ELIS. We have identified an issue with FBI Name Checks initiated through ELIS. At this point we are not confident that proper FBI Name Checks have been run on certain ELIS cases. At this point we are uncertain of the scope of the problem...."

The email went on to require that any scheduled naturalization ceremonies be cancelled and that no naturalization applications be approved.

As you know, the FBI Name Check process is an integral and absolutely necessary part of the immigration benefits adjudication process. No applicant should be approved prior to such a check being completed in and with a result showing no concerns. And no immigration benefit application should be approved without ensuring that the Electronic Immigration System (ELIS) is working properly.

I am troubled by the fact that as the Chairman of the Committee of jurisdiction over USCIS, I was not informed about this epic USCIS failure to ensure that immigration benefits applicants were properly vetted as required by law. Your agency made no effort to notify me of this problem. Instead, I was only made aware of it by a confidential source. As such, I request a briefing from USCIS and DHS officials as to the current and any prior concerns with ELIS regarding background checks. In addition, please answer the following questions:

- 1) Since ELIS' implementation, how many times has it not run the requisite background checks? For which immigration benefits categories did this occur? How many applications were affected? How was the situation resolved? Were the checks ultimately run?
- 2) How many naturalization cases were affected by the most recent failure of ELIS to run the requisite Name Checks, as discussed in the November 29, 2016, email?
- 3) On what date and at what time did USCIS become aware of the ELIS failure to run FBI Name Checks on naturalization cases?
- 4) How many naturalization applications were approved after USCIS became aware of the ELIS failure? Of those cases, how many of the individuals for which the naturalization application was approved, have been naturalized?
- 5) What action will USCIS take to ensure that individuals already naturalized have had the proper background checks run?
- 6) What action will USCIS take to ensure the initiation of denaturalization proceedings for those individuals who are found to have been improperly naturalized?
- 7) How many individuals have been naturalized to date this fiscal year and how many were naturalized in each of the fiscal years since ELIS implementation?
- 8) What is the total cost of ELIS implementation to date?
- 9) What other problems have occurred with regard to ELIS implementation?
- 10) What plan does USCIS have to fix ELIS?

Please respond to this request by December 9, 2016. If you have any questions about this request, please contact Andrea Loving, Counsel for the House Judiciary Committee, at (202) 225-3926. Thank you for your attention to this matter.

Sincerely,



Bob Goodlatte  
Chairman

cc: Leon Rodriguez, Director, U.S. Citizenship and Immigration Services  
Hon. John Conyers, Jr.