

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3102**

September 8, 2021

President Joseph R. Biden  
The White House  
1600 Pennsylvania Ave. NW  
Washington, D.C. 20500

Dear President Biden,

We write to express our grave concern about the rushed and incomplete vetting of Afghan evacuees being brought to the United States. Specifically, we are concerned that inadequate criminal and security background checks are being performed by the Department of Defense, the Department of Homeland Security (DHS), and the Department of State on evacuees in their country of origin, and in other countries in which they have resided or to which they traveled before being brought to the United States. To be abundantly clear, the United States should honor its promises to help Afghan nationals and their families who have risked their lives to support U.S. and Coalition forces, applied for the Special Immigrant Visa (SIV) program, and are now fleeing the Taliban. Nonetheless, there are substantial and concrete concerns that in the course of your calamitous withdrawal of troops and evacuation efforts in Afghanistan, some individuals may have made their way into the country who are terrorists or have terrorist intent, are convicted violent criminals, or are otherwise dangerous persons.

In past briefings, DHS officials have explained the department performs background checks using its national security and intelligence databases within the United States. DHS has admitted, however, that it does minimal checks outside the United States and does not have access to many nations' criminal background check systems. Foreign nations' records are often not digitized, which is likely the case in the vast majority of records in Afghanistan. In addition, widespread corruption and failed governments make these databases unreliable, if not useless. This is certainly the case in a Taliban-controlled Afghanistan, and likely true of the previous Afghan government.

DHS has released illegal aliens screened under the same U.S. government databases who were wanted for murder, as well as known MS-13 members.<sup>1</sup> DHS cannot reliably assess the criminal background of a person from Bolivia, let alone Helmand Province. In fact, this vetting has already failed in the case of Afghan nationals. An Afghan male convicted of rape in the United States and deported by DHS was evacuated from Kabul, allowed to enter the United States, and

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<sup>1</sup> Chairman Ron Johnson, [Letter to CBP Commissioner Kevin McAleenan](#), August 3, 2018; Immigration and Customs Enforcement, "[Joint Operation nets 24 transnational gang members 475 total arrests under Operation Matador](#)," March 29, 2018.

not caught until he arrived at Washington Dulles International Airport. Legal precedents make it likely this rapist will not be deported, and that he will be released on America's streets due to our inability to deport him back to Afghanistan within the court-mandated timeline.<sup>2</sup> If our government cannot consult its own records before it brings foreign nationals to the United States, how can we expect competent vetting of foreign records, where access and information are limited? DHS background and security checks therefore cannot assure Americans' safety.

This should be a significant concern to all American citizens given that approximately 125,000 evacuees were brought to the United States or a third-country staging area from Afghanistan over an approximate two-week period. Approximately 5,500 of those are American citizens, whom we are happy to see evacuated and we welcome home. It is unclear how many of the remaining evacuees are visa holders, approved SIV holders, SIV applicants, or unknown and unapproved Afghan nationals. Moreover, we are devastated and dismayed to learn that between 200 and 9,000 Americans were reportedly left behind by your administration to suffer whatever fate that the Taliban deems fit.

The Taliban acted as the so-called "screener" for those admitted to the inner perimeter of Hamid Karzai International Airport for evacuation. This places the security of all Americans at the mercy of the Taliban, a group that provided safe-haven for al-Qaeda while it plotted the September 11th attacks, whose fighters killed thousands of American troops, and who oppressed and murdered its own self-described people systematically for 25 years. The State Department reportedly sent out blank visas that allowed passage into the inner perimeter of Hamid Karzai International Airport. The hasty and unorganized withdrawal from Kabul was done on an arbitrary timeline dictated by our enemies, which prevented appropriate vetting and stranded U.S. citizens. These actions and others complicated our already tenuous ability to vet Afghans and others seeking to flee the Taliban.

Various officials of this administration have stated that Afghans will receive serious vetting and biometric and biographic security screenings from law enforcement and intelligence officials in the United States. While we do not dispute that some level of screening is occurring, screening is only as good and comprehensive as the information within the databases that are checked. We have and express grave concerns about the vetting process, not to reject our allies, but to ensure the safety of our citizens.

Therefore, we ask:

**1. Status of Americans Left Behind & Prioritization of American Allies**

- To date, what concrete steps have been taken (actionable plans made), if any, by the administration to evacuate American citizens left behind in Afghanistan? Please specify instead of offering vague assurances and diplomatic "promises."

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<sup>2</sup> *Zadvydas v. Davis* holds that the U.S government cannot detain unremovable aliens for more than six months if removal will not occur in the near future or there are other special circumstances.

- Please clarify the number of those U.S. citizens still remaining in Afghanistan, what communication they had with U.S. officials prior to our August 31, 2021, departure, and the reasons why they were not repatriated.
- Please identify the remaining number and background of SIVs and other approved evacuees who were left behind, and explain why they were not rescued.
- Please identify by type, number, and reason any other groups who were evacuated ahead of American citizens and SIVs, and explain why their rescue was prioritized over others.

## **2. Security Checking and Evacuee Vetting**

- Please outline, with specifics, the exact screening actions and databases used by DHS to conduct current and comprehensive background checks of evacuees in Afghanistan.
- Does DHS have access to all local criminal and security records of Afghanistan, Pakistan, and all neighboring countries in central Asia and the Middle East? If not, what coordination is underway with those governments to gain access to these records? Will any of those Afghan nationals who cannot be fully vetted be paroled into the United States anyway?
- Are federal and local authorities monitoring those Afghan nationals who were paroled without undergoing a complete vetting or received “indeterminate” findings? If so, how will that monitoring be done and by whom, how many are subject to it, and for how long will this monitoring continue?
- What systems are in place to follow up on such indeterminate cases, who will conduct such reinvestigations, and will the results be reported to Congress? Will every non-American evacuee be interviewed? How long and how frequently will such interviews be conducted for each evacuee? Who will be conducting such interviews?
- What steps will be taken with respect to those Afghan nationals who do not qualify for status within the United States and who are subject to removal?
- It has been reported that biometric and identifying information was given to the Taliban. The Taliban then “vetted” entrants to the airport in Kabul. Did all of the Taliban-“vetted” individuals meet the criteria for entrance into the airport in Kabul? If not, how many and who did not? And did any eligible evacuees get turned away? If so, how many and whom?

## **3. Release and Resettlement of Afghan Evacuees into the American Homeland**

- Are evacuees who do not have status in the United States but are on humanitarian parole able to leave the military bases within the United States where they have been placed?
- Are you confident that no evacuee with ties to terrorism, criminal records, or who pose a clear risk to Americans will be released into the United States? If they are released and Americans are harmed, who will be held accountable and by what process will they be held accountable?
- How many of the evacuees who have been brought to the United States are SIVs, U.S. citizens, and lawful permanent residents (LPRs), and how many are here on parole authority granted by DHS?
- The SIV vetting status has been shortened from 18 months to just a matter of weeks. How can you assure Americans that applicants will be fully vetted, given the lack of concrete information available to the administration?

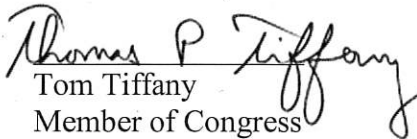
- Has the State Department, Department of Homeland Security, and the U.S. government engaged in a form of regional resettlement for any of the evacuees? If so, who and how many refugees will be settled outside of the United States, and how many will be settled in their region of origin?

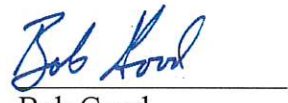
Please provide your answers in writing by September 15, 2021. Thank you for your attention to our request. We look forward to hearing from you.

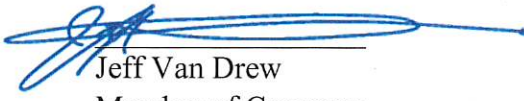
Sincerely,

  
Yvette Herrell  
Member of Congress

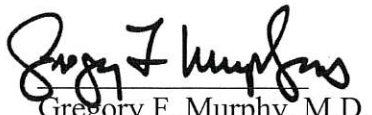
  
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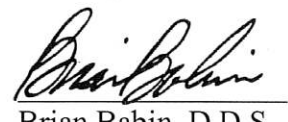
  
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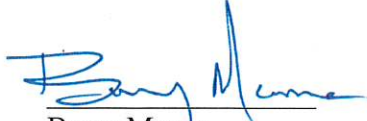
  
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Doug Lamborn  
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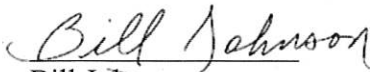
  
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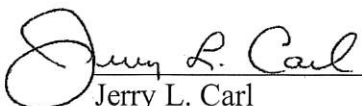
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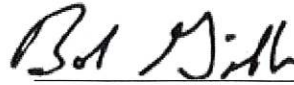
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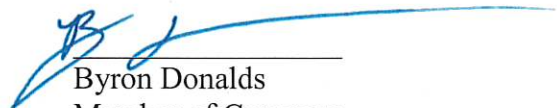
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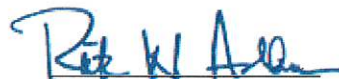
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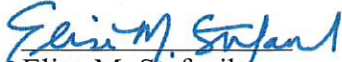
Rick W. Allen  
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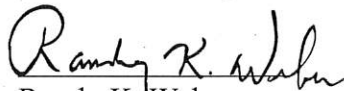


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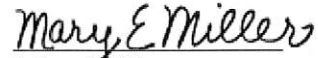
  
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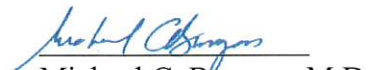
  
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