Office of the Inspector General
U.S. Department of Justice

OVERSIGHT ★ INTEGRITY ★ GUIDANCE

Audit of the Department of Justice's Use of Immigration Sponsorship Programs

Audit Division 19-32

June 2019

Executive Summary

Audit of the Department of Justice's Use of Immigration Sponsorship Programs

Objectives

Department of Justice (DOJ) components can sponsor foreign nationals to be present in the United States to help support investigations and prosecutions. These individuals may otherwise be considered inadmissible to the United States due to their association with criminal enterprises. The Department of Homeland Security (DHS) authorizes law enforcement agencies to sponsor these individuals if DOJ accepts responsibility for them and ensures they depart when appropriate. The Office of the Inspector General completed an audit to assess the oversight of DOJ components' foreign national sponsorship activities and the coordination within DOJ components and with DHS.

Results in Brief

DOJ components must be vigilant in exercising their responsibilities for overseeing sponsored foreign nationals to fulfill their obligations to DHS, to protect the public, and to achieve their objectives of furthering investigations and prosecutions. In February 2018, DHS identified over 1,000 DOJ-sponsored foreign nationals for whom DHS did not have current information. As of August 2018, DHS was still seeking information regarding 665 sponsorships. In addition, during our audit, we identified a total of 62 sponsored foreign nationals who had absconded from DOJ control. We believe that all DOJ components need to improve their execution of the responsibilities integral to the sponsorship programs, including enhancing the policies for monitoring the locations and activities of sponsored foreign nationals and the management information systems used within the program. We believe this will help prevent lapses in sponsorships that can impact investigative progress and help mitigate the risk that these individuals abscond from DOJ control. Finally, our audit identified lengthy approval delays and diminished perceptions of program effectiveness for certain types of sponsorships.

Recommendations

Our report contains 10 recommendations to assist the DOJ's oversight of sponsored foreign nationals.

Audit Results

Different types of immigration tools are available to DOJ to sponsor foreign nationals that will allow those individuals to either enter, remain, or obtain permanent residency in the United States. The most common tools include significant public benefit parole (SPBP), deferred action, and S Visa. SPBP allows a foreign national to enter and reside temporarily in the United States while sponsored by a law enforcement agency. Deferred action officially delays the deportation proceedings of a foreign national without legal status in the United States. The S Visa program, which is limited to a total of 250 visas per year, was created to provide an opportunity for long-term stay in the United States when a foreign national's presence is needed in the United States to provide continued cooperation and information to combat complex criminal and terrorist organizations and activities.

DOJ components reported sponsoring 5,496 foreign nationals between Fiscal Year (FY) 2015 and FY 2017. These sponsorships originated from the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; the Federal Bureau of Investigation; United States Attorney's Offices; and the United States Marshals Service. In addition, the DOJ Criminal Division has significant involvement and responsibility within the S Visa program.

DOJ Execution of Essential Responsibilities – Significant risks accompany the sponsoring of foreign nationals for use in law enforcement investigations because these individuals may be associated with criminal activity and motivated only by the ability to temporarily reside in the United States. When requesting the sponsorship of a foreign national, law enforcement components review a foreign national's criminal and immigration history prior to sponsorship and assess the applicant's risk to public safety or national security. Overall, we noted that the controls in place over this vetting process functioned to catch deficient sponsorship applications.

In addition, when applying to DHS to sponsor a foreign national, the sponsoring law enforcement agency certifies that it assumes law enforcement responsibility

for the foreign national, including monitoring of the individual and the conditions associated with the individual's stay or departure. We found that the DOJ components we reviewed failed to effectively coordinate with DHS on significant sponsorship events, as evidenced by DHS reporting to DOJ components in February 2018 that it had identified over 1,000 DOJ SPBP sponsorships that had expired and for which DHS did not have current information. After 6 months, 665 of these sponsorships were still in need of resolution.

DOJ certifies to DHS that it assumes the responsibility to monitor sponsored foreign nationals' location and criminal history, as well as to supervise foreign nationals' activities. However, our audit revealed a total of 62 foreign nationals who absconded from DOJ control and for whom DHS was not always immediately notified as required. Although headquarters-based sponsorship files indicated that the DOJ components were performing monitoring activities for foreign nationals they sponsored, there is a population of sponsored foreign nationals who are not subject to any routine monitoring requirements due to weaknesses in the monitoring policies at some DOJ components. We are concerned that the monitoring policies and practices currently executed by the DOJ components that sponsor foreign nationals do not adequately mitigate the risks associated with bringing individuals into the United States who may have criminal backgrounds or involvement in disreputable activities, or who may be associated with such individuals. Therefore, we do not have assurance that the components have adequately executed their monitoring responsibilities to mitigate the risks involved with sponsoring foreign nationals and to fulfill their obligation to protect the public.

In addition, we found 18 instances in which DOJ components did not request sponsorship renewal or termination in a timely manner and therefore let the foreign nationals fall into an illegal status while residing in the United States. This lapse could result in the unnecessary, unexpected, and costly deportation of foreign nationals for whom DOJ had a continued need, which could have serious consequences for the investigations they were assisting.

Information Management – At a majority of the components that we reviewed, we identified instances of poor information management that affected the component headquarters' and field supervisors' ability to oversee, prevent, and communicate relevant foreign national events, such as immigration status changes or status expirations. As a result of these weaknesses in information management, DOJ components lacked the ability to provide, in a timely manner, information on the overall universe of sponsorships, and we were not able to reconcile sponsorship data from various sources within the DOJ and at DHS.

S Visa Program and Perceptions – Certain types of sponsorships, such as S Visas, can lead to permanent U.S. resident status for foreign nationals who provide continued cooperation and information to the United States to combat terrorist activities and criminal organizations. As a result, these sponsorship programs have stricter requirements and controls than other immigration sponsorships. These sponsorships are also used to a lesser extent than other types and comprised only 1 percent of all DOJ sponsorships in our review. We found that all DOJ participants in the S Visa program could make improvements to their coordination and program execution. Most notably, the application process can be lengthy and we identified files that spent considerable time in the review process. These delays occurred within the various steps of the approval process and were not attributable to a single step in the process.

We interviewed agents who had submitted S Visa requests and found a common belief that the S Visa process is long and cumbersome. We believe these anecdotes indicate a diminished perception of the program, which could impact achieving the program's intent of providing a longer-term legal residency solution for foreign nationals whose presence is needed to provide valuable contributions to certain investigations.

AUDIT OF THE DEPARTMENT OF JUSTICE'S USE OF IMMIGRATION SPONSORSHIP PROGRAMS

TABLE OF CONTENTS

AUDIT OF THE DEPARTMENT OF JUSTICE'S USE OF IMMIGRATION SPONSORSHIP PROGRAMS

INTRODUCTION

Department of Justice (DOJ or Department) components can sponsor legal U.S. residency for foreign nationals for various law enforcement purposes such as when those individuals are confidential informants, cooperating witnesses, or defendants. DOJ prosecutors and law enforcement agencies can benefit from the assistance of foreign nationals because of their access to criminal enterprises and ability to provide testimony in support of prosecution. To sponsor a foreign national, law enforcement components request authorization from the Department of Homeland Security (DHS) for various immigration tools that allow foreign nationals to reside legally in the United States on a temporary basis. When applying to sponsor a foreign national, the sponsoring law enforcement agency certifies that it assumes responsibility for the control and legal status of the foreign national, including monitoring the location and activities of the individual and ensuring notification to DHS upon sponsorship termination.

The Office of the Inspector General (OIG) performed an audit to assess the oversight of DOJ components' foreign national sponsorship activities and the coordination within DOJ components and with DHS. The audit focused on the DOJ components that utilize foreign nationals in ongoing investigations and prosecutions.[1] Specifically, we reviewed sponsorship-related activities conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the DOJ Criminal Division's Office of Enforcement Operations (OEO); the Drug Enforcement Administration (DEA); the Federal Bureau of Investigation (FBI); the United States Marshals Service (USMS); and various United States Attorney's Offices (USAOs). While ATF, DEA, FBI, USAOs, and USMS sponsor foreign nationals for use in investigations and prosecutions, the OEO and DHS act as a facilitator for processing certain immigration tools.

Significant risks accompany the use of confidential informants or witnesses because these individuals may be associated with criminal activity and motivated by the ability to reside temporarily in the United States. Therefore, effective oversight of these programs is essential. Previous OIG reports have illustrated potential weaknesses in DOJ component management of their sponsorship activities. In the

[1] Our audit did not include foreign nationals who enter or are in the United States only to face trial or serve a prison sentence. Generally, these individuals are either fugitives returned to the United States and detained by the United States Marshals Service or prisoners incarcerated by the Federal Bureau of Prisons; therefore, these individuals do not require a legal immigration status from DHS for their continued presence in the United States. In addition, because the OIG issued a report in September 2017 on the Witness Security Program, this audit did not include foreign nationals who receive sponsorship in conjunction with their involvement in the Witness Security Program. U.S. Department of Justice Office of the Inspector General, *Audit of the Department of Justice's Handling of Known or Suspected Terrorists Admitted into the Federal Witness Security Program*, Audit Report 17-34 (September 2017).

audit of ATF's Management and Oversight of Confidential Informants, the OIG found that ATF officials were not completely and accurately tracking information related to foreign national confidential informants and could not provide an accurate total number of ATF-sponsored foreign national informants.[2]

Immigration Tools

DHS has various tools for law enforcement agencies to use when sponsoring foreign nationals for use in investigations and prosecutions. Generally, the location and the length of time the foreign national may be needed govern the type of immigration tool utilized by the sponsoring agency. The following immigration tools are most often utilized by DOJ components:

- Significant Public Benefit Parole (SPBP) – a temporary measure most commonly allowing a foreign national who is otherwise inadmissible to enter and remain temporarily in the United States. This immigration tool is used when a foreign national's presence in the United States will benefit law enforcement related to national security, intelligence collection, or cooperation in an investigation or prosecution. The process to request SPBP begins at the field level and must be approved by the component's headquarters unit, after which the headquarters unit coordinates with DHS to request parole. SPBP approvals are granted for varying lengths of time and can be renewed following a process similar to the original approval process. In addition, sponsoring law enforcement agencies can request that an SPBP be converted to deferred action.

- Deferred Action – a determination to defer the deportation of a foreign national currently in the United States without legal status. Generally, deferred action is granted for 1 year and can be renewed. The process for requesting deferred action depends on whether a foreign national is currently detained by DHS. For a foreign national who is not currently detained, law enforcement agents at the field level request deferred action through the appropriate local DHS office. Alternately, if a law enforcement component wants to obtain deferred action for a detained foreign national, the law enforcement component's headquarters unit makes the request through a DHS headquarters office. However, deferred action does not preclude DHS from commencing removal proceedings against a sponsored individual at any time.

- S Visa – a longer-term immigration tool that permits foreign nationals to remain in the United States for 3 years and is limited to a total of 250 visas per year. This type of visa can be available when a foreign national's presence is needed in the United States to provide continued cooperation and information to combat complex criminal and terrorist organizations and activities. S Visas can provide a pathway to legal permanent residency for

[2] U.S. Department of Justice Office of the Inspector General, *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management and Oversight of Confidential Informants*, Audit Report 17-17 (March 2017).

foreign nationals and statutorily require dual approval from both the Criminal Division's OEO and DHS.

- PL-110 – created through the Central Intelligence Act of 1949, PL-110 is a sponsorship that results in the immediate granting of legal permanent resident status for foreign nationals assisting in matters of national security overseas and who are considered essential to the furtherance of the national intelligence mission.[3] An application for PL-110 sponsorship is made through the Central Intelligence Agency and approved by DHS.

Sponsorship Usage

To obtain an understanding of the Department's universe of foreign nationals used for law enforcement purposes, we requested information from DOJ components about their sponsorship activities between fiscal years (FY) 2015 and 2017. Table 1 represents the universe of individuals with sponsorships that were active at some point during our review period, as reported by components.[4]

Table 1

DOJ Immigration Sponsorships
FY 2015 – FY 2017

Component	SPBP	Deferred Action	S Visa	PL-110	Total
ATF	3	37	16	0	56
DEA	1,331	1,033	16	0	2,380
FBI	1,552	1,433	72	2	3,059
USAOs[a]	N/A	N/A	N/A	N/A	N/A
USMS	1	0	0	0	1
Total	2,887	2,503	104	2	5,496

Note: A foreign national may have been sponsored using more than one immigration tool over time and therefore may have been counted multiple times in the data

[a] Data on the universe of foreign nationals sponsored by USAOs was not available (N/A) because there is no central repository for such information. However, as detailed in the Audit Results section of this report, we became aware that USAOs had requested sponsorship for a small number of foreign nationals.

Source: DOJ component data

[3] Pub. L. No. 81-110.

[4] Detailed information on the methodology we utilized to obtain this information is contained within Appendix 1.

OIG Audit Approach

The objectives of this audit were to assess: (1) the oversight of DOJ components' foreign national sponsorship activities, and (2) the coordination within the DOJ components and with DHS to ensure the accuracy of information regarding foreign national sponsorships.

To accomplish our objectives, we coordinated with sponsoring DOJ components and DHS to obtain information on the universe of foreign nationals sponsored for entry or residency in the United States between October 1, 2014, and September 30, 2017 (FY 2015 through FY 2017). We also interviewed officials from ATF, the DOJ Criminal Division (including OEO), DEA, FBI, USMS, and various USAOs along with the Executive Office for U.S. Attorneys (EOUSA). In addition, we collaborated with DHS components involved in various sponsorship activities. This included obtaining feedback on DHS interaction with DOJ components as well as gaining an understanding of DHS sponsorship-related policies, procedures, and guidance. We then evaluated DOJ components' foreign national sponsorship policies and procedures and compared those to relevant DHS guidance. Lastly, we reviewed sponsorship files at ATF, DEA, FBI, OEO, and USMS. Additional information about our approach to this audit is in Appendix 1.

AUDIT RESULTS

Immigration tools available to law enforcement agencies are valuable investigative and prosecutorial resources and DOJ components must exercise vigilance in their responsibilities for overseeing the foreign nationals they sponsor. We found that DOJ components need to enhance their oversight of these sponsorship activities to ensure they have adequate controls for managing and overseeing foreign nationals. While DHS maintains authority to grant or deny immigration benefits, once a foreign national obtains one of these immigration benefits, DOJ certifies to DHS that it assumes responsibility for the continued use and control of the individual, including supervising the individual and monitoring the conditions associated with the individual's stay or departure. Therefore, DOJ components must establish effective management controls and sufficient oversight to fulfill their obligations to DHS, protect the public, and achieve their objectives of furthering investigations and prosecutions. These programs should ensure that when a foreign national is sponsored to enter or remain in the United States to assist in investigative operations or prosecutions, he or she is legally present and accurately tracked, reported to DHS, and monitored as required.

To assess DOJ's sponsorship activities, we reviewed how DOJ components coordinate with DHS, supervise the location and activities of foreign nationals in DOJ's control, and track information related to the foreign nationals that are sponsored. Our audit identified instances where sponsored foreign nationals absconded or fell out of legal status due to inaction on the part of the sponsoring DOJ component. These events represent deficiencies in DOJ components' execution of the responsibilities essential to the sponsorship of foreign nationals, including efforts to monitor the location and activities of sponsored foreign nationals. We also identified concerns with the tracking and reporting of information related to sponsorships, which led to lapses in legal immigration status and generally unreliable data on the population of sponsored foreign nationals. We also identified issues specific to the S Visa program, resulting in diminished perceptions of the program's ability to achieve its intent of providing a longer-term–solution for foreign nationals who provide valuable contributions to certain investigations. As discussed in the following sections, DOJ components could benefit from strengthening the controls over their foreign national sponsorship activities and improving coordination among themselves and with DHS.

DOJ Execution of Critical Sponsorship Responsibilities

Significant risks accompany the sponsoring of foreign nationals to support law enforcement investigations because these individuals may be associated with criminal activity and motivated only by the ability to reside in the United States. When applying to DHS to sponsor a foreign national, the sponsoring law enforcement agency certifies that it assumes responsibility for the control and the continued stay in legal status of the foreign national, including monitoring of the individual and the conditions associated with the individual's stay or departure. The components are also expected to keep DHS informed of sponsorship-related events,

such as relocations or new charges of criminal conduct, and needs for renewals or conversions in sponsorship and sponsorship terminations.

Additionally, according to DHS sponsorship policies, if a sponsoring law enforcement agency determines that a foreign national has absconded (or if the component no longer has a law enforcement use for the individual and the sponsorship should be terminated); the sponsor must immediately notify DHS of the event and then provide the individual's last known location and other relevant information. DHS defines absconsion as an individual who has violated the conditions set forth by the sponsorship agreement to avoid removal from the United States.[5] Because enforcing immigration laws is under the purview of DHS, the DOJ component is generally not responsible for apprehending or taking action to remove the individual. Failing to report instances of absconsion inhibits DHS's ability to execute its responsibilities to locate and handle absconders. This is especially problematic for law enforcement-sponsored foreign nationals because these individuals often have criminal histories or are involved with criminal organizations. Therefore, there are risks associated with these individuals remaining in the United States unsupervised and the public can be at risk.

This coordination with DHS on significant events in the life of a foreign national is at the heart of the responsibilities the DOJ takes on when sponsoring an individual. We met with DHS officials to determine if there have been any issues with how DOJ components coordinate with DHS and track and report required information on sponsored foreign nationals. DHS officials responsible for SPBP sponsorships stated that there have been numerous instances of DOJ components' failing to coordinate with DHS when significant foreign national-related events occurred.

According to DHS officials, it created a compliance unit in 2016 to address a large volume of expired SPBP law enforcement sponsorships—some originating many years prior—for which DHS did not have current information. Although DHS's initial outreach to resolve sponsorships was done in an ad hoc fashion, in April 2017, DHS implemented a more formal and ongoing process of coordinating with DOJ components on sponsorships in need of attention and began receiving responses in October 2017. DHS intends for the compliance unit to continue and for this coordination to be done on a monthly basis because DHS continues to identify recently expired SPBP cases for which it does not have current information.

We reviewed recent documentation related to this DHS's reconciliation process and found that large numbers of SPBP sponsorships were in need of DOJ resolution. According to DHS's reports, in January and February 2018 more than

[5] A DHS official stated that regardless of whether a foreign national's intent to avoid removal from the United States is benign (such as when a foreign national obtains a new place of residence and does not inform the sponsoring agent) or deliberate (such as when a foreign national actively seeks to evade law enforcement control), DHS categorizes all absconsions in the same way.

1,000 SPBP sponsorships needed to be addressed, as illustrated in the following table.[6]

Table 2

Unresolved SPBP Sponsorships
as of Early 2018

Component	SPBP Sponsorships In Need of Resolution (as Reported by DHS)
ATF	3
DEA	422
FBI	631
USAOs	3
USMS	19
Total	1,078

Source: DHS analysis of DOJ component data

With assistance from DHS, we examined the circumstances surrounding DOJ SPBP sponsorships in need of resolution. DOJ components' responses to DHS indicated that there were individuals who had absconded from DOJ control, others who had fallen out of legal status due to the expiration of their sponsorship, and still others for whom the components were not able to provide any information at all due to a lack of available documentation.

Absconsions of Sponsored Foreign Nationals

The FBI's January and April 2018 responses to the DHS compliance unit included indications that a total of 54 sponsored foreign nationals had absconded from FBI control.[7] According to the FBI, this information originated with special agents in the field in response to the inquiries from the DHS compliance unit. An FBI official informed us that the expectation would be that contemporaneous notification would be made to DHS whenever an FBI special agent became aware that a sponsored individual had absconded. For these 54 absconsions, the FBI provided us with evidence that it reported 32 to DHS prior to 2018. For the remaining 22 absconsions, it appears that the identification and DHS notification did not occur until DHS began its resolution process.

[6] DHS sent reconciliation reports to the components over a period of time rather than in one consolidated manner. The information in the table reflects reports received by the DEA and FBI in January 2018 and the ATF, USAOs, and USMS in February 2018.

[7] Because the DHS compliance unit was created in 2016 and was following up on both historical and current records, the total number of absconsions identified through this process includes information outside of the period we audited. In addition, this results in the inability to identify the universe from which these absconsions were derived.

According to the FBI headquarters unit that handles sponsorship matters, it provided available information to DHS on these individuals. We asked DHS about absconsions and we were told that the sponsoring DOJ component should be working with the local DHS office to attempt to locate the individual and that in the event the individual still could not be found, DHS would record the absconsion in DHS's operational databases so that appropriate action could be taken in the event the individual was encountered by law enforcement personnel.

The OIG separately reviewed FBI information for all sponsorships that the FBI was tracking in December 2017, and we identified seven additional FBI-sponsored foreign nationals that FBI records indicated had absconded.[8] We reviewed FBI headquarters' hard-copy files associated with these seven foreign nationals, which are mutually exclusive of the 54 absconded foreign nationals the FBI identified through its reconciliation process with the DHS compliance unit. The files reflected that DHS had been notified of the absconsions, but did not contain any additional information explaining the details of why or how the absconsion occurred. Additionally, our file review revealed that for one absconsion, the case agent did not inform FBI headquarters of the foreign national's status until over 7 months after determining that the individual had absconded. In another example, we reviewed a file indicating a foreign national had absconded and that FBI headquarters was informed of the absconsion over 5 months after it occurred and this notification came in response to FBI headquarters contacting the agent asking whether the individual's sponsorship should be renewed. Consequently, these delayed notifications also resulted in DHS learning of the absconsions well after they had occurred.

We asked the other DOJ components if they had informed DHS of any absconsions of sponsored foreign nationals during the period we reviewed. The ATF, DEA, and USMS all responded that they were unaware of any absconsions.[9] However, during our review of the DEA's documentation utilized to coordinate with DHS on unresolved SPBPs, we identified one foreign national for whom the DEA notified DHS in November 2017 that it could not locate the individual. When we brought this absconsion to the DEA's attention, the DEA acknowledged that the controlling agent last made contact with the sponsored foreign national in July 2017 but the DEA did not notify DHS until November 2017.

We reviewed components' policies related to absconsions and did not find clear or comprehensive guidance on the matter. Specifically, both ATF and FBI had policies that require the sponsoring special agent to immediately notify headquarters when a foreign national absconds. However, there were no redundant methods to ensure that an absconsion is addressed immediately. DEA policy required the field office to handle absconsions locally without headquarters

[8] The FBI provided us this data file in response to our inquiries about its universe of sponsored foreign nationals. Six of the seven absconsions that we identified were outside of our audit review period. However, due to the significant risk associated with absconsions, we included these files in our review.

[9] As previously mentioned, the USAOs do not centrally manage such information. Therefore, we could not obtain such information for USAOs.

involvement and did not dictate the timeliness of DHS coordination or any redundant measures to ensure that this important information is shared. We further found the policies did not consistently address actions to take for the various immigration tools or the population of sponsored individuals. For example, while the FBI and DEA had absconsion policies for foreign nationals with SPBP and deferred action, these components did not have a specific policy for absconsions that occur while individuals are sponsored on an S Visa. Further, the FBI and DEA absconsion policies only covered foreign national confidential informants and did not include actions to take when a foreign national sponsored as a witness or derivative (i.e., a family member of a sponsored foreign national) absconds. Finally, we noted that neither USMS nor EOUSA had policies related to foreign national absconsions.

We believe that notifying DHS of absconsions of sponsored foreign nationals is a critical responsibility for the Department and recommend that DOJ components ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold the sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions. We also believe that for each of the absconsions identified above, the sponsoring DOJ components should ensure that they have taken all appropriate and necessary actions to assist DHS in locating the individuals identified as having absconded.

DHS Efforts to Resolve DOJ Sponsorship Issues

As noted above, there has been a concerted effort since 2016 to resolve DOJ sponsorship issues specific to SPBP. This initiative originated with DHS and now involves the regular exchange of information between DHS and each sponsoring agency. According to the DHS compliance unit managing this review, a primary cause of unresolved sponsorships is the identification of foreign nationals as having fallen out of legal status due to the expiration of the approved SPBP. If a sponsorship expires and a new immigration sponsorship is not in place, the foreign national's status lapses and the individual is vulnerable to deportation, which could impact the related investigation.

If the sponsorship reaches the expiration date and there is a continued need for the individual's presence, the sponsoring component must request a renewal or conversion to another appropriate immigration sponsorship type. For example, if a foreign national is sponsored by a DOJ component to enter the United States, the approved SPBP could be in place for 1 year. While the SPBP is in place, DHS requires the sponsoring law enforcement agency to track and report various events, such as relocations or foreign travel, as well as any new criminal activity, sponsorship terminations, conversions to other immigration sponsorships such as deferred action, or any other significant sponsorship-related event. In advance of the expiration date, the sponsoring special agent should make a determination as to the continued need for the foreign national's assistance and could then request DHS to renew the SPBP or request DHS place this individual on deferred action to allow the individual to reside temporarily in the United States. DHS requires that

extension requests and conversions be generated by the responsible DOJ case agent and be submitted in a timely manner to the local DHS office or headquarters.

The DHS SPBP compliance unit provided us with information on the DOJ components' efforts to resolve sponsorships identified by DHS as in need of current information. Table 3 displays summary figures of reported activity from January through August 2018.

Table 3

DHS and DOJ Activity to Resolve SPBP Sponsorships

Component	January/February 2018		July/August 2018	
	Current Unresolved	Cumulative Resolved	Current Unresolved	Cumulative Resolved
ATF	3	1	1	2
DEA	422	48	229	291
FBI	631	122	432	298
USAOs	3	3	1	2
USMS	19	16	2	18
Total	1078	190	665	611

Note: The figures for unresolved sponsorships are dynamic numbers that reflect new activity and outstanding expired paroles that occurred after the previous report and therefore the numbers within the table cannot be reconciled. The OIG did not audit these figures; they are provided for general understanding of DOJ component actions in response to DHS inquiries.

Source: DHS

Table 3 illustrates that DOJ components have made progress in reducing unresolved SPBP sponsorships. However, although the efforts to reconcile sponsorship information has been ongoing for roughly 2 years and DOJ components have been responsive to DHS's information requests, there are still significant numbers of discrepancies to be resolved. In addition, the universe of sponsorships needing to be resolved continues to change as new sponsorships are approved, expire, or otherwise require updating.

We spoke with each of the DOJ components about their coordination with the DHS compliance unit. The FBI and DEA each had and continue to have large numbers of unresolved SPBP sponsorships and have worked extensively with the DHS compliance unit to resolve the issues.[10] Through the resolution process, the DEA and FBI officials became aware that some sponsoring special agents converted foreign nationals from SPBP to deferred action but did not provide notice of the

[10] The FBI believes the number of sponsorships requiring resolution with DHS is fewer than the number reported in Table 3. However, the FBI could not provide a definitive number to disprove DHS's information.

conversion to their component headquarters or to the DHS office responsible for SPBP approvals.[11] In addition, DEA encountered difficulty providing information to the DHS compliance unit for sponsorship events more than 2 years old because, according to the DEA, its internal records retention policy only requires maintaining immigration records for 2 years. Moreover, DEA provided evidence that DHS's figures included at least 76 cases for which the DEA was able to provide evidence that it had previously coordinated with DHS on the sponsorships and therefore believed that they should not have been considered unresolved.

ATF, the USAOs, and the USMS only had a small number of unresolved SPBP sponsorships. According to a DHS official, as of August 2018 DHS was working directly with the sponsoring field agent on the one remaining ATF unresolved sponsorship. This official also explained that USAO and USMS-based sponsorships are uncommon. This official added that the DHS staff have reached out to individuals at both components and are actively working to resolve these unresolved sponsorships.

All of this information gathering being performed by the DHS compliance unit since its inception in 2016 is duplicating activities that should already be occurring within DOJ to comply with DHS sponsorship requirements and without instigation from DHS. However, due to the large number of sponsorships for which DHS did not have current information, DHS created this centralized process to ensure that the sponsoring law enforcement officers fulfill their responsibility to coordinate with DHS when relevant events occur and to keep sponsored foreign nationals in sponsorship status.

We believe that DOJ components should enhance their efforts to coordinate with DHS, including timely reporting of foreign national events as they occur, and efficient resolution of unresolved sponsorships when DHS seeks assistance. We recommend that the DOJ components develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur. In addition, we recommend that the components institute a more efficient process to resolve existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

Lapses in Sponsorships

Because SPBP sponsorship expirations were identified as a continuing problem through the work performed by DHS's compliance unit, we reviewed records at the components to assess DOJ component efforts to coordinate with DHS and keep foreign nationals in legal status throughout the time the individuals were under DOJ control, including efforts to seek renewals or status conversions. Our review consisted of first examining summary information provided by the DOJ

[11] Both SPBP and deferred action sponsorships are approved by DHS's Immigration and Customs Enforcement (ICE), but the ICE entities managing these approvals are separate and distinct. According to the DHS compliance unit, the SPBP data tracking system is isolated from other DHS systems, and therefore DHS cannot automatically resolve cases where SPBP sponsorships were converted to deferred action.

components to determine if the data indicated that the components were tracking expiration information. We reviewed data provided by ATF, DEA, FBI, and USMS and found that all of these components experienced what appeared to be lapses in sponsorships. As a result, we examined sponsorship renewal and expiration information during our file review of a judgmental sample of foreign national files at each component. In total, we reviewed 143 files as detailed in the following table.

Table 4

Sample of Component Sponsorship Files Reviewed

Component	Reported Universe of Active Sponsorships FY 2015 to FY 2017	Sample of Headquarters Files Reviewed				
		SPBP	Deferred Action	S Visa	PL-110	Total Sample
ATF	56	0	10	0	0	10
DEA	2,380	28	37	4	0	69
FBI	3,059	22	36	3	2	63
USMS	1	1	0	0	0	1
Total	5,496	51	83	7	2	143

Source: OIG Analysis of Component Data

As shown in Table 4, the FBI reported the largest number of sponsored foreign nationals with 3,059 sponsorships active during our review period. During our review of a sample of 63 hard-copy foreign national files, we found that 10 files contained renewal request approvals that were dated after the expiration dates of the original sponsorship, meaning that there was a lapse of sponsorship. During these lapses, ranging from 18 days to 4 months, foreign nationals remained in the United States without a legal status. We identified 1 file where a foreign national's status was renewed 12 times over an 11-year period, and 6 of those renewals were submitted after sponsorship had lapsed.

According to ATF, a total of 56 foreign national sponsorships were active during our review period. Of those, we reviewed 10 hard-copy foreign national files and found a case containing evidence that the local DHS office had corresponded with the ATF field office about a sponsorship having expired in August 2017 and that no renewal request had been received.

When we reviewed USMS records related to its one SPBP sponsorship, we noted that the foreign national's sponsorship appeared to have lapsed for about 4 months before the USMS requested a renewal of the SPBP sponsorship. When we spoke with a USMS official about this individual, he stated that USMS headquarters does not have a process to track expiration dates and that USMS headquarters should not assume that the agent renewed the sponsorship. This official told us that he believes the responsibility to keep the foreign national in legal status falls on both the sponsoring agent and USMS headquarters.

During our file review at the DEA, we also identified lapses in the legal status of sponsored foreign nationals. Specifically, we found 6 of the 69 files we reviewed indicated that sponsorship renewals were approved after the expiration dates of the original sponsorships. In one case, a foreign national was sponsored for 5 years and four out of five renewals were submitted after sponsorship lapsed. The time lapses of these delinquent renewals ranged from 20 to 56 days. A DHS official informed us that the DHS has elected to resolve some lapsed sponsorships by requiring the foreign national to depart and reenter the United States under a new sponsorship. Similarly, a DEA special agent told us that she was aware of lapses that had resulted in foreign nationals on deferred action being required to leave the country and return under SPBP. According to the agent, these events negatively impacted DEA's related investigations. In light of this potential, we believe that components should be more proactive in their sponsorship activities to ensure sponsorships do not lapse and investigations are not impacted.

Proper oversight of upcoming status expiration dates should involve proactive measures to ensure a foreign national's legal stay in the United States. Allowing immigration benefits to expire makes the foreign national vulnerable to deportation and DOJ components may compromise their ability utilize the assistance of a foreign national confidential informant or witness to conduct successful investigations. Because DOJ components lack reliable processes for recognizing and preventing lapses in immigration sponsorship status, they cannot effectively ensure the legal stay and operational use of their foreign nationals. Therefore, we recommend components develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

Vetting and Monitoring Foreign National Activities

When requesting and executing the sponsorship of a foreign national, law enforcement agencies assume certain responsibilities related to foreign nationals, including reviewing a foreign national's criminal and immigration history prior to sponsorship; providing a synopsis of the applicant's risk to public safety or national security; and, once the foreign national is within DOJ control, monitoring the foreign national's location, immigration status, travel to and from the United States, and any continued involvement in criminal activity. According to a DHS official, the best way to mitigate the risks associated with using a foreign national is to provide sufficient scrutiny when vetting sponsorship applications and throughout the entirety of the foreign national's DOJ sponsorship.

To assess the Department components' execution of their responsibilities for appropriately and completely vetting and monitoring foreign nationals, we examined the application review process and component policies and procedures for monitoring foreign nationals. Our review included reviewing foreign national files, including application and monitoring documents, as well as conducting criminal history searches for a sample of sponsored foreign nationals.

Foreign National Vetting

Prior to requesting sponsorship for a foreign national, DHS requires special agents to conduct certain vetting procedures. Although there are some differences in specific vetting procedures for the immigration tools that we reviewed, at a minimum, each type required criminal history and record checks, a public safety or national security risk assessment, and information related to prior immigration actions (such as whether the applicant indicates having been previously removed from the United States or having ties to foreign governments). Special agents include this information on the sponsorship application or renewal request, which is then reviewed by component management for approval. This vetting process exists to ensure that DOJ components properly weigh the risks of providing a foreign national temporary residency in the United States to assist in law enforcement operations against any potential threats to the public.

We reviewed application and renewal materials, including supervisory review of those applications, within the hard-copy files during our review of headquarters sponsorship records at ATF, DEA, FBI, and USMS. Generally, we found that all 143 sponsorship files that we reviewed contained evidence that required vetting was performed prior to approval. We noted that files indicated that approving officials occasionally identified deficiencies in the initial vetting, including instances for which more in-depth vetting may have helped the sponsoring agent assess the foreign national's suitability and potential investigative contributions. In these instances, sponsoring agents appropriately responded to requests for additional information, which in turn allowed supervisors to make more informed determinations.

Further, during the file review of S Visa applications at OEO, we identified cases where OEO officials requested additional information from sponsoring components regarding an applicant's background. For these cases, the requesting component responded to OEO with information to complete the application and receive DOJ approval. In addition, we were informed by an OEO official of an S Visa application for a foreign national who had already obtained legal permanent resident status, and therefore this individual did not need any type of additional immigration benefit. This OEO official believed that if the sponsoring component had properly performed the initial vetting process, the application would not have been submitted and resources would not have been wasted in doing so.

Finally, we found files in which DHS had requested additional information related to the foreign national's criminal background, the foreign national's contributions to the sponsoring agency, or justification for the foreign national's continued use. As a result, communication between the sponsoring component, OEO, and DHS resulted in a final adjudication of the S Visa application.

Overall, we noted that the various levels of controls in place over the vetting process functioned to catch errors or deficiencies in sponsorship applications and the insufficient applications were detected prior to the approval or renewal of a sponsorship.

Monitoring Policies and Procedures

Because law enforcement agencies certify that they assume law enforcement responsibility for the control and continued stay of sponsored foreign nationals, including monitoring of the individual, we believe components have an obligation to adequately supervise the activities of sponsored foreign nationals to mitigate the risks associated with using individuals who otherwise might be inadmissible to the United States. To determine the level of monitoring required by DHS, we reviewed DHS policies and procedures and learned that monitoring requirements differ depending on the type of immigration tool utilized. While DHS provides formal monitoring guidance for both SPBP and S Visa, we found DHS has not furnished specific monitoring requirements for deferred action. Regardless of the specificity of DHS's monitoring guidelines, the certification for all types of sponsorships states that the sponsoring agency assumes law enforcement responsibility for sponsored foreign nationals.

We reviewed DOJ components' monitoring policies and procedures to determine whether they established an environment to mitigate the risks associated with the use of foreign nationals. We found that ATF developed and implemented specific policies for monitoring foreign nationals it sponsors for law enforcement use. ATF special agents must designate two special agents to supervise each sponsored foreign national, although ATF policy does not define how a special agent should supervise the sponsored foreign national. In addition, the ATF special agents must send ATF headquarters a summary of the supervision every 30 days. The DEA and FBI do not have requirements specifically addressing the monitoring of its universe of sponsored foreign nationals. Instead, both components rely on established monitoring requirements for confidential informants. At the FBI, confidential informants are monitored by the primary handling agent. In addition, the agent's supervisor conducts a quarterly file review and the primary handling agent and another agent meet with the informant at least once every 6 months either in person or on the phone. The DEA's confidential informant monitoring policy requires at least quarterly meetings with the handling agent and field office management. These longstanding policies are based upon DOJ guidance and provide a structured framework to execute oversight of confidential informants.

However, we believe that there is a gap in the DEA and FBI policies because these components do not have guidance for monitoring foreign nationals who are not confidential informants, including those foreign nationals sponsored as witnesses, defendants, or those with derivative sponsorship. Although the FBI does not have a specific monitoring policy for sponsored foreign national witnesses, an FBI official told us and provided evidence that when applying for the sponsorship of these individuals the FBI submits to DHS a specific monitoring plan that addresses the risks associated with those witnesses being present in the United States.

We also found that the USMS had not established monitoring procedures for any foreign nationals that it sponsors for use in investigations. While the USMS only occasionally sponsors foreign nationals, we believe that the infrequency of sponsorship activity could result in USMS personnel being unaware of the requirement to monitor the activities of the foreign nationals in their control.

Assessment of Monitoring Activities

To assess monitoring, we interviewed special agents who had sponsored foreign nationals and examined available monitoring documentation during our review of a sample of 143 hard-copy foreign national files at the ATF, DEA, FBI, and USMS. The files we reviewed were at the components' headquarters and, except for ATF, were not the official repository for all routine monitoring documentation. Due to the number of components and the decentralized nature of recordkeeping, we did not attempt to review individual foreign national files in DOJ component field offices or determine if the components had conducted all required monitoring activities. Instead, we observed available monitoring documentation at the components' headquarters and performed National Crime Information Center (NCIC) checks for a sample of sponsored foreign nationals.

The ATF's headquarters files for sponsored foreign nationals generally contained monthly status memoranda, which ATF requires special agents to submit to its headquarters for each sponsored foreign national. These memoranda describe the individual's assistance to law enforcement, location, any updates to criminal history, and expected duration of use. During our review of 10 ATF files, we found monthly status memoranda as well as informal correspondence indicating that, in general, ATF executed its monitoring and reporting responsibilities for the foreign nationals whose files we reviewed.

The FBI's headquarters files for sponsored foreign nationals generally contain application information and documentation of approvals. Although the FBI requires special agents to provide information to its headquarters on updates to criminal history as well as the renewal, conversion, or termination of an immigration status, this information is not required to be maintained in FBI headquarters' hard-copy foreign national files. However, during our hard-copy file review, we found that approximately 25 percent of the files we reviewed contained evidence that the sponsoring agents had notified FBI headquarters of such events, including when foreign nationals entered or left the United States or when an individual converted to another immigration status.

During our file review at DEA headquarters, we observed that some monitoring-related documents occasionally were maintained in headquarters' foreign national files. For example, in one DEA file, we found that the S Visa-sponsored individual and a derivative family member were charged with drug trafficking. The DEA was alerted to the criminal behavior and subsequently withdrew support for and requested termination of participation of both foreign nationals from the S Visa program. Despite the DEA's monitoring requirements, we identified one instance of a significant breakdown in the monitoring process. We found notes in one file referencing a special agent who was unaware that a sponsored foreign national who had been on house arrest during the sponsorship had moved over 1,000 miles away. According to information in the file, DHS had learned of the relocation and requested that the DEA provide information for the new handling agent. Although the foreign national's location was identified, confirmed, and later documented in the DEA's file, it is possible that this foreign national could have absconded. We believe that if proper monitoring and

supervisory review had occurred in this specific case, the DEA would have remained apprised of this foreign national's location.

In addition to our file reviews, we conducted NCIC criminal history record checks for a judgmental sample of 166 foreign nationals sponsored by ATF, DEA, FBI, and USMS during our review period to determine if there was any reported criminal activity related to these individuals that had not been detected by the sponsoring component.[12] We found only one instance of criminal activity occurring during a sponsorship period and it appeared that the activity had been detected by the sponsoring agency. Specifically, one ATF-sponsored foreign national was arrested for driving while impaired. According to ATF, this individual's sponsorship was terminated 6 days after his arrest and DHS was notified of this event.

Overall, headquarters-based sponsorship files indicated that the DOJ components were performing monitoring activities for foreign nationals they sponsored. However, as previously identified in our report, we found evidence of absconsions of FBI and DEA-sponsored foreign nationals and lapses in sponsorships at ATF, DEA, FBI, and USMS. In addition, due to weaknesses in policies at the DEA, FBI, and USMS, there is a population of sponsored foreign nationals who are not subject to any routine monitoring requirements. Monitoring is an essential element of sponsorship and DOJ components certify to DHS that they will assume responsibility for the foreign national while the individual is in the United States. Given the gaps we identified, we are concerned that the monitoring policies and practices currently executed by the DOJ components may not adequately mitigate the risks associated with taking responsibility for sponsored foreign nationals who may be associated with criminal activity. We believe that all sponsoring DOJ components should ensure that their policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

USAO-based Sponsorships

Generally, the 94 USAOs operate independently and receive administrative support and coordination assistance from the Executive Office for U.S. Attorneys (EOUSA). We determined that the Department does not have specific policies related to SPBP or deferred action sponsorships for which a USAO takes this action without assistance from a law enforcement agency. In addition, while the Justice Manual details S Visa application procedures, this guidance is silent on

[12] Our sample consisted of 112 of the 143 individuals identified in Table 4 as those for whom we reviewed hard-copy files at component headquarters, as well as the 54 individuals who the FBI reported to DHS as absconded. We searched NCIC using the alien registration number, which is a unique identifier assigned to non-citizens. Of the 166 searches, we found records for a total of 41 individuals. For the remaining 125 individuals, our searches did not result in a match using that alien registration number. This does not mean that the individual did not have criminal history information in NCIC; rather it is possible that criminal history records may have been entered without the alien registration number and we were not able to conduct our queries in a different manner due to the commonality of certain names or a lack of sufficient personally identifiable information available to us.

specific monitoring requirements.[13] When we inquired about policies related to sponsorships for USAOs, we were directed to "DOJBook," formerly known as "USABook," the online repository of guidance and information available to federal prosecutors. We also spoke with AUSAs who had sponsored foreign nationals and these officials stated that they were not aware of specific policies related to instances when a USAO would sponsor a foreign national without law enforcement agency assistance.

EOUSA is not involved in foreign national sponsorships and was therefore unable to provide us with a centralized universe of such individuals for all USAOs. According to the DOJ Criminal Division, USAOs independently had sponsored three foreign nationals for S Visas during our review period.[14] In addition to these S Visa sponsorships, the DHS compliance unit managing SPBP matters informed us that there was one USAO-sponsored SPBP in need of resolution as of August 2018. Therefore, USAOs independently had sponsored at least a small number of foreign nationals during our review period and in doing so had certified to DHS that the signing AUSA was responsible for the individual's activities while residing in the United States.

DOJ Criminal Division-issued guidance for S Visas advises USAOs against the practice of sponsoring foreign nationals due to logistical concerns, stating that "the federal prosecutor's office may not have the resources or ability to monitor the alien and conduct the reporting as required by statute." This position was echoed by various Department officials with whom we spoke, and, in general, the consensus was that law enforcement special agents are better suited to support the logistics of monitoring sponsored foreign nationals.

We believe that a determination should be made regarding the allowability of AUSAs to sponsor foreign nationals without law enforcement agency assistance and ensure that the activities of sponsored foreign nationals are adequately monitored. If such sponsorships will continue, AUSAs could benefit from more formal and complete guidance for conducting sponsorship activities and meeting monitoring requirements. Therefore, we recommend that the Department determine whether AUSAs should directly sponsor foreign nationals and develop and promulgate formal guidance on the matter.

Sponsorship-Related Information Management

To effectively manage their sponsorship activities, DOJ components should ensure that they have a reliable mechanism to maintain and report necessary information related to the foreign nationals they use. An effective system should assist DOJ components in tracking application submissions, immigration benefit renewal dates, and changes in immigration status. We believe that a contributing factor for the weaknesses we identified in components' inability to properly execute

[13] The Justice Manual was previously known as the United States Attorneys' Manual. It was updated and renamed in 2018.

[14] The DOJ Criminal Division's Office of Enforcement Operations processes all S Visa applications and therefore provided us with information related to some USAO-based sponsorships.

critical responsibilities associated with sponsoring foreign nationals was poor information management.

Only ATF was able to provide us with reliable information about its universe of sponsored foreign nationals. In 2017, the OIG issued a report on ATF's confidential informant program and recommended that ATF improve its monitoring of related foreign nationals. ATF headquarters maintains a spreadsheet to track all of its foreign national sponsorships and requires field personnel to report all immigration-related activity, including routine monitoring, to headquarters. We did not identify significant issues with the accuracy of the information we obtained from ATF.

We interviewed several AUSAs and officials from EOUSA and learned that there is no standardized process for capturing sponsorship information at the individual USAOs, nor is there any central tracking system for USAO sponsorships. As a result, we did not obtain information related to the population of foreign nationals sponsored by the USAOs.

The USMS responded to our initial inquiries indicating that it had not sponsored any foreign nationals outside of its responsibilities for fugitive removals and the Witness Security Program.[15] However, upon receiving information from DHS about USMS-based SPBP sponsorships in need of resolution, we re-inquired with the USMS. In response, USMS acknowledged that there may have been a small number of other sponsorships, but that many of the sponsorships in need of resolution were associated with fugitive removals. The USMS later provided us with information about one sponsored individual who was used operationally as a confidential informant. According to a USMS official, the USMS had not established a formal tracking system because agency use of sponsorship programs for investigative purposes are uncommon.

Although the DEA and FBI both maintain systems to track foreign national sponsorship information, we have concerns that their tracking systems do not have adequate controls to ensure the accuracy and completeness of the data, which could impact the management of sponsorships, including timely requests for renewals and reporting. The FBI maintains a database to track information related to all sponsorships, regardless of benefit type or location of origination. Much of the information is reported to FBI headquarters from field offices when sponsorship-related activities occur. FBI headquarters staff then manually input field-based application and other status update information into the database. However, we noted that some sponsorship activities do not require headquarters involvement and may not be communicated as required. For example, deferred action applications do not require headquarters involvement and if an FBI special agent neglects to notify headquarters of a deferred action request, the information will not be tracked in the FBI's database.

[15] As previously mentioned, foreign nationals sponsored for the purpose of returning to the United States to stand trial or for incarceration were not included in the scope of our audit.

Conversely, the DEA's tracking method only contains information related to sponsorship requests that are routed through DEA headquarters, such as SPBP, deferred actions for detained foreign nationals, and S Visa. Information related to sponsorships that are executed in the field without headquarters involvement, such as most deferred action requests, is maintained only in the field office requesting and managing the benefit.

During our review of a sample of hard-copy DEA and FBI foreign national files, we examined the information to conduct a limited comparative analysis with the DEA and FBI sponsorship tracking systems to help assess the accuracy of the DEA's and FBI's electronic information. We found that over 20 percent of the current sponsorship types documented in the hard-copy files (i.e., SPBP or deferred action) did not correspond to the information recorded in the DEA or FBI systems.

We also found that the DEA and FBI systems could not be fully relied upon to track information for use in managing sponsorship expirations. For example, we identified records in the FBI's system for which dates associated with various levels of application approval were either missing, out of sequence, or illogical. This indicates that the FBI's system does not have sufficient data entry controls to ensure that records are recorded accurately. In another example, we found that the DEA records did not consistently include DHS's approval dates, and therefore DEA management would not have been able to track the expiration dates of those sponsorships.

Specifically related to the FBI, its system was designed to generate automatic email reminders to case agents 60 days prior to the expiration of an immigration benefit. While this design was well-intentioned, we found that due to the FBI system's ineffective data entry controls, the reminder emails do not perform their intended function. At the beginning of our audit, FBI officials acknowledged deficiencies of its tracking system and stated that the FBI was working with a contractor to make system improvements. In July 2018, FBI officials stated that the database was migrated to a new platform, which they anticipate will result in improved tracking capabilities. While we did not review the FBI's tracking system after the migration, we believe the FBI should continue its efforts to enhance its current data environment with additional controls, particularly for dates related to sponsorship approvals and expirations.

Without adequate sponsorship tracking systems, the components do not have reliable, complete, and accurate information to ensure that sponsored individuals remain in a legal status or an effective tool for managing and overseeing their sponsorship activities. In addition, the components may not be able to properly coordinate with DHS by readily providing complete, reliable, and current information, nor can they adequately oversee the monitoring activities for the foreign nationals that they sponsor. Therefore, we recommend the DEA, FBI, USAOs, and USMS implement methods to accurately and completely track all

foreign national sponsorship information for individual foreign nationals, including expiration dates.[16]

Long-term Sponsorship Programs

Foreign nationals who provide continued cooperation and information to law enforcement on terrorist activities and criminal organizations are eligible for immigration benefits that allow them to remain in the United States for longer periods than SPBP or deferred action. We focused our review on two long-term immigration tools—referred to as PL-110 and S Visa—that lead to legal permanent residency status.

PL-110 Sponsorship Program

A PL-110 sponsorship was designed for foreign nationals assisting in national security-related investigations and confers immediate legal permanent resident status. This sponsorship is limited to an overall total of 100 applications per year. Individuals being considered for a PL-110 sponsorship undergo a higher degree of vetting than those sponsored through SPBP or deferred action. Additionally, PL-110 requests undergo a tiered review and approval process, whereby the component's headquarters, DOJ's National Security Division, and the Central Intelligence Agency all must reach concurrence to support the application before it is sent to DHS for final approval. Only two DOJ PL-110 applications were approved during the period we reviewed. We examined files for both applications and found that both individuals appeared to have been properly vetted, the applications were appropriately reviewed, and the sponsorships were approved in a timely manner.

S Visa Sponsorship Program

A more commonly used long-term law enforcement immigration benefit is the S Visa, which Congress created in response to the 1993 World Trade Center attack when it recognized the need of a foreign national's presence in the United States during the course of an investigation.[17] Approved S Visa sponsorships are valid for 3 years and may be converted to legal permanent residency, if requested, at the end of that 3-year period. Therefore, the S Visa program has more detailed application requirements, numerous procedural controls, and a multi-level approval process. S Visa-sponsored foreign nationals accounted for only 104 of the total 5,496 reported sponsorships between FYs 2015-2017.

Application Review Process

The S Visa statute was enacted when immigration matters were the responsibility of the Immigration and Naturalization Service (INS), which was a DOJ

[16] We do not make a recommendation to ATF related to its information management because ATF is currently working to close a similar recommendation from the U.S. Department of Justice Office of the Inspector General, *Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Management and Oversight of Confidential Informants*, Report 17-17 (March 2017).

[17] 8 U.S.C. § 1101 (1994).

component and under the management of the Attorney General. INS ceased to exist in 2003 and its functions were transferred to the newly created DHS. Currently, DHS's U.S. Citizenship and Immigration Service (USCIS) reviews and performs the final adjudication of S Visa applications. However, DOJ retains significant involvement in the S Visa approval process for various reasons, including that the majority of applicants are utilized by DOJ and that the S Visa statute has not been updated since 1994 and therefore does not reflect the establishment of DHS and its responsibility to confer immigration statuses.

The S Visa statute grants S Visa approval authority to the Attorney General. The Attorney General has delegated this responsibility to a Criminal Division Deputy Assistant Attorney General who approves all S Visa requests, including requests from non-DOJ entities, such as DHS. All approved S Visa requests are then sent to USCIS for final determination and issuance or denial of the visa.

The Criminal Division's Office of Enforcement Operations (OEO) manages the S Visa program and facilitates the S Visa application process for all federal, state, and local law enforcement entities. OEO receives all S Visa requests and first reviews application materials for completeness, including the signed approval of a U.S. Attorney. During this phase, OEO does not review the adequacy or approvability of the S Visa request. If OEO determines an application is incomplete, OEO contacts the sponsoring law enforcement agency to request the submission of a revised application that contains all required documents.

Upon receipt of a complete application, OEO staff assesses the strength of the application. This includes reviewing the foreign national's involvement in the ongoing investigation or prosecution, specifically determining whether the foreign national's presence in the United States and testimony are critical to the success of the case, as well as weighing other discretionary balancing factors such as whether the foreign national is employed, pays taxes, or has family members who are U.S. citizens. In addition, OEO ensures that sponsoring agencies conducted the necessary law enforcement database checks. OEO also considers any derogatory information about the applicant's criminal background. If the foreign national's history of criminal or otherwise unacceptable activity would normally prohibit an individual's admittance into the United States, the sponsoring agency must request and OEO must authorize a waiver before a sponsorship can be approved.[18]

After an S Visa application receives DOJ approval, it is submitted to USCIS for final adjudication. USCIS reviews DHS's Alien File to identify any grounds for inadmissibility that have not already been addressed in the application documents.[19] If USCIS uncovers any disqualifying immigration activity, it seeks to resolve the admissibility issues with OEO or the sponsoring agency, which can

[18] In general, the Immigration and Naturalization Act (S Visa Statute) allows for the law enforcement agency to request a waiver for a foreign national's past activity except for participation in the following: Nazi interests or support, torture, genocide, or extrajudicial killing.

[19] The Alien File may contain information not otherwise known to the law enforcement component, such as attempts to enter the United States, because DHS is the only agency with access to the Alien File.

include obtaining additional waivers of inadmissibility. Ultimately, USCIS will make the final determination whether to grant an S Visa.

We spoke with agents from DOJ components that sponsored foreign nationals for S Visas and were told that the process is very lengthy. One sponsoring agent told us that he had been waiting for 8 years for an S Visa application to be approved. Another sponsoring agent stated that the approval time had gone down from 10 to 7 years, while a third agent informed us that the quickest approval seen was 5 years.

We reviewed a sample of 45 S Visa applications at the sponsoring DOJ law enforcement components; these files did not consistently contain information that would allow us to perform a reliable analysis of the S Visa application adjudication process as a whole. However, our file reviews confirmed that the application process did take considerable time in many instances. Notably, one file that we reviewed spent more than 6 years in the adjudication process at DHS. We also found one case currently pending DHS approval that resided at OEO for 5 years due to multiple waivers required for family members of the foreign national. In addition, one file was forwarded to OEO for review after having been in process for about 15 months within the component approval process. During our file review, we found applications delayed due to application errors or omissions; OEO and DHS requests for additional information; and time spent obtaining waivers of inadmissibility, translation of official documents, updated fingerprints, and USAO concurrence.

OEO officials acknowledged that some S Visa requests may take a significant amount of time to complete the approval process and historically there has been a backlog of S Visa requests in process. OEO officials attributed the backlog and processing delays to staffing shortages and weaknesses in application materials. For example, application packages may have been missing evidence of a thorough assessment of the need or importance of the continued operational assistance of the foreign national. We also found that the attempts to resolve these issues sometimes resulted in the expiration of certain application documents, such as USAO concurrence, which is valid for 18 months. To reduce unacceptable applications and improve the application process, OEO provided outreach to sponsoring components and developed a worksheet that provides guidance on the specific requirements for an S Visa application. However, we learned that despite its outreach efforts, OEO reported that it is still receiving applications that cannot be approved.

We also noted that there were various instances of breakdowns in the communication process among the entities involved in the S Visa program. For example, we identified a lack of communication for two S Visa applications for two related foreign nationals whose deferred action status had lapsed. We were told by a USCIS official that DHS had reached out to both OEO and the FBI to determine whether the deferred action status would be renewed or if the S Visa applications would be cancelled. According to officials at OEO and FBI headquarters, the sponsoring agents had not responded in a timely manner to inquiries related to

these S Visa applications. In one of these cases, 25 months had elapsed and, as a result, the FBI is considering withdrawing the application.

S Visa Information Management

During our review of the S Visa program, we encountered great difficulty ascertaining the true universe of applications in process and active sponsorships. We requested S Visa application information from ATF, DEA, FBI, USMS, and USAOs and attempted to reconcile that information to the same information we requested from OEO and USCIS. Table 5 represents the information provided to us related to S Visa requests in process and approvals.

Table 5

S Visa Requests and Approvals
FY 2015 through FY 2017,
as reported by each component and DHS

	Requests in Process			Approved S Visas		
	Component	OEO	DHS	Component	OEO	DHS
ATF	1	2	4	11	4	2
DEA	42	49	38	16	37	33
FBI	37	51	85	27	24	24
USAOs	0	2	5	0	1	0
USMS	0	0	0	0	0	0

Source: DOJ Components, OEO, and DHS

As shown in the above table, we were not able to reconcile any of the figures reported to us. With the exception of ATF, all of the DOJ components that gave us data (DEA, FBI, and OEO) had some difficulty in providing us with the information in a timely manner. We believe that the discrepancies in the reported amounts that we identified were attributable, in part, to various inadequacies of the systems that each component uses to track S Visa information. An OEO official acknowledged weaknesses with the inputting of information into OEO's system and noted that the system is not robust and is very outdated. In addition, the OEO and component systems do not track the same data points, and some data points (e.g., alien numbers) are not formatted in a similar fashion, thus reducing the ability to easily reconcile information. Finally, there is a lack of transparency in the status of applications as they move through the process. This makes it difficult for submitting components to know if their request has been approved by OEO and awaits DHS approval, or if it is still in the OEO approval process.

We believe it is important for OEO to maintain accurate information about the S Visa program because this information statutorily is required to be reported to Congress. The Department must report on the number of S Visas granted each fiscal year and without accurate information, the Congressional reports may not

convey an accurate picture of the value provided by the S Visa program.[20] Therefore, we recommend that OEO, in coordination with sponsoring DOJ components, enhance S Visa application and approval tracking, including developing regular information sharing and reconciliation procedures, to provide transparency and promote effective data management.

Diminished Program Perception

We interviewed headquarters officials and field office agents who had worked to submit S Visa or PL-110 requests since FY 2015 and we found a negative perception of the program, namely that the application and approval processes are long and cumbersome. For PL-110 sponsorships, an FBI official explained that due to the stringent vetting process and limits imposed on the use of PL-110, special agents typically submit PL-110 requests as a matter of last resort.

DEA and FBI agents described the S Visa application process as difficult and prone to delays. Two FBI agents described the application process in negative terms, stating that it was repetitive and redundant. Another FBI special agent recounted that a foreign national for whom an S Visa application was submitted seemed less cooperative and willing to provide assistance on the FBI's investigation because the S Visa was not yet approved. Further, this agent stated that some FBI colleagues tried to persuade him not to apply for an S Visa because it was too difficult and lengthy, and not worth the effort.

Because the approval of an S Visa requires the coordination of multiple DOJ entities, as well as DHS, efficient coordination is necessary to ensure that the special agents who require the use of an S Visa to support their investigations are not denied timely adjudication of the immigration benefit. Special agents and officials within DOJ's law enforcement components told us that S Visas were a valuable tool that contribute to the DOJ's achievement of mission-critical operations. However, we found the S Visa application review process to be lengthy and cumbersome, which we believe could impact the achievement of the program's intent. We believe that a more streamlined approach would help law enforcement agencies utilize this immigration benefit to allow foreign nationals to remain in the United States to assist in important and sometimes high-level law enforcement operations. Further, better communication and more accurate tracking of information could result in a more effective program. Therefore, we recommend that DOJ components coordinate among themselves and with DHS to develop a more efficient process for S Visa adjudications.

[20] OEO uses its own data to compile the number of S Visas granted each year. The reports to Congress also contain other program information, such as S Visa recipients convicted of crimes in the United States and the number of successful criminal prosecutions, investigations completed, or terrorist acts disrupted as a result of the cooperation of foreign nationals granted S Visas. OEO relies upon the components to provide this information on a quarterly basis.

CONCLUSION AND RECOMMENDATIONS

Effective sponsorship programs should mitigate the risks associated with using individuals who often have criminal histories or are involved with criminal organizations. An appropriately managed program should also ensure that DHS is immediately notified of identified absconsions and kept apprised of status changes, terminations, or other significant events that may impact a foreign national's continued stay in the United States. However, we identified deficiencies in DOJ components' execution of these essential sponsorship responsibilities. Specifically, we identified instances where sponsored foreign nationals absconded or fell out of legal status due to inaction on the part of the sponsoring DOJ component. We also identified concerns with the tracking and reporting of information related to sponsorships, which led to lapses in legal immigration status. We also found that the DOJ lacked the ability to effectively identify the complete universe of foreign nationals who were and are sponsored to be in the United States for law enforcement purposes. These deficiencies do not provide assurance that DOJ components have implemented and executed adequate management controls and sufficient oversight to fulfill their obligations to DHS, protect the public, and achieve their objectives of furthering investigations and prosecutions.

Finally, we found the S Visa application review process to be lengthy and cumbersome and, as a result, agents stated that they do not always consider S Visas as an option for their investigations needing the assistance of a foreign national. We believe that a more efficient approach would help law enforcement agencies utilize this immigration benefit to allow foreign nationals to remain in the United States to assist in important and sometimes high-level law enforcement operations. Further, better communication and more accurate tracking of information could result in a more effective program.

Therefore, we made 10 recommendations to the Department related to the management of DOJ components' sponsorship activities.

Recommendations

We recommend that the DEA and FBI:

1. Ensure that the components have taken all appropriate and necessary actions to assist DHS in locating individuals identified as having absconded.

We recommend that all DOJ components that sponsor foreign nationals:

2. Ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

3. Develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

4. Institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

5. Develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

6. Ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

We recommend that the Office of the Deputy Attorney General:

7. Determine whether AUSAs should directly sponsor foreign nationals and develop and promulgate formal guidance on the matter.

We recommend that the DEA, FBI, USAOs, and USMS:

8. Implement methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

We recommend that OEO:

9. Coordinate with sponsoring DOJ components to enhance S Visa application and approval tracking, including developing regular information sharing and reconciliation procedures, to provide transparency and promote effective data management.

10. Work with DHS and sponsoring DOJ components, as appropriate, to develop a more efficient process for S Visa adjudications.

STATEMENT ON INTERNAL CONTROLS

As required by the *Government Auditing Standards*, we tested, as appropriate, internal controls significant within the context of our audit objectives. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our evaluation of the ATF, Criminal Division, DEA, FBI, USAOs, and USMS's internal controls was *not* made for the purpose of providing assurance on its internal control structure as a whole. The respective components' management is responsible for the establishment and maintenance of internal controls.

As noted in the Audit Results section of this report, we identified deficiencies in the components' internal controls that are significant within the context of the audit objectives and, based on the audit work performed, that we believe adversely affect the components' ability to perform proper oversight and track the status of sponsorship applications. Specifically, we found deficiencies in policies and procedures for oversight of foreign nationals at the DEA and FBI that may have contributed to foreign nationals absconding. Additionally, we became aware of lapses in sponsorships and unresolved sponsorships at ATF, DEA, FBI, USAOs, and USMS, which required coordination with DHS. Finally, we found inconsistencies in the information tracked regarding applications for foreign national sponsorships at ATF, Criminal Division, DEA, FBI, USAOs, USMS, and DHS that we could not reconcile. These weaknesses in internal controls are detailed within our report and we believe the weaknesses should be addressed.

Because we are not expressing an opinion on the ATF's, Criminal Division's, DEA's, FBI's, USAOs', and USMS's internal control structure as a whole, this statement is intended solely for the information and use of the aforementioned components. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards* we tested, as appropriate given our audit scope and objectives, selected records, procedures, and practices, to obtain reasonable assurance that ATF, Criminal Division, DEA, FBI, USAOs, and USMS management complied with federal laws and regulations for which noncompliance, in our judgment, could have a material effect on the results of our audit. The management of these components is responsible for ensuring compliance with applicable federal laws and regulations. In planning our audit, we identified the following laws and regulations that concerned the operations of the auditees and that were significant within the context of the audit objectives:

- 8 C.F.R. § 214 (1995)
- 8 C.F.R. § 212.5 (2001)
- Public Law No. 82-414

Our audit included examining, on a test basis, the auditees' compliance with the aforementioned laws and regulations that could have a material effect on these DOJ components' operations. We accomplished this task by interviewing component personnel, analyzing component data, assessing internal control procedures, and examining procedural practices. Nothing came to our attention that caused us to believe that the ATF, Criminal Division, DEA, FBI, USAOs, and USMS were not in compliance with the aforementioned laws and regulations.

APPENDIX 1

OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The objectives of this audit were to assess: (1) the oversight of DOJ components' foreign national sponsorship activities, and (2) the coordination within the DOJ components and with DHS to ensure the accuracy of information regarding foreign national sponsorships.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We defined the scope of our audit to be foreign nationals sponsored for law enforcement investigations or prosecutions by ATF, DEA, FBI, USAOs, and USMS who were actively used at any point between October 1, 2014, and September 30, 2017 (fiscal years 2015 through 2017). Our audit did not include foreign nationals who enter or are in the United States only to face trial or serve a prison sentence. The audit team also did not review foreign national sponsorship-related activities within the Federal Witness Security Program due to recent OIG audits of the program.

To accomplish our objectives, we requested data to correspond with the universe of sponsored foreign nationals during the scope of our audit. As noted in our report, we experienced obstacles in compiling this universe and successfully reconciling this data to information maintained by the sponsorship processing offices, the Criminal Division's Office of Enforcement Operations, and the DHS. In addition, each component maintained its sponsorship-related information in different ways (e.g., spreadsheets or databases) and we did not attempt to compare components' recordkeeping methodologies. In order to best capture the universe of foreign nationals sponsored for use by the Department, we used the information reported to us and applied search parameters to display those individuals sponsored during our review period. We did not perform an independent, overall assessment of the reliability of the data provided to us because we used the data only for information and contextual purposes. The data did not provide the sole basis for any of our findings. However, based upon the totality of our work, we believe that this information (as displayed in Table 1 of the report) provides appropriate and important context for the total and relative levels of sponsorship activity within the audited DOJ components.

We also performed testing of source documents to assess aspects of the management of foreign national sponsorship activities. In addition, we conducted

interviews with officials from ATF, Criminal Division, DEA, EOUSA, FBI, National Security Division, three USAOs, USMS, and the DHS. Further, we reviewed the sponsoring components' formal policies and procedures related to foreign national sponsorships and assessed these policies and procedures in light of guidance promulgated by DHS. These procedures covered the application process, vetting, supervision, and monitoring of the sponsored foreign nationals, as well as reporting requirements and requests for extension and termination of sponsorships.

Further, we performed a review of foreign national case file documents created by the audited DOJ components. We judgmentally selected 143 foreign national files to perform a limited review, as shown in Table 6.

Table 6

Sample of Component Sponsorship Files

Component	Reported Universe of Active Sponsorships FY 2015 to FY 2017	Sample of Headquarters Files Reviewed				
		SPBP	Deferred Action	S Visa	PL-110	Total Sample
ATF	56	0	10	0	0	10
DEA	2,380	28	37	4	0	69
FBI	3,059	22	36	3	2	63
USMS	1	1	0	0	0	1
Total	5,496	51	83	7	2	143

Source: OIG Analysis of Component Data

Our selection of files was structured to obtain exposure to various areas of risks related to sponsorship activities such as immigration tool utilized, the decision process to sponsor the foreign national, location of sponsorship, and length of time for approval. We also reviewed additional FBI files for foreign nationals sponsored outside of our audit review period because the FBI provided us with information indicating these individuals had absconded from DOJ control. Due to the significant risk associated with these foreign nationals, we included these files in our review. Our sample selection methodologies were not designed with the intent of projecting our results to the population from which the samples were selected. Moreover, in many of these cases, the decentralized nature of these components' foreign national information precluded us from confirming that we had identified and reviewed all documentation related to a particular foreign national because foreign national files are maintained by components' headquarters units and are separate from investigative case files and other records maintained in field offices. Our concerns related to components' management of information are detailed in the Audit Results section of our report.

Although the number of components audited and their decentralized nature of monitoring-related recordkeeping precluded us from fully evaluating component's monitoring of sponsored foreign nationals, we reviewed documentation from the

aforementioned foreign national hard-copy files maintained at each components' headquarters office. Although we recognize that specific monitoring is not prescriptive for all types of foreign national sponsorships, we believe that monitoring and supervising foreign nationals sponsored by DOJ provides assurance that components take seriously the responsibility that accompanies their actions to sponsor these individuals for temporary residency in the United States. In our audit we note that, with the exception of ATF, the components do not require that monitoring documentation be maintained at headquarters and therefore we did not interpret the absence of such documentation to equate to lapses in monitoring. However, we observed some monitoring documentation in the files that we examined and reviewed this documentation to identify whether best practices or deficiencies existed related to compliance with certain monitoring requirements.

In conjunction with our assessment of the responsible components' monitoring of sponsored foreign nationals, we also judgmentally selected 166 sponsored foreign nationals to search in the National Criminal Information Center (NCIC). The purpose of these searches was to determine if criminal activity had been reported during the sponsorship period and had not been detected by the sponsoring components, or if there was reported criminal activity related to any of the FBI-designated absconsions after those individuals had absconded. We conducted NCIC criminal history record checks using foreign national alien identification numbers as recorded in the components' files. Therefore, the results of our criminal history searches were limited to records for which law enforcement agencies had recorded alien identification numbers at the time of arrest. Our queries returned records for 41 of the 166 individual alien numbers we searched, and the results of our review of those 41 records are detailed in the Audit Results section of our report.

Lastly, we worked with DHS to obtain both testimonial and quantitative information related to Department components' use of foreign national sponsorship tools. Because DHS has the final approval authority for immigration benefits, we provide DHS's information for contextual purposes, as well as to provide DHS officials' viewpoints of DOJ sponsorships. We obtained information from DHS Immigration and Customs Enforcement related to significant public benefit parole and DHS U.S. Citizenship and Immigration Services related to S Visa and PL-110. We did not obtain specific information related to deferred action requests because DHS does not centrally track information related to deferred action. We also did not audit DHS's information, procedures, or practices because it is outside of our purview.

THE DEPARTMENT AND COMPONENT RESPONSES TO THE DRAFT AUDIT REPORT

THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES' RESPONSE TO THE DRAFT AUDIT REPORT

ATF Response to the OIG's Audit of DOJ's Use of Immigration Sponsorship Programs

U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Assistant Director

Washington, DC 20226
www.atf.gov

701230:ADS
8310

MEMORANDUM TO: Assistant Director
Office of Professional Responsibility and Security Operations

FROM: Assistant Director
Office of Field Operations

SUBJECT: OIG Draft Report – Audit of the Department of Justice's Use of Immigration Sponsorship Programs

This memorandum responds to the recommendations contained in the Office of Inspector General's (OIG) report titled "Audit of the Department of Justice's Use of Immigration Sponsorship Programs." We welcome OIG's constructive comments and appreciate the opportunity to respond.

Recommendation # 2. Ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

(RESOLVED). ATF concurs with this recommendation. ATF ensure that DHS is notified in a timely manner when there is any significant change in the status of foreign nationals being sponsored. ATF accomplishes this in accordance with ATF O 3252.1A which requires that if the sponsoring agent has any reason to discontinue use of the sponsored alien they must report the discontinuance to their immediate supervisor as well as notify their Special Agent in Charge, who in turn notifies the Special Operations Division (SOD). Once SOD receives the notification ICE will be notified by SOD's Enforcement Support Branch (ESB). If the sponsoring agent fails

to notify SOD of a discontinuance the sponsoring agent's supervisor will be contacted and it will be noted in the agent's annual performance appraisal.

Recommendation #3. Develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

(RESOLVED) ATF concurs with this recommendation. The ATF Assistant Director of Field Operations issued a memorandum to all Special Agents in Charge which mandates that all sponsoring agents meet face-to-face with the foreign national each month. After this meeting the agent is required to submit a 30-day memorandum to ESB. This memorandum indicates if the foreign national has had any contact with law enforcement or is involved in any improper/illegal activity. The sponsoring agent also conducts a criminal history check and provides information on the foreign national's current address. This process ensures that ATF is able to immediately notify DHS of any status changes, terminations, or other significant events that may impact a foreign national's continued stay in the United States. This notification will be made initially with a phone call the followed up with an email.

Recommendation #4. Institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

(RESOLVED) ATF concurs with this recommendation. ATF is vigilant in the monitoring of foreign nationals we are sponsoring. There is a full time Alien Program Manager within ESB that does monthly checks on all sponsored aliens and receives and reviews all the 30-Day memorandums from the sponsoring agents. The Alien Program Manager has a very good relationship with her counterparts at DHS which is beneficial in all circumstances and for resolutions. All ATF sponsored aliens are monitored by the ATF Crime Gun Criminal Intelligence Groups and ATF is automatically notified by the Federal Bureau of Investigation if there are any hits on the sponsored aliens fingerprints.

Recommendation #5. Develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

(RESOLVED) ATF concurs with this recommendation. In accordance with ATF O 3252.1A, when a sponsored alien approved period of temporary legal status nears its end, ESB will advise the sponsoring agent of their options to extend or terminate the sponsorship in an adequate timeframe for either an extension or change of status request. ATF maintains a database of all sponsored foreign national which includes information on the date the sponsorship was approved and the date which the sponsorship expires so that we can accurately track when a foreign national's status is nearing expiration. In addition those aliens that are registered as Criminal Informants are listed in the ATF CIMRRS system. Sponsoring agents and their supervisors receive automatic replies from CIMRRS three months before a sponsoring alien is due to expire and provided information on renewal. Sponsoring agents of CI's as well as all other sponsored aliens are provided information as well as the documentation needed for renewal as well as

status adjustments well in advance of the expiration date and they will work with ESB to ensure all documentation in received and submitted in a timely manner.

Recommendation #6. Ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

(RESOLVED) ATF concurs with this recommendation. ATF consistently monitors all foreign nationals sponsored by ATF, we exceed the quarterly reporting of Visa holders to make sure the sponsoring agent and the foreign national are following the policies and practices required by DHS. In addition ATF has centralized all foreign national reporting to ensure DHS is informed of sponsorship-related events as they occur. The Special Operations Division, Enforcement Support Branch coordinates and monitors the agent sponsors and the effected foreign nationals to assure program compliance. Sponsoring agents are mandated by a memorandum from the ATF Assistant Director, Field Operations to make face-to-face contact with the foreign national(s) they are handling and providing a report on that contact to ESB by the 10th of each month, if there are any significant changes DHS is notified immediately.

Please let me know if I can be of further assistance on this or any other matter.

For William McMullan

Attachments:

THE CRIMINAL DIVISION'S RESPONSE TO THE DRAFT AUDIT REPORT

U.S. Department of Justice

Criminal Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

April 16, 2019

U – UNCLASSIFIED – PUBLIC RELEASE

MEMORANDUM

To: Michael E. Horowitz
Inspector General
U.S. Department of Justice

Through: Carol Taraska
Regional Audit Manager for Audit

From: Jennifer A.H. Hodge
Acting Deputy Assistant Attorney General

Subject: Response to Draft Audit Report entitled *Audit of the Department of Justice's Use of Immigration Sponsorship Programs* (March 27, 2019)

(U) The Department appreciates the opportunity to respond to the Office of the Inspector General's draft audit report entitled *Audit of the Department of Justice's Use of Immigration Sponsorship Programs* (*OIG Audit Report*). The collaborative audit process has helped identify areas for improvement in the Office of Enforcement Operation's administration of the S visa application process (S visa Program).

(U) Approximately 25 years ago, in part-response to the 1993 World Trade Center bombing, Congress passed the Violent Crime Control Act (Act) of 1994, Pub. L. No. 103-322, 103d Cong., 2d Sess. (1994). Section 130003 of the Act amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification. See 8 U.S.C. § 1101(a)(15)(S).

(U) "S-5" nonimmigrant classification is available to a limited number of foreign nationals who possess critical reliable information about a criminal organization or enterprise; are willing to supply (or have supplied) such information to federal or state law enforcement authorities; and whose presence in the United States is essential to the success of an authorized criminal investigation or prosecution of an individual involved in the criminal organization or enterprise. "S-6" nonimmigrant classification is available to a limited number of foreign nationals who cooperate in terrorism matters. The foreign nationals must possess critical reliable information about a terrorist organization, enterprise, or operation; are willing to supply

U – UNCLASSIFIED – PUBLIC RELEASE

(or have supplied) such information to a federal law enforcement authority; be in danger as a result of providing such information; and is certified by the Department of State as being eligible to receive a reward under its Rewards for Justice Program. *Id.*; *see also* 22 U.S.C. § 2708.

(U) The S visa permits the aliens selected for the S visa Program, and eligible family members, to be admitted to the United States in a temporary nonimmigrant status for up to three years. *see* 8 U.S.C. § 1184(k)(3). The S visa Program has played a crucial role in the successful prosecution or investigation of significant criminal or terrorist organizations and enterprises, and has enabled federal investigators and prosecutors to bring to justice dangerous criminals. This vital and effective prosecution tool allows the government to keep those witnesses in the United States whose presence here is essential to the success of a criminal investigation or whose testimony is critical to securing convictions in United States courts of law, military tribunals, and foreign prosecutions.

(U) The Department has considered the two recommendations reflected in the draft *OIG Audit Report*. As detailed below, the Department concurs with the two recommendations and is currently reviewing its policies, procedures, and ITM database system for additional ways to more efficiently and effectively administer the S visa Program and ensure information-sharing occurs among DOJ components.

1. **(U) OEO coordinate with sponsoring DOJ components to enhance S visa application and approval tracking, including developing regular information sharing and reconciliation procedures, to provide transparency and promote effective data management.**

(U) The Department concurs with this recommendation. The Office of Enforcement Operations (OEO), which oversees the S visa Program, noted data management tracking problems during the audit and has engaged and will continue to engage with DOJ components, DHS, and CRM ITM to identify solutions for better information tracking within the OEO and information sharing among components and between agencies. The OEO provides notice to components' headquarters as S visa applications progress through the OEO process and is considering providing the same notice to sponsoring field agents for full visibility.

2. **(U) Work with DHS and sponsoring DOJ components, as appropriate, to develop a more efficient process for S visa adjudications.**

(U) The Department concurs with this recommendation. Stakeholder meetings occurred before and during the audit, and will routinely continue to occur, at which all components and agencies will continue to discuss ways to more efficiently process S visa applications across the board. For example, the OEO suggested to DHS that DHS's review of

applications occur prior to submission to the Department since no other agency has access to the A file which likely contains more factors of inadmissibility not known to the Department or sponsoring DOJ component. If DHS is able to effectuate this change in process, the S visas processing time would be reduced.

THE DRUG ENFORCEMENT ADMINISTRATION'S RESPONSE TO THE DRAFT AUDIT REPORT

U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

Washington, D.C. 20537

APR 17 2019

MEMORANDUM

TO: Jason R. Malmstrom
Assistant Inspector General for Audit
Office of the Inspector General

FROM: Mary B. Schaefer
Chief Compliance Officer
Office of Compliance

SUBJECT: DEA Response to the OIG Formal Draft Report: "Audit of the Department of Justice's Use of Immigration Sponsorship Programs"

The Drug Enforcement Administration (DEA) has reviewed the Department of Justice (DOJ) Office of the Inspector General's (OIG) Audit Division report entitled, "Audit of the Department of Justice's Use of Immigration Sponsorship Programs." DEA acknowledges and is appreciative of the role the OIG played in identifying areas of weakness to assist DOJ in oversight of sponsored foreign nationals.

OIG made ten recommendations to the Department related to the management of DOJ components' sponsorship activities. DEA provides the following responses to the seven recommendations (1-6, and 8) that were made to DEA:

Recommendation 1. Ensure that the components have taken all appropriate and necessary actions to assist DHS in locating individuals identified as having absconded.

DEA RESPONSE

DEA concurs with the recommendation. The Confidential Source Section has ensured that all available DEA information regarding the individual who was identified as having absconded was re-sent to DHS on March 26, 2019. DEA previously provided the results of the information to OIG on April 16, 2019.

Based on the information provided, DEA requests closure of this recommendation.

Recommendation 2. Ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

DEA RESPONSE

DEA concurs with the recommendation. Existing DEA policy requires the notification to DHS when a parolee is believed to have absconded. The policy will be re-worded to include a timeliness element to ensure DHS is notified as soon as practicable.

Since the completion of the OIG audit, questions have also been added to the DEA Confidential Source Program Management inspection checklist regarding the notification to DHS in the event of a parolee absconding. The inspection process and the Group Supervisor Quarterly Review of the CS and the CS file will act as a secondary check to ensure that these procedures are followed.

Recommendation 3. Develop processes to minimize future unresolved sponsorship matters and ensure compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

DEA RESPONSE

DEA concurs with the recommendation. Existing DEA policy requires notification to DHS when a parolee is believed to have absconded but does not include a specific time component. As noted above, a timeliness component will be added to the current policy to ensure DHS is notified as soon as practicable. Questions have also been added to the DEA Confidential Source Program Management inspection checklist that are designed to identify circumstances in which DHS notification following a parolee absconsion is not made. The tracking of parolees is also accounted for on the inspection checklist. The inspection process and the Group Supervisor Quarterly Review of the CS and the CS file will act as a secondary check to ensure unresolved sponsorship matters are rectified.

Additionally, copies of all notifications of absconsion sent to DHS will be stored in an electronic file maintained by DEA HQ/OMI to facilitate the re-sending of the information to DHS in the event that it is necessary to re-send it.

Recommendation 4. Institute a more efficient process to resolve DHS's existing sponsorship matters and ensure that any future sponsorship matters are resolved expeditiously.

DEA RESPONSE

DEA concurs with the recommendation. On March 28, 2019, discussions were conducted between the Unit Chief of the Parole and Law Enforcement Programs Unit (PLEPU) of DHS regarding how DEA could help resolve this issue. It was agreed that practices put in place in response to the OIG

audit, such as re-wording of the Agents Manual, changes to the inspection checklist, and updates to the CSSC database, should mitigate future sponsorship issues. Regarding existing sponsorship issues, DEA will provide the information it has available regarding unresolved sponsorship matters upon request from PLEPU.

Communications between DEA and DHS will be tracked in an electronic file as they relate to the notification of absconsions. DEA HQ/OMI will facilitate communication of the information to DHS in the event the safeguards described above identify situations in which the notification of an absconsion was not sent or must be re-sent.

Recommendation 5. Develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

DEA RESPONSE

DEA concurs with this recommendation. DEA is analyzing the feasibility of adding fields to the electronic CS database (CSSC) to track immigration benefits for the primary and derivative benefit holders. Currently, CSSC captures the aforementioned information during the initial entry; however, CSSC lacks the programming to track updated immigrations benefits beyond CS establishment. Proposed changes to the database would track benefit expiration dates and send automatic reminders to field controlling agents of upcoming expirations.

Field CS Coordinators are currently required by DEA policy to maintain a database of all parolees, including sponsorship expirations. To create a redundancy, questions have been added to the DEA Confidential Source Program Management inspection checklist regarding the notification to DHS in the event of a CS absconding and the tracking of CS parolees. DEA will re-word the inspection checklist to include the tracking of all parolees, to include derivative family members, witnesses, and other non CS parolees. The inspection process and the Group Supervisor Quarterly Review of the CS and the CS file will verify adherence to the manual requirement.

Recommendation 6. Ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

DEA RESPONSE

DEA Agents Manual section 6612.100(F) will be re-worded to clarify that "SPBP recipient" and "Parolee(s)" refers to all parolees to include derivative family members, witnesses, or other non-CS parolees.

Questions added to the DEA Confidential Source Program Management inspection checklist regarding the notification to OHS in the event of a CS absconding and the tracking of CS parolees will help ensure compliance with existing policies. DEA will re-word the inspection checklist to include the tracking of all parolees, to include derivative family members, witnesses, and other non

CS parolees. Additionally, field controlling agents will monitor the physical status of derivative family members through discussions with the CS or home visits as appropriate.

Recommendation 8. Implement methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

DEA RESPONSE

DEA concurs with this recommendation. DEA is exploring the feasibility of adding functionality to the CSSC database enabling the tracking of benefit expiration dates for derivative family members of Cooperating Sources and automatic reminders to field controlling agents of upcoming expirations. The physical status of derivative family members will be tracked by field agents through phone calls, home visits, and physical meetings with the CS.

DEA Policy requires Division Confidential Source Coordinators (CSC) to maintain a computer database and file system for SPBPs initiated and/or reassigned within their respective Division. The Division CSC will monitor the status of each SBPB recipient to ensure adherence to current DHS reporting requirements.

Thank you for the opportunity to respond and address the OIG's concerns. If you have any questions regarding this response, please contact DEA's Audit Liaison Team at 202-307-8200.

THE EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS AND THE OFFICE OF DEPUTY ATTORNEY GENERAL'S RESPONSE TO THE DRAFT AUDIT REPORT

U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

MEMORANDUM

TO: Jason R. Malmstrom
Assistant Inspector General
For Audit
Office of the Inspector General

FROM: Bradley Weinsheimer
Associate Deputy Attorney General
Office of the Deputy Attorney General

Norman Wong
Deputy Director
Executive Office for United States Attorneys

DATE: May 10, 2019

SUBJECT: Response to OIG's Draft Audit Report: "Audit of the Department of Justice's Use of Immigration Sponsorship Programs"

The Office of the Deputy Attorney General (ODAG) and the Executive Office for United States Attorneys (EOUSA) appreciate the audit undertaken by the Office of the Inspector General (OIG) and the opportunity to comment on the OIG's final draft audit report, "Audit of the Department of Justice's Use of Immigration Sponsorship Programs." Recommendations Two through Six are directed at DOJ components that sponsor foreign nationals. Recommendation Seven is directed at ODAG, and Recommendation Eight to a number of components, including U.S Attorneys' offices. For purposes of this response, ODAG and EOUSA understand the term "sponsor" in these Recommendations, as it applies to U.S. Attorneys' offices, to mean taking on the role of a law enforcement agency by certifying and/or assuming law enforcement responsibility for control of the alien and his or her continued stay in lawful status, to potentially include monitoring the alien and submitting periodic reports detailing the alien's whereabouts and activities.

Recommendation Seven recommends that the Department determine whether AUSAs should directly sponsor foreign nationals and should issue formal guidance on the matter. ODAG concurs with this recommendation and will coordinate with EOUSA in determining whether AUSAs should directly sponsor foreign nationals and in developing appropriate formal guidance.

With respect to Recommendations Two through Six, EOUSA will await appropriate action by the Office of the Deputy Attorney General under Recommendation 7, as to whether the United States Attorneys' offices will be directed to sponsor foreign nationals. If ODAG directs that USAOs are not to undertake this role, then EOUSA will understand that Recommendations Two through Six do not apply to it. If ODAG directs USAOs to undertake this role, then EOUSA agrees to implement these Recommendations.

EOUSA understands that Recommendation Eight is directed to United States Attorneys' offices in the rare instances when they have heretofore sponsored foreign nationals in the manner described above, by acting in the role of a law enforcement agency and certifying and/or assuming law enforcement responsibility for control of the alien. EOUSA concurs that, for those limited cases where such conditions exist, it will support implementation of methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

THE FEDERAL BUREAU OF INVESTIGATION'S RESPONSE TO THE DRAFT AUDIT REPORT

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

April 17, 2019

The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Mr. Horowitz:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your office's report entitled, *Audit of the Department of Justice's Use of Immigration Sponsorship Programs.*

We agree that it is important to develop processes to improve compliance with DHS' reporting requirements as well as ensure the communication of adequate and clear policies regarding timely coordination with DHS in the case of absconsions. In that regard, we concur with your seven recommendations for the FBI.

Should you have any questions, feel free to contact me. We greatly appreciate the professionalism of your audit staff throughout this matter.

Sincerely,

Thomas G. Seiler
Acting Section Chief
External Audit and Compliance Section
Inspection Division

Enclosure

The Federal Bureau of Investigation's Response to the Office of the Inspector General's Audit of the Department of Justice's Use of Immigration Sponsorship Programs

Recommendation 1: We recommended that the DEA and FBI ensure that the components have taken all appropriate and necessary actions to assist DHS in locating individuals identified as having absconded.

FBI Response to OIG Recommendation 1: Concur. The FBI implemented a compliance team which was comprised of two supervisory special agents (SSA) and two management and program assistants. The purpose of the team was to ensure the FBI was in compliance with Department of Homeland Security (DHS) requirements to include, but not limited to, tracking and conducting proper termination procedures for foreign national beneficiaries of sponsorships through consistently generating reports of expiring and expired sponsorships and coordination with FBI field offices for renewals and resolutions. As of March 2019, a third SSA was assigned to the team to specifically address the FBI's backlog of expired and unresolved sponsorships. In April 2019, DHS agreed to provide an updated list of FBI expired and unresolved sponsorships on a monthly basis. Through database checks, case file reviews, and coordination with FBI field offices and handling agent/s, the SSA will determine resolution of the sponsorships, including the current or last known location of absconded parolees. These resolutions and absconder locations will be provided to DHS to facilitate proper termination of the sponsorships.

In 2018, the FBI initiated a three year memorandum of understanding (MOU) with DHS/Immigration and Customs Enforcement (ICE)/Parole and Law Enforcement Programs Unit (PLEPU) to have an FBI SSA co-located with DHS in an assignee position to work closely with DHS on sponsorship compliance including locating individuals identified as absconders. The MOU was signed by both the FBI and DHS in June 2018. The FBI completed preliminary surveys of DHS/ICE headquarters for co-location. However, DHS/ICE/PLEPU moved from its Washington, D.C headquarters to a new location in Fairfax, Virginia in March 2019. An FBI survey of the Fairfax office will begin in the fourth quarter of FY 2019

Recommendation 2: We recommend that all DOJ components that sponsor foreign nationals ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

FBI Response to OIG Recommendation 2: Concur. The FBI is providing training to the field concerning all policies regarding the sponsorship of foreign nationals through participation at branch in-services, field office visits, and virtual conferences. Additionally, the FBI is creating a quick reference policy/fact sheet which will be completed third quarter FY 2019 which will be provided to all agents who inquire about sponsoring foreign nationals via the various law enforcement immigration tools: Significant Public Benefit Parole (SPBP), Deferred Actions, and S-Visas.

In the fourth quarter of FY 2019, the FBI's compliance team will implement a tracking system to identify administrative discrepancies to hold sponsoring field agents accountable in their adherence to DHS policies, including but not limited to, timely coordination and notification of absconsions.

The FBI is working to update and enhance the immigration tracking databases, allowing for timelier, more accurate, and more robust tracking of the status of all sponsorships. Various components within the FBI have surveyed the current immigration tracking databases and are seeking solutions for an updated and/or new tracking database. This project is scheduled for completion within FY 2020.

Recommendation 3: We recommend that all DOJ components that sponsor foreign nationals develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

FBI Response to OIG Recommendation 3: Concur. In the third quarter of FY 2019, the FBI will begin distributing a policy/fact sheet to all agents who make inquiries of any type of immigration sponsorship. This document will clearly delineate the FBI's responsibilities and the corresponding deadlines related to such a sponsorship. Additionally, the FBI's compliance team is working to develop processes to improve compliance with DHS's reporting requirements through better tracking of all sponsorships and regular communication with sponsorship-requesting agents. This will be completed by the first quarter of FY 2020.

Recommendation 4: We recommend that all DOJ components that sponsor foreign nationals institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

FBI Response to OIG Recommendation 4: Concur. The FBI compliance team will alleviate existing discrepancies between the FBI and DHS, and will develop and implement a process that will ensure future sponsorship resolutions will be addressed expeditiously. An SSA will be dedicated to addressing DHS's existing unresolved sponsorship matters. Through database checks, case file reviews, and coordination with the FBI field offices and handling agent/s, the SSA will determine resolution of the sponsorships, including the current or last known location of absconded parolees. These resolutions and absconder locations will be provided to DHS to facilitate proper termination of the sponsorships.

Executive management from both agencies met at FBI Headquarters in March 2019 to ensure unresolved sponsorship matters have a clear way to resolution in the future. The FBI will continue meeting with DHS components as needed to continue timely resolution of sponsorships. In order to alleviate the need to meet on a regular basis, DHS is instituting a new process in which each month, DHS will electronically provide the FBI with a report of sponsorships that will be expiring within the next 45 days so that the FBI can resolve the sponsorships prior to expiration.

Recommendation 5: We recommend that all DOJ components that sponsor foreign nationals develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

FBI Response to OIG Recommendation 5: Concur. Currently, the FBI utilizes two access databases to track sponsorships. One database tracks SPBPs and Deferred Actions, and a second database tracks S-Visas. The databases were originally located on a shared drive, which allowed only one person at a time to reliably manipulate data. Due to this limitation, data was lost from time to time when more than one person entered data at the same time. In 2018, the databases were relocated to a SQL server which allows multiple people to access and reliably manipulate the database at the same time, which has greatly reduced the instances of lost data. The access databases have limited functionality, and do not allow for robust reports generation to assist in tracking sponsorships. The FBI Information Technology Branch began (ITB) developing solutions to enhance the use of the existing access databases. ITB assessed the databases and tracking requirements and has a targeted goal of developing a new system in FY 2020.

Along with updates and enhancements of the sponsorship databases, the compliance team is developing a process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

Recommendation 6: We recommend that all DOJ components that sponsor foreign nationals ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

FBI Response to OIG Recommendation 6: Concur. For S-Visas specifically, previously, the FBI waited indefinitely for the case agents to provide quarterly contact reports, without management engagement in the process. This approach enabled the field to provide quarterly contact reports after the due date, sometimes up to 30-60 days late. In October 2018, the FBI implemented procedural changes to include the requirement that SSAs at FBI Headquarters engage the field case agents within 5 business days after a request for quarterly contact reports goes unanswered.

Through the education and training of field agents concerning sponsorship requirements, as well as through the creation and implementation of an FBI compliance team and processes for tracking sponsorships, the FBI will ensure policies and practices fully satisfy all monitoring and supervision certifications made to DHS. FBI policy guide updates concerning sponsorship of foreign nationals have been submitted for inclusion in the Confidential Human Source Policy Guide. Additionally, once the compliance team has fully developed new processes and procedures for ensuring compliance with sponsorship program policies, policy updates will be recommended for subsequent FBI policy guide releases.

Recommendation 8: We recommend that the DEA, FBI, USAOs, and USMS implement methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

FBI Response to OIG Recommendation 8: Concur. Previously, the FBI did not consistently track in process, expiring, and expired sponsorships. In October 2018, the FBI implemented procedural changes for tracking and obtaining S-Visa quarterly contact reports. The FBI's compliance team is now developing processes and procedures for consistent and proactive tracking of foreign nationals sponsored by the FBI with SPBPs and Deferred Actions. By the end of FY 2020, the FBI is on track to have significant improvements to the current tracking databases. This will enable the FBI to closely monitor every aspect of foreign national sponsorship in a manner whereas there will be no discrepancies or ambiguity of status for individuals within the program.

THE UNITED STATES MARSHALS SERVICE'S RESPONSE TO THE DRAFT AUDIT REPORT

U.S. Department of Justice

United States Marshals Service

Office of Professional Responsibility

Washington, DC 20530-0001

April 19, 2019

MEMORANDUM TO: Jason R. Malstrom
Assistant Inspector General for Audit
Office of the Inspector General

FROM: John O. Bolen
Assistant Director

SUBJECT: Response to Draft Audit Report: Audit of the Department of Justice's Use of Immigration Sponsorship Programs

This memorandum is in response to correspondence from the Office of the Inspector General (OIG) requesting comment on the recommendations associated with the subject draft audit report. The United States Marshals Service (USMS) appreciates the opportunity to review the Report and concurs with the recommendations therein. Actions planned by the USMS with respect to OIG's recommendations are outlined in the attached response.

Should you have any questions or concerns regarding this response, please contact Krista Eck, External Audit Liaison, at 202-819-43 71.

Attachments

cc: Carol Taraszka
Regional Audit Manager
Office of the Inspector General

Bradley Weinsheimer
Associate Deputy Attorney General
Department of Justice

Paul Perkins
Counsel to the Deputy Attorney General
Department of Justice

Adam Braverman
Associate Deputy Attorney General
Department of Justice

Richard P. Theis
Assistant Director, Audit Liaison Group
Internal Review and Evaluation Office
Justice Management Division

John Kilgallon
Chief of Staff
United States Marshals Service

United States Marshals Service Response to OIG Draft Report
Audit of the Department of Justice's Use of Immigration Sponsorship Programs

Recommendation 2: Ensure the implementation and communication of adequate and clear policies that require both timely coordination with the Department of Homeland Security (DHS) and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

United States Marshals Service (USMS) Response (Concur): The USMS will create a policy regarding the use of immigration sponsorship programs. Specifically, the policy will serve as Agency guidance to formalize the USMS Headquarters approval process, establish accountability for sponsoring agents, foreign national vetting procedures and monitoring, and outline tracking protocols to ensure compliance with DHS' reporting requirements and mandatory notification of absconders.

Recommendation 3: Develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

USMS Response (Concur): The USMS will create a policy regarding the use of immigration sponsorship programs. Specifically, the policy will serve as Agency guidance to formalize the USMS Headquarters approval process, establish accountability for sponsoring agents, foreign national vetting procedures and monitoring, and outline tracking protocols to ensure compliance with DHS' reporting requirements and mandatory notification of absconders.

Additionally, the USMS will develop a routine reporting system to review sponsorships and report sponsorship-related events to DHS.

Recommendation 4: Institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

USMS Response (Concur): The USMS will create a policy regarding the use of immigration sponsorship programs. Specifically, the policy will serve as Agency guidance to formalize the USMS Headquarters approval process, establish accountability for sponsoring agents, foreign national vetting procedures and monitoring, and outline tracking protocols to ensure compliance with DHS' reporting requirements and mandatory notification of absconders.

The USMS will implement the use of its mission database to create sponsorship records.

Recommendation 5: Develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

USMS Response (Concur): The USMS will create a policy regarding the use of immigration sponsorship programs. Specifically, the policy will serve as Agency guidance to formalize the USMS Headquarters approval process, establish accountability for sponsoring agents, foreign national vetting procedures and monitoring, and outline tracking protocols to ensure compliance with DHS' reporting requirements and mandatory notification of absconders.

The USMS will implement the use of its mission database to create sponsorship records and develop a routine reporting system to review sponsorships and report sponsorship-related events to DHS.

Recommendation 6: Ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

USMS Response (Concur): The USMS will create a policy regarding the use of immigration sponsorship programs. Specifically, the policy will serve as Agency guidance to formalize the USMS Headquarters approval process, establish accountability for sponsoring agents, foreign national vetting procedures and monitoring, and outline tracking protocols to ensure compliance with DHS' reporting requirements and mandatory notification of absconders.

Recommendation 8: Implement methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

USMS Response (Concur): The USMS will implement the use of its mission database to create sponsorship records. The USMS Investigative Operations Division, International Investigations Branch is the proponent of the policy and has initiated discussions with Agency stakeholders to use and modify the current mission database to record sponsorship information. Additionally, USMS Headquarters will maintain a hard-copy repository for DHS sponsorship applications and supporting documentation.

OFFICE OF THE INSPECTOR GENERAL ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

The Office of the Inspector General (OIG) provided a draft of this audit report to the Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Criminal Division (CRM), the Drug Enforcement Administration (DEA), the Executive Office for United States Attorneys (EOUSA), the Federal Bureau of Investigation (FBI), and the United States Marshals Service (USMS). Responses from the Department and the components are incorporated in Appendix 2 of this final report.[1] In response to our audit report, the Department, ATF, CRM, DEA, EOUSA, FBI, and USMS concurred with our recommendations and discussed the actions they will implement in response to our findings. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the responses and a summary of actions necessary to close the report.

Recommendation for the DEA and FBI:

1. Ensure that the components have taken all appropriate and necessary actions to assist DHS in locating individuals identified as having absconded.

   Resolved. Both the DEA and the FBI concurred with our recommendation.

   The DEA's response provided evidence that on March 26, 2019, it re-sent to the Department of Homeland Security (DHS) all available information regarding the DEA-sponsored foreign national who absconded. Therefore, this recommendation to the DEA is closed.

   The FBI stated in its response that it has established a compliance team including a supervisory special agent (SSA) who in the future will be co-located at DHS to work closely with DHS on sponsorship compliance, including locating individuals identified as absconders. The FBI believes that the SSA performing database checks, case file reviews, and coordinating with the FBI field offices and handling agents will help resolve sponsorship issues including absconsions. Further, the FBI stated that DHS will be providing a list of unresolved sponsorships on a monthly basis. This recommendation to the FBI can be closed when we receive evidence supporting the appointment of the SSA and the agreement with DHS for this individual to be co-located at DHS, as well as evidence of when the individual begins work at DHS. Additionally, the FBI should provide evidence of its actions to assist DHS in locating individuals identified as having absconded.

[1] The Office of the Deputy Attorney General responded on behalf of the Department and submitted its response jointly with the Executive Office for United States Attorneys.

Recommendations for all DOJ components that sponsor foreign nationals:

2. Ensure the implementation and communication of adequate and clear policies that require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

   Resolved. ATF, DEA, FBI, EOUSA, and USMS concurred with our recommendation.

   ATF stated that its current policy ATF O 3252.1A addresses this recommendation and includes actions to be taken when an agent does not follow the process. ATF described that its policy: (1) requires that if the sponsoring agent has any reason to discontinue use of a sponsored foreign national, the agent must report the discontinuance to his or her immediate supervisor; (2) outlines the communication chain for DHS to be notified of the discontinuance; and (3) imposes accountability if an agent fails to provide such notice. While we found that ATF O 3252.1A discusses the process to be taken when a special agent is unable to locate a sponsored foreign national, the policy does not specifically detail the consequences when an agent does not follow the process. This recommendation to ATF can be closed when we receive evidence of the policy for accountability that ATF described.

   The DEA stated that it is updating its policy to include a timeliness element to ensure DHS is notified of an absconsion as soon as practicable. Further, the DEA stated it has updated its office inspection checklist to include determining if DHS has been notified of any absconsions. This recommendation to the DEA can be closed when we receive evidence that these policy updates have been implemented.

   The joint response from the Department and EOUSA stated that it is waiting for the Office of the Deputy Attorney General (ODAG) to determine whether Assistant U.S. Attorneys (AUSA) should directly sponsor foreign nationals. Once a determination is made, the EOUSA will make any necessary policy changes to address our recommendation. This recommendation to the EOUSA can be closed when we receive the determination on whether AUSAs can sponsor foreign nationals and, if allowed, of updated policies and procedures that require both timely coordination with DHS and built-in redundancies to hold sponsoring personnel accountable for ensuring that DHS is notified in a timely manner of all absconsions.

   The FBI stated in its response that it is working with a compliance team to implement a foreign national sponsorship tracking system that is scheduled for completion in fiscal year (FY) 2020. In addition, the FBI stated that it is providing field offices with training regarding sponsorship requirements and is creating a quick reference policy/fact sheet regarding immigration tools. This recommendation to the FBI can be closed when we receive evidence of the new training, the policy/fact sheet, and that the FBI has implemented its

new tracking system, including how this tracking system will help ensure that DHS is notified in a timely manner of all absconsions.

The USMS stated that it will create a policy regarding the use of immigration sponsorship programs that specifically details the USMS headquarters approval process; establishes accountability for sponsoring agents, foreign national vetting procedures, and monitoring; and outlines tracking protocols to ensure compliance with DHS's reporting requirements and mandatory notification of absconders. This recommendation to the USMS can be closed when we receive evidence of the implementation of the new policies and procedures that will require both timely coordination with DHS and built-in redundancies to hold sponsoring agents accountable for ensuring that DHS is notified in a timely manner of all absconsions.

3. Develop processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

Resolved. ATF, DEA, FBI, EOUSA, and USMS concurred with our recommendation.

ATF stated in its response that it requires monthly criminal history checks and face-to-face meetings with sponsored foreign nationals. ATF further stated that after the meetings, agents are required to submit a 30-day memorandum to ATF headquarters indicating if the foreign national had any contact with law enforcement or was involved in any improper illegal activity. While ATF's response stated that it will use this process to immediately notify DHS of any status changes, terminations, or other significant events, we did not find this requirement for notification to DHS clearly stated in ATF policy. This recommendation to ATF can be closed when we receive the policy that requires ATF to provide DHS information at the time sponsorship-related events occur.

The DEA stated that it is updating its policy to include a timeliness element to ensure DHS is notified as soon as practicable for absconsions of sponsored foreign nationals. Further, the DEA stated that it has updated its inspection checklist to include determining if DHS has been notified of an absconsion. While the DEA's response details actions to be taken for foreign nationals who absconded, we found that the DEA's response did not describe plans to notify DHS of any additional status changes, terminations, or other significant events that affect the sponsorship of individual foreign nationals. This recommendation to the DEA can be closed when we receive a copy of the DEA's updated policy that includes a timeliness element for reporting absconsions to DHS. Additionally, the DEA should provide evidence that it has developed a process to improve compliance with DHS's reporting requirements for all other sponsorship-related events.

The EOUSA's response to this recommendation reiterated that it is awaiting a determination from the ODAG on the appropriateness of Assistant

U.S. Attorneys directly sponsoring foreign nationals. This recommendation to EOUSA can be closed when we are informed of the determination on whether U.S. Attorneys can sponsor foreign nationals and, if allowed, evidence of the development of processes that improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

The FBI stated in its response that in the third quarter of FY 2019 it will begin distributing a policy/fact sheet to all agents who make inquiries about using any type of immigration sponsorship. Additionally, the FBI's compliance team is working to develop processes to improve compliance with DHS's reporting requirements through better tracking of all sponsorships and regular communication with sponsorship-requesting agents. This recommendation to the FBI can be closed when we receive evidence of the development and implementation of the compliance team's new process for improving reporting to DHS.

The USMS stated that it will create a policy regarding the use of immigration sponsorship programs that describes the USMS headquarters approval process; establishes accountability for sponsoring agents, foreign national vetting procedures, and monitoring; and outlines tracking protocols to ensure compliance with DHS's reporting requirements and mandatory notification of absconders. Additionally, the USMS will develop a routine reporting system to review sponsorships and report sponsorship-related events to DHS. This recommendation to the USMS can be closed when we receive a copy of the new USMS foreign national sponsorship policy that will formalize processes to improve compliance with DHS's reporting requirements by providing information to DHS at the time sponsorship-related events occur.

4. Institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously.

Resolved. ATF, DEA, FBI, EOUSA, and USMS concurred with our recommendation.

ATF stated in its response that there is a full time Alien Program Manager within the Enforcement Support Branch that completes monthly checks on all sponsored foreign nationals and receives and reviews all the 30-day memoranda from sponsoring agents. In addition, all ATF-sponsored foreign nationals are monitored by the ATF Crime Gun Criminal Intelligence Groups. While ATF's response describes its relationship with DHS as beneficial, it does not clearly explain how the above actions will help ATF institute a more efficient process to resolve DHS's existing unresolved sponsorship matters and ensure that any future sponsorship matters needing resolution are addressed expeditiously. This recommendation to the ATF can be closed when we receive evidence of how ATF plans to improve its resolution process with DHS.

The DEA stated that it conducted a meeting with Unit Chief of DHS's Parole and Law Enforcement Programs Unit (PLEPU) on March 28, 2019, to resolve the existing unresolved sponsorship matters. Moreover, the DEA believes that its planned changes and updates to its Agents Manual, inspection checklist, and electronic confidential source database should mitigate future sponsorship issues. For existing sponsorship issues, the DEA stated it will provide available information to PLEPU in order to resolve sponsorship matters. The DEA also stated that it plans to use an electronic file to track its communications with DHS regarding absconsions. While we believe that this practice is an improvement to the tracking of absconsion-related correspondence, the DEA's response does not reference any improvements to the tracking of communication of other sponsorship-related events. This recommendation to the DEA can be closed when we receive evidence of the DEA's meeting with PLEPU as well as the updates to its Agents Manual, inspection checklist, and confidential source database. In addition, the DEA should demonstrate how these changes will assist the DEA in working with DHS to resolve sponsorship matters.

The EOUSA response again reiterated that it is awaiting policy from the ODAG. This recommendation to EOUSA can be closed when we receive the determination on whether Assistant U.S. Attorneys can sponsor foreign nationals and, if allowed, evidence of the implementation of an efficient process to resolve DHS's existing unresolved sponsorship matters including assurance that any future sponsorship matters needing resolution are addressed expeditiously.

The FBI stated that its compliance team will develop and implement a process to ensure future sponsorship resolutions will be addressed expeditiously. The FBI has dedicated an SSA to addressing DHS's existing unresolved sponsorship matters. Additionally, the FBI stated that executive management from both agencies met and will continue to meet as needed to continue timely resolution of sponsorships. Furthermore, DHS will send the FBI a monthly report of sponsorships that will be expiring within the coming 45 days so that the FBI can resolve sponsorship matters prior to expiration. We believe the DHS sending a monthly report of pending sponsorship expirations is a good initiative that will help alleviate future sponsorships needing resolution. This recommendation to the FBI can be closed when we receive evidence of the development and implementation of the compliance team's new process for working with DHS to resolve existing unresolved sponsorship matters and help ensure that future sponsorship matters needing resolution are addressed expeditiously.

The USMS stated that it will create a policy regarding the use of immigration sponsorship programs that explains the USMS headquarters approval process; establishes accountability for sponsoring agents, foreign national vetting procedures, and monitoring; and outlines tracking protocols to ensure compliance with DHS's reporting requirements and mandatory notification of absconders. The USMS also stated that it will use its mission database to create sponsorship records. This recommendation to the USMS can be closed

when we receive the USMS's updated policy and evidence on how the use of the USMS mission database will help resolve sponsorship issues.

5. Develop a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

Resolved. ATF, DEA, FBI, EOUSA, and USMS concurred with our recommendation.

ATF stated that it tracks and monitors sponsorship expirations on an ongoing basis. In addition, ATF tracks sponsored foreign nationals that are confidential informants in its confidential informant database, which automatically sends out alerts before sponsorships expire. We believe that the tracking of expirations of foreign nationals who are confidential informants in the electronic system is an improvement, however it does not account for other sponsored foreign nationals such as witnesses and derivatives. This recommendation to ATF can be closed when ATF provides evidence that it has established a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship for all sponsored foreign nationals to include non-confidential informants.

The DEA stated that it is analyzing the feasibility of adding fields to its confidential source database to track immigration benefits for confidential sources and associated derivatives. The proposed changes would track expiration dates and send automatic reminders of upcoming expirations to controlling agents. In addition, the DEA has created a redundancy mechanism by updating the DEA Confidential Source Program Management inspection checklist to verify the tracking of confidential source parolees. The DEA intends to further enhance this checklist to account for other parolees, such as witnesses or derivative family members. This recommendation to the DEA can be closed when we receive evidence that the DEA developed a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

As noted previously, the EOUSA is awaiting a fundamental sponsorship policy decision from the ODAG. This recommendation to EOUSA can be closed when we receive the determination on whether Assistant U.S. Attorneys can sponsor foreign nationals and, if allowed, evidence regarding the establishment of a reliable process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

The FBI stated that it currently utilizes two databases to track immigration sponsorships. One database tracks significant public benefit paroles and deferred actions and a second database tracks S Visas. The FBI recently migrated these databases to a new platform that the FBI stated now allows multiple people to access and use them at the same time, which has greatly reduced instances of lost data. In addition, the FBI Information Technology Branch (ITB) began developing solutions to enhance the use of these databases. The ITB also assessed the databases and tracking requirements

and plans to develop a new system with better functionality to include an ability to generate reports to assist in tracking sponsorships. Furthermore, along with updates and enhancements to the sponsorship databases, the compliance team is developing a process for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship. This recommendation to the FBI can be closed when we receive evidence of the FBI's new processes and/or systems for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

The USMS stated that it will create a policy that will formalize the USMS headquarters approval process; establish accountability for sponsoring agents, foreign national vetting procedures, and monitoring; and outline tracking protocols to ensure compliance with DHS's reporting requirements and mandatory notification of absconders. In addition, the USMS will implement the use of its mission database to create sponsorship records and develop a routine reporting system to review sponsorships and report sponsorship-related events to DHS. This recommendation to the USMS can be closed when we receive evidence of the new policy and use of its mission database for managing sponsorship expirations and renewals to mitigate the risk of lapses in sponsorship.

6. Ensure that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

Resolved. ATF, FBI, EOUSA, and USMS concurred with our recommendation. The DEA did not indicate concurrence or non-concurrence; however its response indicates agreement with our recommendation.

ATF stated in its response that it consistently monitors all sponsored foreign nationals and exceeds the quarterly reporting requirement of S Visa holders to ensure sponsoring agents and foreign nationals comply with DHS policies. ATF explained that it has centralized all foreign national reporting to ensure DHS is informed of sponsorship-related events as they occur. Additionally, ATF headquarters mandates that agents make face-to-face contact with the sponsored foreign nationals and report on that contact to ATF headquarters by the 10th of each month. ATF further stated that if there are any significant changes, DHS is to be notified immediately. We believe these practices, if followed, satisfy the monitoring and supervision certifications made to DHS. Therefore, this recommendation to ATF is closed.

The DEA stated in its response that it will re-word the inspection checklist to include the tracking of all parolees, including derivative family members, witnesses, and other non-confidential source parolees. Further, the DEA stated that field-controlling agents will monitor the physical status of derivative family members through discussions with the confidential source or home visits as appropriate. The DEA also intends to update its DEA Special Agents Manual with definitions that it believes will more clearly identify the applicability of requirements to the various types of sponsored

foreign nationals. We believe that these changes will improve the DEA's ability to properly track and monitor sponsored foreign nationals. However, we believe that the DEA needs to ensure that its revisions adequately address all categories of sponsored foreign nationals (confidential sources, witnesses, and derivative family members) receiving all types of sponsorship (significant public benefit parole, deferred action, and S Visa). This recommendation to the DEA can be closed when we receive evidence that the DEA's new policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all sponsored individuals.

As previously noted, the EOUSA is awaiting a fundamental sponsorship policy decision from the ODAG. This recommendation to EOUSA can be closed when we receive the determination on whether U.S. Attorneys can sponsor foreign nationals and, if allowed, evidence that policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all individuals sponsored for temporary residence in the United States.

The FBI stated in its response that it will ensure policies and practices fully satisfy all monitoring and supervision certifications made to DHS. Specifically, the FBI stated that in October 2018 it implemented procedural changes to include the requirement that SSAs at FBI Headquarters engage the field case agents within 5 business days after a request for quarterly contact reports goes unanswered. In addition, the FBI noted that FBI policy guide updates concerning the sponsorship of foreign nationals have been submitted for inclusion in the Confidential Human Source Policy Guide. Further, once the compliance team has fully developed new processes and procedures for ensuring compliance with sponsorship program policies, policy updates will be recommended for subsequent FBI policy guide releases. This recommendation to the FBI can be closed when we receive evidence that these new policies and practices fully satisfy the monitoring and supervision certifications made to DHS for all sponsored individuals, to include witnesses and derivative family members.

The USMS stated that it will create a policy that will formalize the USMS headquarters approval process; establish accountability for sponsoring agents, foreign national vetting procedures, and monitoring; and outline tracking protocols to ensure compliance with DHS's reporting requirements and mandatory notification of absconders. This recommendation to the USMS can be closed when we receive evidence that this new policy has been promulgated and implemented.

Recommendation for the Office of the Deputy Attorney General:

7. Determine whether AUSAs should directly sponsor foreign nationals and develop and promulgate formal guidance on the matter.

   Resolved. The ODAG concurred with this recommendation and stated that it will coordinate with EOUSA in determining whether AUSAs should directly sponsor foreign nationals and in developing any needed formal guidance. This recommendation can be closed when we received evidence of the Department's determination and any associated formal guidance.

Recommendation for the DEA, FBI, USAOs, and USMS:

8. Implement methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

   Resolved. The DEA, FBI, EOUSA, and USMS concurred with our recommendation.

   The DEA stated that it is exploring the feasibility of adding functionality to its confidential source database enabling the tracking of benefit expiration dates for derivative family members of cooperating sources and automatic reminders to field controlling agents of upcoming sponsorship expirations. The physical status of derivative family members will be tracked by field agents through phone calls, home visits, and physical meetings with the confidential source. In addition, confidential source coordinators in the field offices will monitor the status of each sponsored parolee to ensure adherence to current DHS reporting requirements. We believe the DEA should ensure that any updates to its database account for all sponsorship types (significant public benefit parole, deferred action, and S Visa) as well as all types of foreign nationals (confidential sources, witnesses, and derivative family members). This recommendation to the DEA can be closed when we receive evidence that the DEA implemented methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

   The EOUSA stated it supports the implementation of accurately and completely tracking all foreign national sponsorship information for individual foreign nationals, including expiration dates. The EOUSA is waiting for policy direction on the allowability of Assistant U.S. Attorneys directly sponsoring foreign nationals. Once a determination is made, the EOUSA intends to make any necessary changes to address the recommendation. This recommendation to EOUSA can be closed when we receive evidence that EOUSA has taken appropriate action in light of the upcoming policy determination.

   The FBI stated that it previously did not consistently track all forms of sponsorship and in October 2018 implemented procedural changes for

tracking and obtaining S Visa quarterly contact reports. In addition, the FBI's compliance team is developing processes and procedures for consistent and proactive tracking of foreign nationals sponsored by the FBI with SPBP and deferred action. The FBI also stated that it is pursuing significant improvements to its sponsorship tracking databases, which will enable closer monitoring of all aspects of foreign national sponsorship so there will be no discrepancies or ambiguity of the status of sponsored foreign nationals. This recommendation can be closed when we receive evidence of the FBI's improvements related to S visa sponsorship tracking and, once developed, the updated processes for tracking SPBP and deferred actions sponsorships.

The USMS stated that it initiated discussions with agency stakeholders on using its mission database to create sponsorship records. Additionally, USMS headquarters will maintain a hard-copy repository for DHS sponsorship applications and supporting documentation. This recommendation can be closed when we receive evidence that the USMS has implemented methods to accurately and completely track all foreign national sponsorship information for individual foreign nationals, including expiration dates.

Recommendations for the Criminal Division Office of Enforcement Operations (OEO):

9. Coordinate with sponsoring DOJ components to enhance S Visa application and approval tracking, including developing regular information sharing and reconciliation procedures, to provide transparency and promote effective data management.

Resolved. The OEO concurred with our recommendation and stated that it will continue to engage with DOJ components, DHS, and agency technology representatives to identify solutions for better information tracking within the OEO, among components, and with DHS. As each S Visa application progresses through the OEO process, the OEO will notify components' headquarters of the application's status. For full visibility, the OEO is considering providing the same notice to sponsoring field agents. This recommendation can be closed when we receive evidence that OEO has coordinated with sponsoring DOJ components to enhance S Visa application and approval tracking, including developing regular information sharing and reconciliation procedures, to provide transparency and promote effective data management.

10. Work with DHS and sponsoring DOJ components, as appropriate, to develop a more efficient process for S Visa adjudications.

Resolved. The OEO concurred with our recommendation and stated that stakeholder meetings occurred before and during the audit, and will routinely continue, during which all components and agencies will discuss ways to process S Visa adjudications more efficiently. This recommendation can be closed when we receive evidence of this coordination and resulting process efficiencies.

The Department of Justice Office of the Inspector General (DOJ OIG) is a statutorily created independent entity whose mission is to detect and deter waste, fraud, abuse, and misconduct in the Department of Justice, and to promote economy and efficiency in the Department's operations.

To report allegations of waste, fraud, abuse, or misconduct regarding DOJ programs, employees, contractors, grants, or contracts please visit or call the **DOJ OIG Hotline** at oig.justice.gov/hotline or (800) 869-4499.

U.S. DEPARTMENT OF JUSTICE OFFICE OF THE INSPECTOR GENERAL
950 Pennsylvania Avenue, Northwest
Suite 4706
Washington, DC 20530 0001

Website	Twitter	YouTube
oig.justice.gov	@JusticeOIG	JusticeOIG

Also at Oversight.gov