Congress of the United States
Washington, DC 20515

January 26, 2018

The Honorable Kirstjen Nielsen
Secretary
Department of Homeland Security
245 Murray Lane S.W.
Washington, D.C. 20528

The Honorable Jeff Sessions
Attorney General
Department of Justice
950 Pennsylvania Ave N.W.
Washington, D.C. 20530

Dear Secretary Nielsen and Attorney General Sessions:

We are writing to express our serious concerns about your misleading recent report entitled "Executive Order 13780: Protecting the Nation From Foreign Terrorist Entry Into the United States, Initial Section 11 Report" and to point out critical flaws in the statistics presented and the methodology used to develop them. These flaws call into question whether the Administration is more interested in supporting the President's political objectives with skewed data than responsibly engaging with Congress and the American people on immigration and border security.

It has come to our attention that career professionals at the Department of Homeland Security's Office of Immigration Statistics, who have the data and expertise necessary to analyze immigration and terrorism-related statistics, did not produce the report. Instead, it appears the report was drafted at the behest of political appointees intent on undermining ongoing immigration negotiations by manipulating data to link immigrants to terrorism. While we are no longer surprised by the Trump Administration's anti-immigrant rhetoric and fearmongering, we believe it is important to set the record straight about the statistics presented to provide proper context for the American people.

The report asserts that 402 of 509 individuals convicted of international terrorism-related charges between September 11, 2001 and December 31, 2016, were foreign-born. However, it fails to put that number in context by providing the total number of immigrants present in the U.S. during this timeframe, thereby creating a distorted picture of the scope of the potential problem.

Also, the report provides no specificity about when these individuals entered the United States, what visa category they entered under, or when they may have been radicalized. With support from Congress, the Department of Homeland Security has implemented robust screening and vetting measures since the 9/11 attacks, enhancing our ability to detect potential security concerns and building an unprecedented level of security into the immigration process. Just because certain individuals were able to enter the U.S. previously does not make it so today.

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result of our government's successful efforts to extradite them to face prosecution under our laws, calls into question the credibility of the report as a whole.

Notably, despite the rising incidence of terrorism committed by U.S.-born citizens in recent years, the report also specifically excludes individuals convicted of domestic terrorism during the same timeframe, further obfuscating the true terrorism threat facing our country.

Finally, the report states that between fiscal year 2010 and fiscal year 2016, U.S. Customs and Border Protection prevented the boarding of 73,261 travelers on U.S.-bound flights for an immigration or security risk. The report deliberately groups individuals denied boarding based on immigration-related matters with the much smaller number of people who may pose a security concern, thereby skewing the data. Also, the overwhelming majority of these individuals likely would have been visitors to the U.S., not immigrants. Immigrants are subjected to a far more extensive screening process than visitors, allowing any concerns to be addressed well before an individual boards a plane for the U.S. The fact that individuals denied boarding were prevented from traveling to this country shows that our robust screening and vetting programs for visitors are working.

As Members of Congress serving on Committees charged with helping to secure the homeland and prevent terrorism, we take our responsibility very seriously. We cannot stand by while the Trump Administration demonizes immigrants and foments fear in the American people by issuing misleading reports to support a political agenda. We expect that if you issue future reports pursuant to President Trump's Executive Order 13780 or any other Presidential directive, you will provide thorough, objective data that address our Nation's security challenges accurately and responsibly.

Sincerely,

BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security

JERROLD NADLER
Ranking Member
Committee on the Judiciary

JOE CROWLEY
Chair
Democratic Caucus

ELIJAH CUMMINGS
Ranking Member
Committee on Oversight & Government Reform

ELIOT ENGEL
Ranking Member
Committee on Foreign Affairs

ADAM SCHIFF
Ranking Member
House Permanent Select Committee on Intelligence

ZOE LOFGREN
Subcommittee Ranking Member on Immigration & Policy Enforcement
Committee on the Judiciary