



Report on Internal Affairs Investigations

Semi-Annual Report to Congress
January – June 2021



Homeland
Security

*U.S. Citizenship and
Immigration Services*

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**Homeland
Security**

September 2, 2021

I. Foreword

I am pleased to present the following “Report on Internal Affairs Investigations” prepared by the Office of Investigations (OI) of U.S. Citizenship and Immigration Services (USCIS). The report responds to a requirement of Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177, 120 Stat. 192, and is the 25th semi-annual report on this topic.

The report provides a description of OI internal affairs operations at USCIS for the period from January through June 2021, including a discussion of the general state of such operations during that time, a summary of misconduct investigative activity during the reporting period, and data on the personnel resources devoted to such investigations.

This report is being provided to the following Members of Congress:

The Honorable Richard Durbin
Chairman, Senate Committee on the Judiciary

The Honorable Charles Grassley
Ranking Member, Senate Committee on the Judiciary

The Honorable Jerrold Nadler
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan
Ranking Member, House Committee on the Judiciary

Please feel free to contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in cursive script that reads "Alice Lugo".

Alice Lugo
Assistant Secretary for Legislative Affairs

II. Executive Summary

As recommended in a 2016 review by the U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG), on July 10, 2018, the USCIS Director announced the organizational realignment of the Office of Security and Integrity's (OSI) Investigations Division to an independent program office named the Office of Investigations (OI) reporting directly to the USCIS Deputy Director.

OI manages the agency's program that investigates alleged USCIS employee and contractor misconduct not otherwise under investigation by the DHS Office of Inspector General (OIG).

This report submitted pursuant to Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, Pub. L. No. 109-177, 120 Stat. 192, provides a description of the OI internal affairs operations at USCIS for the period from January through June 2021.

The report also provides an overview of the USCIS investigative process and outlines several of the employee training and outreach initiatives that USCIS has developed to deter and prevent employee misconduct.

The report contains a geographical and graphical summary of misconduct investigative activity conducted by OI during the reporting period.

III. Statutory Requirement and Background

This report responds to the reporting requirements set forth in Section 109(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005, which provides:

ADDITIONAL REPORT - At the beginning and midpoint of each fiscal year, the Secretary of Homeland Security shall submit to the House Committee on the Judiciary and the Senate Committee on the Judiciary, a written report providing a description of internal affairs operations at USCIS, including the general state of such operations and a detailed description of investigations that are being conducted (or that were conducted during the previous six months) and the resources devoted to such investigations. The first such report shall be submitted no later than April 1, 2006.

Under Section 453(a)(1) of the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (codified at 6 U.S.C. § 273(a)(1)), the USCIS Director is responsible for “conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of USCIS that are not subject to investigation by the Inspector General for the Department.” The USCIS Director has delegated this responsibility to the Chief of OI.

Since the dissolution of the U.S. Department of Justice’s Immigration and Naturalization Service (INS) in 2003 and the subsequent creation of USCIS, OI has worked to create and build its own internal affairs capability, including staffing, facilities, policy and procedural guidance, and other resources to support the collection, analysis, and reporting of investigative activities.

IV. Resources Devoted to Internal Affairs Investigations

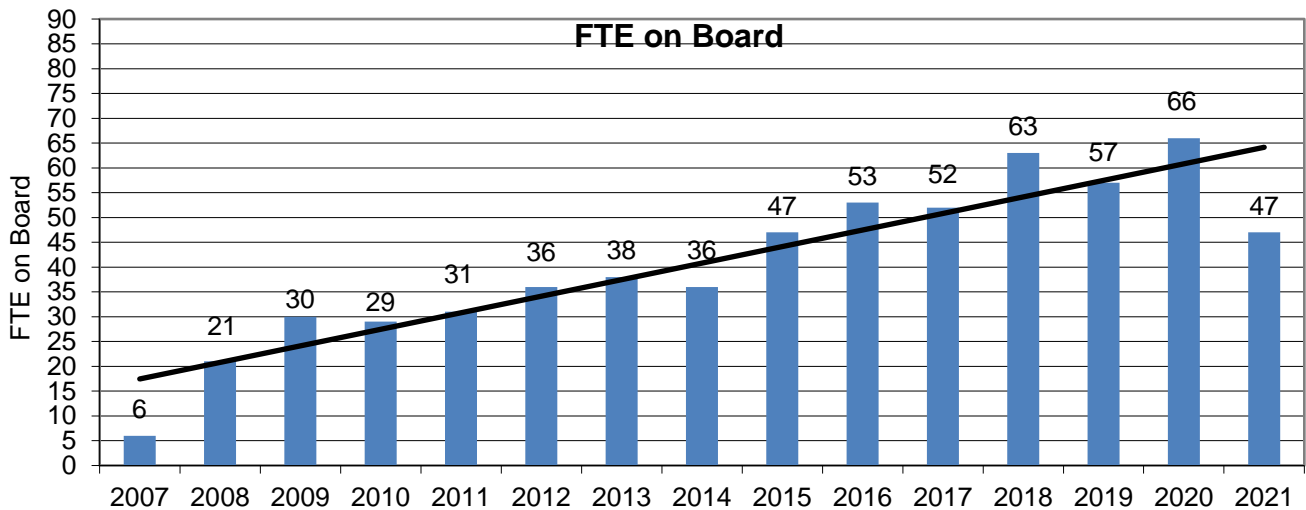
OI grew from fewer than 10 investigative positions in 2007 to 93 full-time equivalent (FTE) positions¹ in 2019 (which include 17 rehired annuitants). As of June 2021, OI consists of 76 full-time federal positions (47 FTEs on board and 29 vacancies at the end of this reporting period).

OI’s organizational staff consists primarily of Investigative Specialists (55 GS-1801s), 10 Management and Program Analysts (GS-0343), nine Investigative Analysts (GS-1805), one Senior Advisor (GS-0301) and one Criminal Investigator (GS-1811).

Investigators and other staff are located at USCIS Headquarters and in field offices in Arlington, VA; Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Los Angeles, California; Miami, Florida; New York, New York; Orlando, Florida; Washington, D.C.; and West Palm Beach, Florida.

The following graph illustrates the growth over time in the number of USCIS investigative personnel.

Full-Time Equivalent Staff on Board²



Subsequent sections of this report provide more detailed information on the USCIS investigations process and on the number of cases opened, completed, and closed in the second half of 2020.

¹ A FTE position is a position held by one or more employees whose total combined time is considered full time (i.e., 40 hours per week or 2,080 hours per year).

² The format for chart was changed earlier to a “Column” view to provide more clarity regarding number of FTEs on-board. As a result of the potential USCIS furlough in FY20 due to COVID-19, many OI staff sought employment outside USCIS/OI, resulting in a sharp reduction in OI staff levels.

V. USCIS Investigations Process

A. Jurisdiction

Under Section 453(a)(1) of the Homeland Security Act of 2002 (codified at 6 U.S.C. § 273(a)(1)), the USCIS Director is responsible for “conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of USCIS that are not subject to investigation by the Inspector General for the Department.” In accordance with a Memorandum of Understanding entered with DHS OIG in April 2003, all criminal cases are referred to DHS OIG for review and investigative determination. In compliance with *DHS Management Directive 0810.1, The Office of Inspector General*, any allegation as described in Appendix A³ of that document is referred to DHS OIG for review and investigative determination. Cases not accepted by the DHS OIG for investigation are returned to OI for investigation and agency disposition.

Allegations of USCIS federal employee and contractor misconduct that are not accepted for investigation by DHS OIG or that do not meet the criteria for referral to that office are referred to OI’s Field Investigations Division or the Special Investigations Division, depending on the nature of the alleged misconduct and where it occurred. In accordance with standard OI guidelines, the receiving Special Agent in Charge evaluates the nature of the complaint information and determines whether to:

- Retain the complaint for investigation;
- Refer the complaint to the appropriate USCIS manager for a formal Management Inquiry (to be conducted by field personnel with findings reported to OI); or
- Forward the complaint to the appropriate USCIS manager’s attention as information only and for any further action that local management deems appropriate.

B. The Intake Process

The OI’s Intake Division receives employee misconduct allegations from a variety of sources, including the DHS OIG Hotline referral system; the OI intranet online complaint form for reporting USCIS employee and contractor misconduct; the Joint Intake Center, administered by the U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) and U.S. Customs and Border Protection (CBP); the OSI Command Center Significant Incident Report system; other DHS components and employees; and e-mail, fax, or regular mail correspondence from complainants, their representatives, and various advocacy groups. All allegations of USCIS federal or contractor employee misconduct are recorded, assigned a case number, and initially evaluated and categorized by OI.

³Appendix A of DHS MD 0810.1 identifies categories of misconduct that require referral to DHS OIG. Examples include all allegations of criminal misconduct against a DHS employee, all allegations of misconduct against DHS employees at the GS-15 level or higher, and all allegations of fraud by DHS contractors.

The OI Investigations Division Case Management System (IDCMS) database is the primary, centralized mechanism for recording and monitoring allegations of USCIS employee and contractor misconduct received from all sources, both internal and external to the agency. IDCMS includes data search and compilation capabilities and allows OI to track the status of all investigative referrals to and from OI.

To enhance the efficiency of data tracking and to facilitate investigative review and referral, USCIS categorizes allegations of misconduct into four classes as follows:

Class of Allegation	Description
Class I	Potential criminal misconduct
Class II	Serious non-criminal misconduct
Class III	Conduct that is non-criminal in nature but is sufficiently serious to warrant a formal review
Class IV	Conduct that is less serious in nature and more conducive to intervention by agency management at the local level

C. Management Inquiries

The Management Inquiry process is best suited for Class IV Allegations. A Management Inquiry is an inquiry into alleged employee misconduct that is not as difficult or complex as cases investigated by Special Agents in OI and is therefore conducted by local USCIS management. OI refers these allegations to local USCIS management for review and disposition, including corrective action. Upon final disposition, a report of the inquiry is forwarded to the OI for review and retention, at which time the management inquiry is considered closed. Management Inquiries allow USCIS to use its resources strategically by using local Management Inquiry Officers (MIOs) to address less complex and less serious allegations while focusing the OI resources on the more serious allegations of misconduct, corruption, and fraud.

OI has facilitated training for 403 MIOs and has provided a Management Inquiry Handbook to provide guidance to field offices to ensure consistency in the program across USCIS.

Management Inquiry Activity During Reporting Period

Divisions	Class	New Management Inquiries	Closed Management Inquiries	Management Inquiries Open at End of Reporting Period
Field Investigations Division (FID)^{4;5}	1	0	1	0
	2	9	14	44
	3	29	46	129
	4	0	0	0
Special Investigations Division (SID)⁶	1	0	0	0
	2	0	4	6
	3	1	3	8
	4	0	0	0
Total		39	68	187

D. Completion and Closure of Cases

OI categorizes as *completed* any investigation for which a report of investigation has been completed by a special agent and approved by a Special Agent in Charge and submitted for possible criminal prosecution and/or for management action. Such cases remain open pending final judicial disposition or administrative action by agency management. A case is considered *closed* when all investigative, judicial, and management actions have been completed and the final case disposition has been documented in IDCMS.

⁴ This number is cumulative, reflecting both management inquiries that were opened during this reporting period and those that remain open from previous reporting periods.

⁵ The Field Investigations Division refers management inquiries from all OI field offices: Arlington, VA; Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Los Angeles, California; Miami, Florida; New York, New York; Orlando, Florida; Washington, DC; and West Palm Beach, Florida.

⁶ The Special Investigations Division may refer matters related to GS-15 and above employees as management inquiries.

VI. Investigations During Reporting Period

Listed below is a summary of OI misconduct investigative activity during the reporting period. During the pandemic, OI utilized Microsoft Teams to assign and investigate cases across regions to maintain efficiencies and effectiveness. Regional data is based on the USCIS Office of Investigations geographical region in which incidents allegedly occurred and is compiled to provide a total for office. “Class” refers to the nature of the allegation and is based on the USCIS system discussed in section V. B. of this report.

The OI processed 1,198 complaints during the reporting period, of which 853 were referred as “customer service-type complaints” to other USCIS directorates or program offices and other governmental agencies. Of the 345 complaints retained, OI opened 74 investigations and assigned 39 to USCIS directorates or program offices in the form of Management Inquiries. OI and USCIS Management agreed to process 201 complaints (some from previous reporting periods) as “information only.”⁷ An additional 31 retained complaints were spread across various categories.

Investigations Activity During Reporting Period

Divisions	Class	New Investigations ⁷	Investigations Completed	Investigations Closed	Investigations Open at End of Reporting Period ⁸
Field Investigations Division (FID)⁹	1	29	21	39	33
	2	24	26	50	30
	3	19	26	40	19
	4	0	0	1	0
Special Investigations Division (SID)¹⁰	1	0	1	0	5
	2	1	10	9	7
	3	1	1	1	5
	4	0	0	0	0

⁷ This number is cumulative, reflecting both cases that were opened during this reporting period and those that remain open from previous periods.

⁸ This number is cumulative, reflecting both cases that were opened during this reporting period and those that remain open from previous periods. However, during the course of an investigation, information, including the Class, may change. The Investigations Completed and Investigations Closed columns include only those cases resulting in a final Report of Investigation.

⁹ The Field Investigations Division refers management inquiries from all OI field offices: Arlington, VA; Burlington, Vermont; Houston, Texas; Kansas City, Missouri; Laguna Niguel, California; Miami, Florida; Los Angeles, California; New York, New York; Orlando, Florida; Washington, DC; and West Palm Beach, Florida.

¹⁰ The Special Investigations Division data includes investigations related to GS-15 or above employees or significant cases of interest from throughout US.

VII. Training and Outreach

As part of an ongoing effort to reduce employee misconduct, corruption, and fraud, USCIS continues to develop and implement comprehensive training and outreach initiatives focused on integrity issues.

USCIS has made annual integrity training mandatory for all employees, and new USCIS employees have mandatory USCIS Ethics and Integrity web-based training within 90 days of entering on duty. The training was developed in partnership with the USCIS Ethics Office and the USCIS Office of Human Capital and Training. The training includes situations employees may face on the job and guidance for ensuring they make sound, reasoned judgments based on an understanding of the Standards of Ethical Conduct and associated ethics laws and policies. Employees view videos of ethical and conduct-related dilemmas about which USCIS employees frequently have questions. The topics for the videos include conflicts of interest and impartiality, preferential treatment, inappropriate use of Federal Government equipment, rules for giving and receiving gifts, proper use of official titles, and other frequently raised issues.

The training also explains how to report allegations of misconduct and discusses indicators for internal fraud, reminding employees of the central role of ethics and integrity in earning and maintaining the public's trust. New employees also receive a copy of USCIS Management Directive 256-005, Reporting Known or Suspected Misconduct, which explains that employees have a duty to report misconduct and describes the procedures for doing so.

All new Immigration Services Officers are required to attend the USCIS Academy Training Center's Immigration Officer Basic Training Program (BASIC). This course includes an Ethics and Integrity module, which is facilitated by a USCIS Ethics Officer, who then assigns various ethical dilemmas to small groups to discuss and then share with the wider class. It emphasizes that integrity is fundamental to the USCIS mission and always reminds employees to maintain the highest ethical standards and to report known or suspected misconduct.

Further, in conjunction with the Office of Equal Opportunity and Inclusion (OEOI), OI and OEOI conduct training on Anti-Harassment to maintain a workplace free from harassment. Allegations of anti-harassment misconduct are investigated by OI.

In addition, the USCIS Ethics Office conducts Ethics and Integrity webinars for new supervisors to address issues specific to management and to give new agency leaders an opportunity to discuss issues with an Ethics Officer.

USCIS developed an *Integrity Begins with You* guidebook, which is available to all employees as a reference on the USCIS intranet, and it provides an overview of the role employees play in ensuring the integrity of the immigration system. A video was also developed focusing on preventing workplace misconduct, and it is available online and is used in several training venues. The video, *A Spirit of Integrity . . . the Heart of Mission Success*, focuses on preventing workplace misconduct, emphasizes the importance of strong internal controls, and encourages employees to report suspected misconduct. Employees watch and discuss the video as part of USCIS' integrity training; and the video is shown to new employees during USCIS Headquarters orientation and many field orientations, and at the BASIC program at the USCIS Academy.

OI also provides training and guidance for MIOs on how to ensure timely, high-quality resolution of misconduct allegations.

In order to make all integrity guidance and training easily accessible to personnel, USCIS has developed a USCIS OI Connect intranet site that directs USCIS federal and contractor employees to resources and information on a broad range of ethics, integrity, and conduct issues.

VIII. Historical Trends

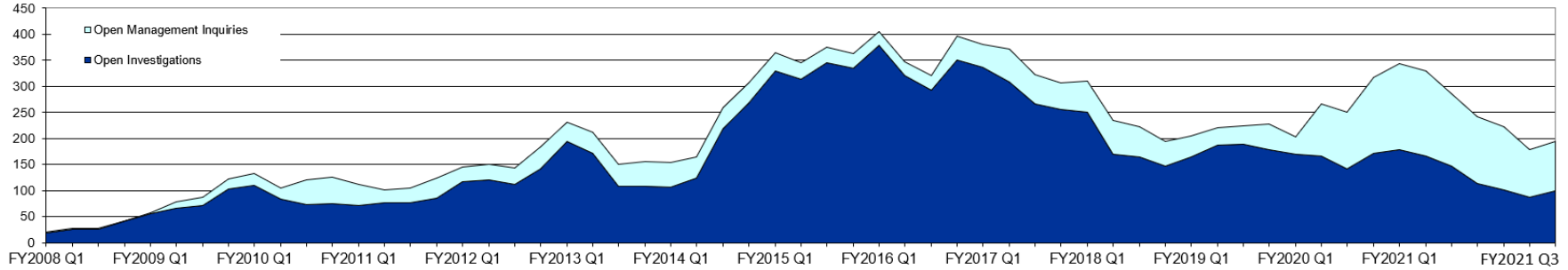
The following historical charts illustrate OI's internal affairs investigative activities.¹¹ The relative increase in the number of assigned Management Inquiries and investigative cases investigated by USCIS during 2021 are the result of several factors: the increase in the number of USCIS employees; increased reporting of anti-harassment allegations, enhanced employee awareness of the need to report suspected misconduct; and a significant increase in the number of allegations referred to OI from the DHS OIG.

Beginning in 2016, the Management Inquiry program, which enables OI Special Agents to convert appropriate investigation cases into management inquiries, was revived, thereby enabling them to focus on more difficult and complex cases.

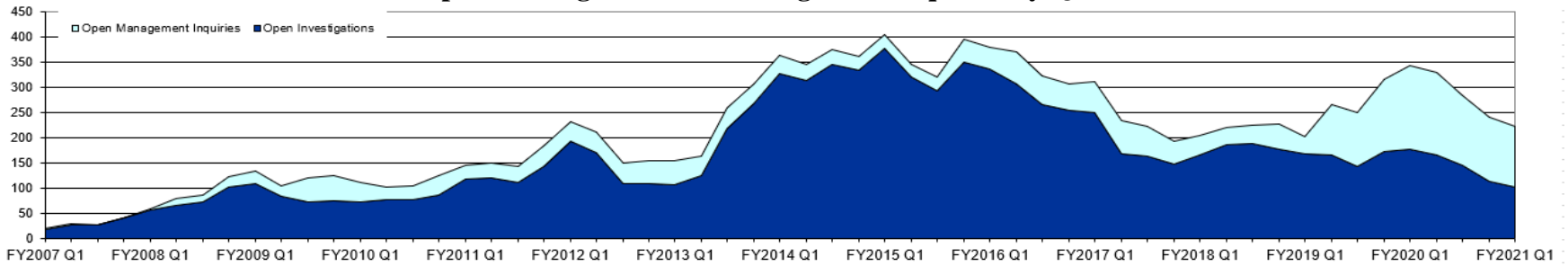
In addition, OI has implemented more defined acceptance criteria to screen potential cases, updated internal policies that provide more investigative flexibilities to Special Agents, re-emphasized completing investigations, and reevaluated existing cases in the investigative queue. As a result, overall, USCIS has seen a balancing of the number of open and completed investigations compared to previous years.

¹¹ These charts reflect USCIS investigations and management inquiries only. Cases referred to DHS OIG, or those investigated by other agencies, are not included

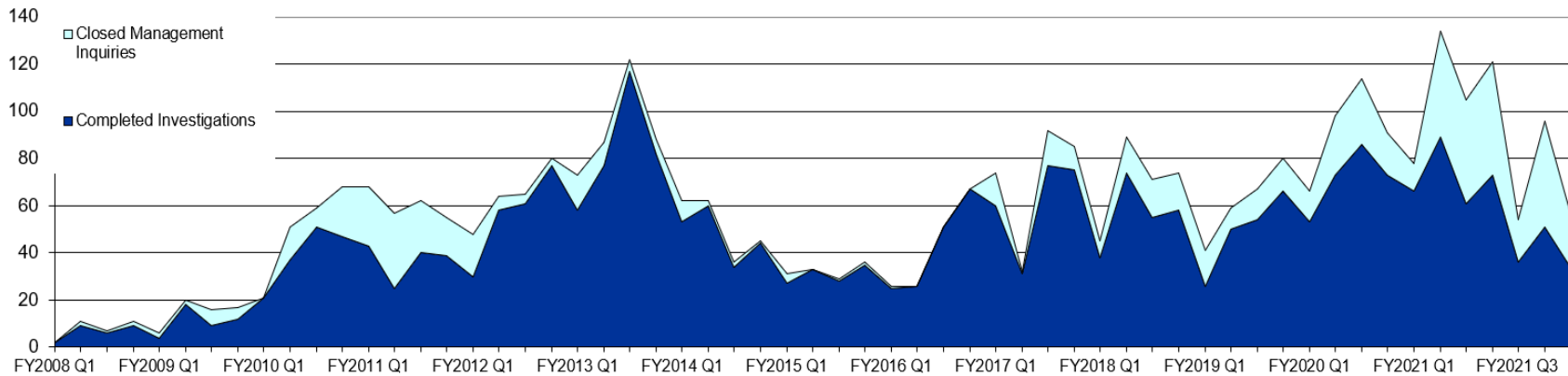
Open Investigations and Management Inquiries by Quarter



Open Investigations and Management Inquiries by Quarter



Completed Investigations and Closed Management Inquiries by Quarter¹²



¹² The spike in completed cases in 2012 is a result of the completion of the earlier surge in new cases in the latter half of 2011. OI typically experiences a dip in completed investigations during the first quarter of most fiscal years as a result of several factors: reduced travel while awaiting travel funding at the beginning of each fiscal year and holiday leave of both investigators and subjects who are interviewed for the cases.

IX. Conclusion

USCIS OI, in coordination with other USCIS offices and the DHS OIG, continues to enhance the agency's internal affairs capability. In addition to conducting investigations of employee misconduct and overseeing the training and execution of the Management Inquiry program, OI has devoted significant resources to outreach via its USCIS intranet webpage to foster a culture of integrity, respect, and professionalism within USCIS.