



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

June 18, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, D.C. 20528

Dear Secretary Mayorkas and Director Wray:

The Committee on Homeland Security (Committee) continues to investigate how the Department of Homeland Security (Department) and the Federal Bureau of Investigation (FBI) are handling the heightened national security risks posed by illegal aliens with terrorist ties illegally crossing the U.S. border. We write to request information regarding the circumstances surrounding the FBI's investigation that led to U.S. Immigration and Customs Enforcement's (ICE) arrest of eight Tajikistani nationals in New York, Philadelphia, and Los Angeles.¹ According to reports, ICE arrested the eight men on immigration-related charges after the FBI alerted them that the men possessed a connection to the terrorist group ISIS.² It is unclear how each of the eight individuals came to reside in the United States, though reports indicate that two crossed the Southwest Border of the United States in the spring of 2023 and one used the CBP One App to schedule an appointment to be screened prior to entry.³

Unfortunately, the unacceptable security failures that have allowed individuals with terrorist ties to enter the United States through the Southwest Border have become an alarming pattern under this administration.⁴ On April 3, 2024, the Committee sent Secretary Mayorkas a letter requesting information regarding two separate incidents of ICE releasing individuals who

¹ Julia Ainsley, et al., *8 Suspected Terrorists with Possible ISIS Ties Arrested in New York, L.A. and Philadelphia*, *Sources Say*, NBC NEWS, June 11, 2024, <https://www.nbcnews.com/news/us-news/8-suspected-terrorists-possible-isis-ties-arrested-new-york-l-philadel-rcna156635>.

² *Id.*

³ Jennie Taer, *Six Suspected Terrorists With ISIS Ties Arrested in Sting Operation in New York, Los Angeles and Philadelphia: Sources*, NEW YORK POST, June 11, 2024, <https://nypost.com/2024/06/11/us-news/six-suspected-terrorists-with-isis-ties-arrested-in-sting-operation/>.

⁴ See Todd Bensman, *Terrorists Welcome*, *The American Mind*, Apr. 22, 2024, <https://americanmind.org/salvo/terrorists-welcome/> (highlighting at least seven incidents where the Department accidentally released terror suspects into the United States).

were on a federal terrorist watchlist, at least one of which was due to errors within ICE’s internal database.⁵ The Committee’s requests in that letter remain outstanding.

Since that letter, the Committee has learned that Mohammad Kharwin, an individual who is also on a federal terrorist watchlist due to his associations with Afghan-based terrorist organization Hezb-e-Islami, was released from ICE custody into the Alternatives to Detention (ATD) program on March 12, 2023.⁶ He was initially arrested just two days prior in San Ysidro, California, after having illegally crossed the U.S.-Mexico border.⁷ Under the terms of his release, Kharwin was able to apply for work authorization and fly within the United States with no restrictions on his movements, under the sole condition that he was to periodically report to an ICE official over the phone.⁸ Nearly a year later, ICE arrested Kharwin in San Antonio, Texas after the FBI provided information that confirmed his membership in Hezb-e-Islami.⁹

The Department’s prioritization of catch, process, and release, presents a grave danger to national security.¹⁰ The Committee has repeatedly and forcefully highlighted the security vulnerabilities inherent in the massive influx of illegal aliens at our border, the insufficient vetting of the illegal aliens that the Department releases en masse into the United States,¹¹ and the unprecedented number of gotaways evading apprehension. The Biden Administration and the Department, however, continue to hide their heads in the sand, ignoring the “blinking red lights everywhere.”¹²

In last year’s hearing before the Committee about worldwide threats to the homeland, Director Wray testified that gotaways are “a great source of concern” for the FBI and that “threats coming from the other side of the border are very much consuming FBI field offices.”¹³ In that same hearing, however, when questioned on whether gotaways presented a material risk of organized terrorism, Christine Abizaid, the then-Director of the National Counterterrorism Center replied “we don’t have indications that are credible or corroborated that those terrorist

⁵ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec. et al., to Hon. Alejandro Mayorkas, Sec’y, Dep’t of Homeland Sec. (Apr. 3, 2023) (on file with author).

⁶ Julia Ainsley et al., *Man on Terror Watchlist was Released by Border Patrol*, NBC NEWS, Apr. 11, 2024, <https://www.nbcnews.com/investigations/man-terror-watchlist-remains-us-released-border-patrol-rcna147192>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec. and Rep. Clay Higgins, Chairman, Subcomm. on Border Sec. and Enf’t, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y, Dep’t of Homeland Sec. (Jun. 1, 2023) (on file with author).

¹¹ See e.g., *Examining CBP One: Functions, Features, Expansion, and Risks: Hearing Before the Subcomm. on Border Sec. and Enf’t and the Subcomm. on Oversight, Investigations and Accountability of the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 21, 2024) (statement of Rep. Dan Bishop highlighting how CBP’s lack of access to international criminal databases could allow migrants with serious security concerns to enter the United States with insufficient vetting.).

¹² *Oversight of the Federal Bureau of Investigation: Hearing Before the S. Comm. on the Judiciary*, 118th Cong. (Dec. 5, 2023) (statement of Christopher Wray, Dir., Fed. Bureau of Investigation).

¹³ *Worldwide Threats to the Homeland: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (Nov. 15, 2023) (statement of Christopher Wray, Dir., Fed. Bureau of Investigation).

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organizations are trying to do that at this time.”¹⁴ The arrest of eight men affiliated with ISIS in the interior of the United States is enough proof to show that terrorist organizations are, in fact, exploiting our border to possibly carry out an attack on American soil.

To assist the Committee with its ongoing investigation, please provide the following documents and information, in addition to satisfying the outstanding requests in the Committee’s April 3, 2024, letter, as soon as possible, but no later than, 5:00 p.m. on July 2, 2024:

1. The complete Alien File, including a copy of the Form I-213, Record of Deportable/Inadmissible for each of the eight individuals arrested by ICE in New York, Los Angeles, and Philadelphia;
2. All documents and communications, including but not limited to emails, text messages, and official memos, between ICE and the FBI, referring or relating to the eight individuals arrested by ICE in New York, Los Angeles, and Philadelphia, from March 1, 2023, to present;
3. A document sufficient to show all derogatory information in the Terrorist Screening Data Set associated with the eight individuals arrested by ICE in New York, Los Angeles, and Philadelphia; and
4. Any and all documents, including ICE officer and prosecutor notes, contained in Enforcement Removal Operations’ Eagle Database, referring or relating to the eight individuals arrested by ICE in New York, Los Angeles, and Philadelphia.

Furthermore, we request that the Department and the FBI provide the Committee with a briefing about these arrests no later than July 2, 2024. An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,

¹⁴ *Id.* (statement of Christine Abizaid, Dir., Nat’l Counterterrorism Ctr.).

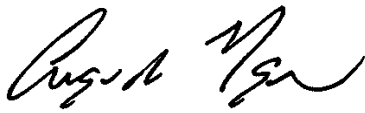
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MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement