

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051

<http://oversight.house.gov>

December 20, 2018

The Honorable John V. Kelly
Deputy Inspector General
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528-0305

Dear Mr. Kelly:

In September 2017, a Somali national, Abdulahi Hasan Sharif, carried out a terrorist attack in Edmonton, Alberta, injuring five bystanders. Sharif had been detained by U.S. Customs and Border Protection (CBP) and placed into Immigration and Custom Enforcement (ICE) custody in July 2011 but was released on an order of supervision (OSUP). Despite his status, he legally crossed into Canada and successfully sought asylum. More than one year has passed since the attack, and it appears there has been no comprehensive study of the incident. Therefore, the Committee requests the Office of the Inspector General investigate the circumstances that allowed Sharif to enter the United States, then Canada, and carry out the attack.

According to the timeline pieced together during a year-long media investigation following the attacks in Edmonton, Sharif presented himself to CBP at the San Ysidro port of entry on July 12, 2011, was transferred to ICE custody on July 15, 2011, and ordered removed to Somalia on September 22, 2011.¹ ICE further acknowledged “due to a lack of likelihood of removal in reasonably foreseeable future,” Sharif was released on an order of supervision (OSUP) on November 23, 2011.² On January 24, 2012, Sharif was supposed to report to ICE as a condition of his release, but was later found to have absconded to Canada.³

The Committee believes the facts of this case may correlate to the important work the OIG released in reports in 2011⁴ and 2018⁵ pertaining to screening aliens from specially designated countries (SDC) and screening aliens who may be known or suspected terrorists,

¹ Jonny Wakefield, “*Everything we know about the man charged in Edmonton’s truck attack from the woman who knows him best.*” The Edmonton Journal, September 28, 2018

² *Id.*

³ *Id.*

⁴ *Supervision of Aliens Commensurate with Risk*, Office of Inspector General, Dept of Homeland Security, OIG-11-81 (December 2011), as available at: https://www.oig.dhs.gov/assets/Mgmt/OIG_11-81_Dec11.pdf

⁵ *ICE Faces Challenges to Screen Aliens Who May Be Known or Suspected Terrorists*, Office of Inspector General, Dept of Homeland Security, OIG-18-36 (January 2018), as available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-01/OIG-18-36-Jan18.pdf>

respectively. The Committee is deeply concerned the vulnerabilities existing in 2011 which allowed this individual to enter, be released, and transit through the U.S. may still exist today despite demonstrated efforts by the Department to close important policy and procedural gaps in identifying and managing high risk aliens.

Furthermore, the Edmonton terror attack raises questions about DHS policy as it relates to special interest aliens. For instance:

- In the same year Sharif made his way through the U.S., your agency issued a report recommending ICE conduct Third Agency Checks (TACs) for all aliens from Specially Designated Countries (SDCs). However, ICE did not concur, and instead only committed to conducting interviews for compliancy purposes.⁶
- In June 2016, then-DHS Secretary Jeh Johnson issued a memorandum establishing a Joint Action Group (JAG) intent on strengthening U.S. policy toward SIAs.⁷ However, it is unclear whether the JAG was ever activated, or whether it is still in existence today.
- Earlier this year, your office followed up on the 2011 report referenced above and found ICE may still be missing opportunities to screen aliens from specially designated countries.⁸

In light of these facts and circumstances, I respectfully request the DHS OIG investigate the Sharif case. Specifically, the investigations should consider:

1. All DHS policies, guidance and communications issued between FY2010 and FY2018 regarding the vetting of Special Interest Aliens (SIA) at the border.
2. All ICE investigations into Special Interest Aliens (SIA) who transited through Latin America and attempted entry through the U.S. Southwest border between FY2010 and FY2018.
3. All interviews DHS components conducted in-person with Special Interest Aliens between FY2010 and FY2018.
4. All asylum fraud cases reported between FY2010 and FY2018 which involve Special Interest Aliens (SIA), and the disposition of those cases.
5. All Special Interest Aliens (SIA) released by ICE pursuant to *Zadvydas v. Davis* between FY2010 and FY2018.

⁶ OIG Report, See note 4

⁷ *Cross Border Movement of Special Interest Aliens*, Memorandum from Jeh Johnson, Secretary of Dept of Homeland Security to Federal Law Enforcement Agencies, June 24, 2016

⁸ ICE Faces Challenges to Screen Aliens Who May Be Known or Suspected Terrorists, Office of Inspector General, Dept of Homeland Security, OIG-18-36 (January 2018), *as available at*: <https://www.oig.dhs.gov/sites/default/files/assets/2018-01/OIG-18-36-Jan18.pdf>

6. All current DHS policies, guidance and communications regarding the Pre-Clearance process of migrant inspections in special interest countries.

In addition, the Committee requests a staff briefing on the results of your investigation. Please contact Kyle Smithwick of the Committee majority staff at (202) 225-5074 with any questions about this request. Thank you for attention to this matter.

Sincerely,



Trey Gowdy

cc: The Honorable Elijah E. Cummings, Ranking Member