

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

KEITH B. ASHDOWN, STAFF DIRECTOR
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December 9, 2015

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Dear Secretary Kerry:

On December 2, 2015, the American public watched in horror as reports filtered out of San Bernardino, California detailing the tragic terrorist attack that left 14 innocent civilians dead and dozens more injured. While we continue to obtain information on this tragedy, federal law enforcement personnel have confirmed that one of the suspects, Tashfeen Malik, entered the United States via a K-1 visa.¹

The K-1 visa program authorizes U.S. citizens to bring their foreign national fiancé or fiancé living abroad to the United States to marry.² To begin the process of obtaining a K-1 visa, the American citizen fills out a form I-129F with the United States Citizenship and Immigration Services (USCIS). USCIS then collects the applicable fees and conducts a background check on the applicant. Once USCIS approves the application, it then transfers the matter to the State Department's National Visa Center and the embassy or consulate closest to the foreign fiancé. At this location, the State Department will conduct a medical examination, and an interview of the foreign fiancé. After the interview, the State Department Official can either grant the visa, or return the petition to USCIS with a recommendation that the visa be denied.

If the State Department issues the K-1 visa, the U.S. citizen and foreign fiancé must be married within 90 days.³ Once the couple is married, the foreign spouse may apply for permanent residency and remain in the United States while USCIS processes their application.⁴ If the couple is not married within 90 days, the foreign fiancé must leave the United States, or else be found in violation of U.S. immigration laws.

¹ Jennifer Medina, et al, *San Bernardino Suspects Left Trail of Clues, but No Clear Motive*, THE NEW YORK TIMES, Dec. 3, 2015, <http://www.nytimes.com/2015/12/04/us/san-bernardino-shooting.html? r=0>.

² U.S. Citizenship and Immigration Services, *Fiancé(e) Visas*, <http://www.uscis.gov/family/family-us-citizens/fiancee-visa/fiancee-visas>.

³ *Id.*

⁴ *Id.*

The State Department approves applications for K-1 visas at high rate. According to publically available data, the State Department processed 36,543 K-1 visa applications in FY2014.⁵ Of that total, the State Department denied K-1 visas to only 618 individuals.⁶

In order to assist the Committee in evaluating potential vulnerabilities with the K-1 visa program, we respectfully request the following information and material:

1. Please provide a detailed description of the process State used to grant Ms. Malik a K-1 visa, including the factors considered before making a determination.
2. When conducting the background check into Mr. Farook and Ms. Malik, did State Department components identify any threats to national security? Does the State Department plan to review this background investigation in the wake of this tragedy? Please explain.
3. Once the National Visa Center approves a K-1 visa, does the State Department conduct any additional follow-up inquiry on the foreign applicant? Please explain.
4. How many people entered on the K-1 visa from FY2005-FY2015? Please provide the data by country of origin.

How many people were denied a K-1 visa from FY2005-FY2015? Please provide the data by country of origin.

5. In FY 2014, the State Department denied K-1 visas to 618 out of 36,543 applicants for K-1 visas.⁷ Please explain what factors led to the rejection of these applications.
6. What information does the State Department obtain from the foreign fiancé's country of origin when conducting an interview and background check of a K-1 visa applicant?
7. What reforms to the K-1 visa, if any, is State considering in wake of this recent tragedy?
8. What reforms to the K-1 visa, if any, should Congress consider in the wake of this recent tragedy?
9. Please provide all documents and communications referring or relating to Syed Rizwan Farook and Tashfeen Malik's application and approval of a K-1 visa.

⁵ Department of State, *Worldwide NIV Workload Visa Category FY 2014*, <http://travel.state.gov/content/dam/visas/Statistics/Non-Immigrant-Statistics/NIVWorkload/FY2014NIVWorkloadbyVisaCategory.pdf>.

⁶ *Id.*

⁷ *Id.*

The Honorable John Kerry
December 9, 2015
Page 3

Please produce this material as soon as possible, but by no later than 5:00 p.m. on December 23, 2015. Any classified information provided in response to this letter should be provided under separate cover through the Office of Senate Security. In addition, I request that appropriate State Department staff arrange a briefing with our staffs on this matter. Please arrange this briefing by December 23, 2015.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate “the efficiency, economy, and effectiveness of all agencies and departments of the Government.”⁸ Additionally, S. Res. 253 (113th Congress) authorizes the Committee to examine “the efficiency and economy of operations of all branches and functions of Government with particular references to (i) the effectiveness of present national security methods, staffing, and processes”⁹ For purposes of this request, please refer to the definitions and instructions in the enclosure.

If you have any questions about this request, please contact us or ask your staff to contact Kyle Brosnan or Brooke Ericson of the majority staff at (202) 224-4751 or Harlan Geer or Rebecca Maddox of the minority staff at (202) 224-2627. Thank you for your attention to this important matter.

With best personal regards, we are

Sincerely yours,



Ron Johnson
Chairman



Tom Carper
Ranking Member

Enclosure

⁸ S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

⁹ S. Res. 73 § 12, 114th Cong. (2015).