

From:	(b)(6)
To:	
Subject:	FW: Clearance Request: Response to Sen. Thune et al. re: passport holders
Date:	2014/09/23 18:10:00
Priority:	Normal
Type:	Note

Assume you will want this?

Jeff Rezmovic
Office of the Deputy Secretary
U.S. Department of Homeland Security
Office: (b)(6)
Mobile: (b)(6)

From: (b)(6)
Sent: Tuesday, September 23, 2014 5:51 PM
To: (b)(6)
Cc: (b)(6)
Subject: Clearance Request: Response to Sen. Thune et al. re: passport holders

Good afternoon,

Attached is the incoming, cover memo, draft response, and enclosure to Sen. Thune et al. regarding U.S. and western country passport holders who may be associated with terrorist organizations.

This response was drafted by PLCY for S2'S s signature and has been cleared by the following Components:

- OLA/(b)(6) – 9/22/2014
- MGMT/(b)(6) – 9/22/2014
- I&A/(b)(6) – 9/22/2014
- NPPD/(b)(6) – 9/23/2014
- OGC/(b)(6) 9/23/2014
- ICE/(b)(6) – 9/23/2014
- CBP/S/(b)(6) 9/23/2014

Please let me know if you have any questions.

Thanks,

Kalee Rinehart
Office of the Executive Secretary
Office of the Secretary
U.S. Department of Homeland Security

2 (b)(6)

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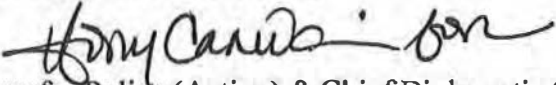
Sender:	(b)(6)	
Recipient:		
Sent Date:	2014/09/23 18:10:49	
Delivered Date:	2014/09/23 18:10:00	



**Homeland
Security**

SEP 23 2014

MEMORANDUM FOR: Deputy Secretary Alejandro N. Mayorkas

FROM: Alan D. Bersin 
Assistant Secretary for Policy (Acting) & Chief Diplomatic Officer

SUBJECT: **Request for Signature: Response to Sen. John Thune's September 11, 2014 Letter to Secretaries Johnson and Kerry Regarding Efforts to Prevent Travel to the United States by U.S. and Western Country Passport Holders Fighting Alongside ISIS or Other Terrorist Organizations**

Context: On September 11, 2014, Senator John Thune wrote to Secretaries Johnson and Kerry to inquire about the Department of Homeland Security's (DHS) and the Department of State's efforts to prevent travel to the United States by U.S. and Western Country passport holders fighting alongside ISIS and other terrorist organizations. The attached response provides an overview of DHS efforts to address the threat posed by foreign fighters attempting to travel to the United States and individually addresses each of the questions posed by Senator Thune in his letter.

OGC/Chief Counsel Coordination: This document has been reviewed in its entirety for legal sufficiency by Erica Wood and it has not been substantially changed since her review.

Clearance: *The following Components cleared this document:*

- CBP: (b)(6) cleared with comments, 9/23/2014
- I&A: (b)(6) cleared with comments, 9/22/2014
- ICE: (b)(6) cleared with comments, 9/23/2014
- MGMT: (b)(6) cleared without comment, 9/22/2014
- NPPD: (b)(6) cleared with comments, 9/23/2014
- OGC: (b)(6) cleared with comments, 9/23/2014
- OLA: (b)(6) cleared without comment, 9/22/2014

Timeliness: There are no timeliness concerns related to this letter which has been fully cleared and is being submitted to ESEC within the eight business day standard.

**U.S. Department of Homeland Security Responses to
Senator Thune et al September 11, 2014 Letter**

1: How many individuals fighting alongside ISIS, or Jabat al-Nusra fighters or other terrorist organizations are projected to have passports from the U.S. or visa waiver countries?

The U.S. Government estimates that more than 100 U.S. persons (citizens and lawful permanent residents) have traveled or have attempted to travel to Syria to join the ongoing conflict, a small number of whom may have sought to join or successfully have joined the Islamic State of Iraq and the Levant (ISIL) or al-Nusrah Front. Approximately 2,000 citizens of Western countries are believed to have joined the fighting in Syria and Iraq.

2: What actions are being taken to engage visa waiver countries to track and account for individuals fighting alongside ISIS, Jabat al-Nusra or other terrorist organizations operating in this region who hold passports that provide access to the United States?

Visa Waiver Program (VWP) countries report that they share the concern about the threat posed to common security interests by returning foreign fighters and they are taking a variety of steps to address that threat, including passport revocations and the criminalization of travel with the intent to join a terrorist organization. In cooperation with the Department of State (DOS) and other interagency partners, the Department of Homeland Security (DHS) is engaging VWP countries on a coordinated strategy to counter this threat.

3: What specific information are you seeking from visa waiver countries to ensure that no individuals with ties to terrorism can enter the United States?

The information sharing arrangements currently in place are already helping to ensure that individuals with ties to terrorism are not able to travel to the United States. The terms, conditions, and specific information requested under these arrangements are laid out in classified agreements. Furthermore, in partnership with DOS and other agencies, DHS is working with VWP countries to further improve and expedite the sharing of information.

4: What visa waiver countries have satisfied all U.S. requests for information and which countries are refusing to provide you all requested information on their citizens suspected of having travelled to Syria to fight with ISIS, Jabat al-Nusra or other terrorist organizations?

All VWP countries have satisfied U.S. requests for information on their citizens suspected to be foreign fighters in Syria or other areas with active terrorist insurgencies.

5: What is the administration's plan for ensuring that these individuals who have traveled abroad with American or other western passports and have actively supported ISIS, Jabat al-Nusra or other terrorist organizations are being monitored, and when appropriate, are being prevented from entering the U.S. or being prosecuted for aiding these groups when they attempt to do so?

Under existing national strategies for counterterrorism, and the recently approved, classified strategy for countering the ISIL, the U.S. Government uses a variety of means to detect terrorist travel or attempted entry into the United States. These methods require sound intelligence, law enforcement and other information, and DHS, the Intelligence Community, and Federal, state, and local law enforcement have devoted considerable efforts to developing and maintaining communication regarding such information. This information helps identify terrorists or facilitators, regardless of citizenship, whose support for ISIL, al-Nusrah Front, and other terrorist groups goes beyond constitutionally protected speech. One of DHS's primary areas of effort is to protect air travel to, from, and within the United States. DHS draws upon all available sources of information to determine whether any travelers should be denied boarding, found inadmissible, or subjected to additional screening before boarding an aircraft bound for the United States. DHS refers appropriate cases to the Federal Bureau of Investigation for investigation, and those investigations may lead to prosecution by the Department of Justice.

Although DHS can recommend passport revocation to DOS, DHS does not have the authority to revoke the passports of U.S. citizens.

6: What is the administration's strategy for identifying, monitoring, and intercepting individuals living in the U.S. and influenced by ISIS's social media from traveling abroad to join ISIS and other groups and engage in acts of terror?

The same methods referred to in the answer to question number five also apply to the identification and monitoring of those influenced by ISIL's social media. DHS incorporates respect for constitutionally protected speech in its efforts to counter violent extremism. DHS also supports the work of other departments and agencies of the Federal, state and local governments in efforts to counter violent extremism, regardless of the source of motivation.

United States Senate

WASHINGTON, DC 20510

2014 SEP 11 PM 3:2

September 11, 2014

The Honorable John Kerry
Secretary of State
Harry S. Truman Building, 2201 C Street, NW
Washington, DC 20520

The Honorable Jeh Johnson
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

Dear Secretary Kerry and Secretary Johnson:

We write today to encourage you to take immediate action to prevent U.S. and western country passport holders fighting alongside the Islamic State of Iraq and Syria (ISIS), Jabat al-Nusra or other terrorist organizations from traveling to the U.S. to commit acts of terrorism against the homeland.

On September 3, 2014, Secretary Hagel stated that the U.S. government is aware of "over 100 U.S. citizens who have U.S. passports who are fighting in the Middle East with ISIS forces." The following day the Pentagon clarified that approximately 100 American passport holders are operating inside of Syria and roughly one dozen of those individuals are fighting alongside ISIS. Reports also indicate that hundreds of additional westerners have joined the ranks of ISIS, Jabat al-Nusra, and other terrorist organizations in that region. According to the administration, "there is significant concern about the idea that some of these individuals may try to travel back to the west using their western passports and carry out acts of violence or engage in terrorism here."

According to media reports, two American passport holders were recently killed in Syria while fighting in support of ISIS. The State Department also confirmed in May that an American citizen was involved in a suicide bombing in Syria. We agree that the prospect of U.S. citizens and other westerners being trained as terrorists in Syria and returning home to carry out terrorist acts is a real threat to the homeland and must be addressed using every available tool of the federal government.


Under the provisions of 22 CFR Section 51.60(c)(4), the Secretary of State may revoke a U.S. passport if "the Secretary determines that the applicant's activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States." Additionally, through the FBI's Terrorist Screening Center the FBI maintains the No Fly List by which known or suspected terrorists are prohibited from boarding a commercial aircraft that departs from or arrives in the U.S. We encourage you to use these authorities, as well as all available law enforcement and intelligence tools, as appropriate, to stop ISIS, Jabat al-Nusra fighters and other dangerous individuals from traveling to the United States to commit acts of terrorism.


Accordingly, please address the following questions:

1. How many individuals fighting alongside ISIS, or Jabat al-Nusra fighters or other terrorist organizations are projected to have passports from the U.S. or visa waiver countries?
2. What actions are being taken to engage visa waiver countries to track and account for individuals fighting alongside ISIS, Jabat al-Nusra or other terrorist organizations operating in this region who hold passports that provide access to the U.S.?
3. What specific information are you seeking from visa waiver countries to ensure that no individuals with ties to terrorism can enter the United States?
4. What visa waiver countries have satisfied all U.S. requests for information and which countries are refusing to provide you all requested information on their citizens suspected of having travelled to Syria to fight with ISIS, Jabat al-Nusra or other terrorist organizations?
5. What is the administration's plan for ensuring that these individuals who have traveled abroad with American or other western passports and have actively supported ISIS, Jabat al-Nusra or other terrorist organizations are being monitored, and when appropriate, are being prevented from entering the U.S. or being prosecuted for aiding these groups when they attempt to do so?
6. What is the administration's strategy for identifying, monitoring, and intercepting individuals living in the U.S. and influenced by ISIS's social media from traveling abroad to join ISIS and other groups and engage in acts of terror?

We thank you for your immediate consideration of this request, and we look forward to continuing working with you to keep Americans safe both at home and abroad.

Sincerely,


JOHN THUNE
United States Senator


BOB CORKER
United States Senator









McR

Mike Johnson

John Barrasso

Chuck Grassley

Mark O'Brien

Pat Doomey

Lee Neuharth

Conan Alexander

Page 09 of 11

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

Page 10 of 11

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Page 11 of 11

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