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March 26, 2015

VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Johnson:

I write to share my concerns about the findings in the Department's Inspector General's investigation into employee complaints about management of U.S. Citizenship and Immigration Services (USCIS). The Inspector General's report paints a clear picture of how Mr. Mayorkas, when Director of the agency, used poor judgment and provided preferential treatment to certain petitioners and regional center applicants in the EB-5 immigrant investor program. You have an obligation to ensure there is accountability.

When Mr. Mayorkas became Director of USCIS, he distributed a memo to all employees titled, "Ethics and Integrity Memorandum No: 2: Preferential Treatment." This memo explains how "a government position is a public trust requiring an employee to act impartially in the performance of his or her duties." It provided "guidance to USCIS employees on avoiding and preventing situations that could be, or appear to be, preferential treatment." This memo was written by and violated by Mr. Mayorkas. The Inspector General's report casts no doubt on Mr. Mayorkas' role in approving certain petitions, providing special access to certain stakeholders who had applications pending before the agency and pressuring adjudicators to expedite the review of such applications. The Mayorkas memorandum advises that employees who violate the standards may be subject to disciplinary penalties, up to and including removal from employment.

The U.S. immigration system should be governed by equal application of the law—not by who has the best political connections. While I appreciate that you and Mr. Mayorkas have learned from the Inspector General's report, the standards of ethical conduct should have been followed on day one by the Director.

The allegations against Mr. Mayorkas by whistleblowers were ignored for months and months. The whistleblowers sacrificed their livelihood, and remain constantly in fear of retaliation because Mr. Mayorkas remains in the Department leadership. The administration, including you, pressed Congress to move Mr. Mayorkas' nomination through despite the ongoing review by the Inspector General. Therefore, it is incumbent on you to take action to hold him accountable.

I wait eagerly for your reply.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman