

<https://www.stateoig.gov/hotline>  
submitted online Apr 24, 2023

I am writing to report malfeasance within the Department of State (DoS) Office of the Inspector General (OIG) in the form of failure to report federal crimes to the Attorney General as required by statute, see INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'

Previous complaints were referred to the DoS Bureau of Consular Affairs as well as other agencies but were not reported to the Department of Justice (DoJ). A simple solution to this request is to refer the previous complaints to the DoJ.

This report refers to previous complaints concerning unlawful denial of B1 / B2 visa requests via a form letter that simply stated that the applicant did not prove sufficient ties to their home country without any review of the evidence presented or considered.

These previous complaints were:

H20190052 2018 Rueangrong Carr  
H20231753 2023 Buakhao Von Kramer  
H20231749 2023 Rueangrong Carr

They were referred to the DoS Bureau of Consular Affairs but not to the DoJ even though they cited the federal crime of falsification of government records.

18 U.S. Code Section 1001 which states in part:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --  
(1) falsifies, conceals, or covers up ... a material fact;

This has been held to include the omission of required facts which includes the rationale for a particular visa denial. In all four denied visas, the interviewer made a verbal of explanation of why the visa was denied but this explanation made no sense as it was not supported by the evidence and was not consistent with the published guidelines. This verbal explanation was not included in any form in the written decision.

From

[https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5317&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5317&context=penn_law_review)

in Judge Henry Friendly's article titled "Some Kind of Hearing"

"procedures that due process requires....

...

7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons

for its decision.

As discussed in the article, the Supreme Court has interpreted the Fifth Amendment due process requirement to cover virtually all administrative procedures which impact a person's life, but with less prohibitive requirements for less significant matters.

Of course it is most unlikely that the DoJ would choose to prosecute such administrative errors. However, as the requirements of due process extend to such a broad range of administrative processes, the DoJ should be brought into the process of updating the administrative procedures to insure that they are revised in a consistent fashion with other administrative procedures and defensible in the event litigation develops. After all, it will be DoJ who needs to defend the procedures in the event of litigation and so the DoJ has a strong interest in insuring the revised procedures are workable as well as complying with the constitutional requirements.

I ask that you confirm receipt of this request and forward this request as well as the three cited complaints to the DoJ. If you forward this request to the DoJ, I ask that you request that the DoJ confirm receipt of the request along with the current status of the request such as 'under consideration' or 'closed, no action taken'. Your attention to this matter is appreciated.