



Brian Carr <carrbp@gmail.com>

**URGENT: Report of Federal Crime in USCIS,, DHS OIG Complaint
HLCN1694292030038, Re: CIS Ombudsman Request Number 2022056241**1 message

Brian Carr <carrbp@gmail.com>

Sun, Sep 10, 2023 at 10:39 AM

To: Joseph Cuffari <joseph.cuffari@oig.dhs.gov>

Cc: Director USCIS Jaddou <Ur.M.Jaddou@uscis.dhs.gov>, cisombudsman <cisombudsman@hq.dhs.gov>, "Ward, Jennifer" <Jennifer.Ward@mail.house.gov>, criminal.division@usdoj.gov

Brian Carr
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Irving, TX 75061
carrbp@gmail.com
518-227-0129

The Honorable Joseph Cuffari
Department of Homeland Security Inspector General
245 Murray Dr.; Building 410;
Washington, DC 20528
(202) 981-6000

Dear Honorable Cuffari,

Overview

I am writing to report a federal crime of falsification of government records (and possibly many others) by the staff in United States Citizenship and Immigration Services (USCIS). I ask that you investigate the complaint and, on confirmation that there are reasonable grounds to support the allegation, direct USCIS to take corrective action and refer the matter to the Department of Justice.

In the event that this email is first screened by a person other the Honorable Cuffari, I ask that this matter promptly be called to his attention as it contains a report of federal crimes within USCIS (his purview). Further, if this report is not forwarded to him for his review, it could be construed as another federal crime of Obstruction of Justice (which is clearly within the purview of the Department of Justice (DoJ), also copied on this email).

As this email contains a notice of a plausible federal crime, I ask the Honorable Cuffari acknowledge receipt of this email within seven days (preferably via email to carrbp@gmail.com) as well as provide an initial response within thirty days as to intended actions.

Details of the Crime

The essence of the crime is documents provided by USCIS with contradictory facts, clearly one or both is false. The first document is the official notice that my wife's I-751 petition (for permanent Green Card) and N-400 petition (for citizenship) were approved (see I797forMSC2091582908-ioe9752855294.pdf) in Jan 2023 but the promised Oath of Allegiance was not scheduled. After numerous requests to have it scheduled no action was taken by USCIS until Sep 2023 with T1E2412301031DAL where her petitions were put back in the queue for a second interview (a redo of the original interview where her petitions were purportedly approved) indicating that her petitions were not approved but are still pending.

There are several federal criminal statutes concerning falsification of government records one of which is 18 U.S. Code Section 1001 (cited below) which is broadly applicable and paragraphs 1) and 3) both seem to apply to this matter.

Given the plausible federal crime being alleged, the Department of Homeland Security (DHS) Office of the Inspector General (OIG) is required to investigate the allegation and report all likely federal crimes, e.g. INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General

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whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'. A cursory review of the documents in this case should verify that there are contradictory facts in the record and that any competent employee would identify the contradictions.

You are requested to promptly (i.e. expeditiously) report this matter to the DoJ so that they can make the decisions as whether these matters should be further investigated and prosecuted.

Serious Deprivation of Constitutional Rights

Further, the apparent widespread nature of these crimes (discussed below) raises interesting questions of Due Process as guaranteed to all persons (including foreign nationals) in the Fifth Amendment. There were many updates to the procedures for foreign nationals in the Trump era and it is possible that some of these updates were not legal and in accordance with the Fifth Amendment requirements of Due Process.

In order to comply with the Fifth Amendment as defined by the the Supreme Court, all persons must be provided with 'due process' even in administrative proceedings. There is an excellent overview of 'due process' in

https://www.law.cornell.edu/wex/procedural_due_process

citing

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. The right to work and travel freely are most significant and the rights of citizenship (e.g. voting) are even more significant so that the requirements of Due Process are equally significant for USCIS and its concerns.

This particular situation is problematic as USCIS seems to provide final official 'orders' and 'findings of facts' from their tribunal (borrowing from judicial terminology) and then ignore these results with later interlocutory actions (e.g. email putting the petitions into the queue for a second interview). USCIS seems to simply ignore final decisions without any notice or justification.

I would argue that once a final decision is issued, USCIS can not do anything but follow through with the final decision and then turn to the courts if there are any problems which would warrant revoking the citizenship. Of course this is a complex issue and the DoJ should be consulted as there are certainly contrary arguments about USCIS's options after approving petitions.

The actual relief that I am seeking is similarly complex and is listed below in the preceding emails copied below.

Your prompt attention to this matter is appreciated along with acknowledgment of receipt of this email (7 days) and status of the various requests (30 days).

Brian P. Carr

----- Forwarded Message -----

Subject:URGENT: Report of Federal Crime in USCIS, Re: CIS Ombudsman Request Number 2022056241

Date:Fri, 8 Sep 2023 11:52:25 -0500

From:Brian Carr <carrbp@gmail.com>

To:Director USCIS Jaddou <Ur.M.Jaddou@uscis.dhs.gov>

CC:cisombudsman <cisombudsman@hq.dhs.gov>, Ward, Jennifer <Jennifer.Ward@mail.house.gov>, criminal.division@usdoj.gov

Dear Honorable Jaddou,

Overview

I am seeking assistance in scheduling the Oath of Allegiance for my wife's Naturalization. I am also seeking damages

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for the unwarranted delays in processing her I-751, Petition to Remove Conditions on Residence, and N-400 Petition for Citizenship. Finally I am asking that USCIS cease its illegal denial of 'due process' rights to foreign nationals as well as federal crimes such as falsification of government records.

In the event that this email is first screened by a person other the Honorable Jaddou, I ask that this matter promptly be called to her attention as it contains a report of federal crimes within USCIS (her purview). Further, if this report is not forwarded to her for her review, it could be construed as another federal crime of Obstruction of Justice (which is clearly within the purview of the Department of Justice (DoJ), also copied on this email).

As this email contains a notice of a plausible federal crime, I ask the Honorable Jaddou acknowledge receipt of this email within seven days (preferably via email to carrbp@gmail.com) as well as provide an initial response within thirty days as to intended actions.

As I have added a new cc recipient (DoJ), I have attached the previous attachments for their convenience.

Federal Crimes, Falsification of Government Records

In response to the notice that USCIS was scheduling new interviews for my wife (email from USCIS dated 1 Sep 2023 shown below in blue) rather than scheduling the Oath of Allegiance as required in the official formal approval of her two outstanding matters (see attached files and email from myself dated 25 Aug 2023 shown at the end of this email), I called USCIS to correct the matter.

On 5 Sep 2023 I called 800-375-5283 and spoke with Destiny, ID G010590, and asked that she send an email to the appropriate party to promptly schedule my wife's Oath of Allegiance as stated in the cited approval notice and, in the alternative, if an N-400 was not actually approved, that my wife be sent a new 10 year Permanent Resident Card.

Destiny, ID G010590, explained that it is not uncommon for additional interviews to be required even after the I-751 and N-400 are approved and that I could not be sent the approved Permanent Resident card (this is my recollection of what she said, though in future FOIA requests we should be able to determine the precise wording of her statement from the audio recordings). Implicitly her statement indicates that such formal approvals are not really approvals but instead delaying tactics used by USCIS to create confusion and delays.

At that time I asked that Destiny, ID G010590, take notes for details to include in the email she would send on my behalf.

I cited 18 U.S. Code Section 1001 which is one of many criminal codes for falsification of government records and 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; ... or
(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
shall be fined under this title, imprisoned not more than 5 years

(3) prohibits taking any action based on a false document with the implicit exceptions that actions may be taken to: correct the false document or, if the individual is not authorized to correct the false document, to report the false document to their supervisor and / or the relevant OIG explaining that it there is an existing false document and a possible federal crime when the document was created.

Whoever entered the final approval apparently knew that neither request was actually approved and entered the false approval with the intent of serious deprivation of due process rights (unwarranted delays and confusion) as well as criminal falsification of government records under 18 U.S. Code Section 1001. I ask that the Honorable Jaddou also refer this report of federal crimes to the Department of Homeland Security (DHS) OIG (Office of the Inspector General) as well as the DoJ if she feels that is appropriate. I will shortly be filing an additional complaint with the DHS OIG as well and will copy the recipients of this email as well.

I am asking that the outstanding I-751 and N-400 requests be immediately fulfilled and my wife promptly receive her 10 year Permanent Resident Card as well as her Certificate of Naturalization. Further I request that all similar applicants with falsified approvals (approval with no Oath of Allegiance scheduled from the approval) be promptly sent their 10 year Permanent Resident Card as well as their Certificate of Naturalization. If there are pending problems with the new citizens, they should be addressed through the courts as is USCIS's option with any citizen who was not properly eligible for citizenship. Further I am asking for credits for future services with USCIS as well as doubled

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compensatory time for delays in providing the benefits of U.S. citizenship.

Fraudulent Delays in Removing Remove Conditions on Residence

Since 2017 the delay in processing I-751 requests to remove conditions on permanent residents has increased dramatically because of administrative rule changes on waivers of interviews and increased requirements on the interview itself. The effect of these changes is that delays in actually issuing Permanent Resident cards (without conditions) have increased to four years and almost no Permanent Resident cards are issued. There are virtually no interviews scheduled for I-751 requests (even though applicants pay \$680 (proposed to be \$1,195) for such an interview) and instead the interviews are only scheduled in conjunction with the N-400 citizenship applications which have a separate \$725 fee (proposed to be \$750).

As there was never any separate biometrics or interview for the I-751, we should receive a credit for future USCIS services for the \$680 we were charged. Further, all I-751 applicants since 1 Jan 2017 (the beginning of the Trump era restrictions on foreign nationals) who did not receive any separate biometrics or interview (not shared with a corresponding N-400 request) should receive a similar credit.

Corrected A-551 Validity Dates and Restrictions on Replacement for Old A-551

8 CFR Section 216.4 states ... 'Upon receipt of a properly filed Form I-751, the alien's conditional permanent resident status shall be extended automatically, if necessary, until such time as the director [of USCIS] has adjudicated the petition.'

The extension letter fails in this regard as it places a unwarranted demands on the resident, travel providers, and employers. It is a lengthy document which does not clearly state the revised expiration date. Even CBP officers (at the airport) were not clear whether the 24 (now 48) months started from the receipt date (too early) or date of notice (too late). It must declare the precise date of expiration so that all parties will know the precise duration of the extension.

However, even beyond the confusing date of expiration, the letter itself puts an undue burden on the resident, travel providers and employers. The resident must carry the rather bulky letter as well as the green card and all travel providers and employers have to spend the time to try to understand the confusing terms including the misdirections about applying for stay outside the U.S. for longer than a year and 'lost document' applications.

The A-551 stamp in the passport is even worse as it requires the resident carry their passport and is only issued on request (not automatic). As such stamps are uncommon and simple, they also invite fraud as the stamp can be trivially duplicated. Further the expiration dates directly restrict the residents ability to travel freely. Permanent residents can leave the United States for up to a year and return without hindrance. However, the A-551 is only valid for 12 months and can not be extended until 60 days before expiration. As such A-551 residents can only leave the United States for 60 days on the 61st day before expiration, a significant restriction on the residents ability to travel freely. As such the expiration date on the A-551 stamp must be a minimum of 13 months with the ability to get a new stamp whenever there is less than a full 13 months remaining. Realistically it would be better to have a 24 or 48 month expiration date with the ability to request a new stamp whenever there is less than 13 months remaining.

I request that a new 48 month extension letter be sent to my wife immediately. Further, as she has received proper notice of approval of her I-751 application, she must be sent a 10 year permanent resident card ('green card') to allow her to work and travel freely as required by law as soon as possible. There is no legislation which prevents permanent residents from having a 'green card' even after they are citizens and it is, in fact, and expensive, arduous, and lengthy process to get a passport for new citizens.

Additional Relief Sought

In addition to the comparatively minor relief of credits for future services with USCIS sought with the original IG complaints, I am seeking additional credits for the deprivation of the rights of citizenship to include the rights for close family members to seek immigration authorizations as well as the right to vote and such. As it is not possible retroactively grant my wife the right to vote and others rights of being a U.S. citizen (such as the right to visit Europe without a European visa) the family members should be credited with twice the delay in her citizenship, i.e. their position in the queue for immigration visas should be adjusted as if their application was received earlier. The doubling of their credit in queue position corrects not only the delay in their application but also they get their citizenship rights (e.g. voting) earlier in compensation for the deprivation of my wife's citizenship rights (e.g. voting).

Conclusion

I ask that my wife be granted the rights of U.S. citizenship as soon as practicable as well as twice the current delay

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credited for the immigration applications of close relatives. Further, this specific correction should be applied to other N-400 applicants whose citizenship has been similarly delayed.

As there appear to be a significant number of N-400 applications which have been similarly delayed in approval by the false approvals, all such applicants should be similarly credited with twice the delay time for their relatives as well. If these queue disruptions have a significant impact to current queue members, USCIS should apply to Congress for relief of additional slots in each category of delayed immigrants.

The criminal falsification of government records through formal approval notices which are not treated as proper approvals must be investigated and stopped. The collection of fees for services which are never provided (interviews and biometrics) must also be investigated and stopped. Credits for future services must be provided for those who were fraudulently charged for the services which were not provided. In addition the individuals who were deprived of the rights of citizenship through illegal delays and interviews after their formal approval must be credited with twice the period of delay for any relatives who later apply (or applied) for immigration.

Your prompt attention to this matter is appreciated along with acknowledgment of receipt of this email (7 days) and status of the various requests (30 days).

Brian P. Carr

On Fri, Sep 1, 2023 at 10:33 AM USCIS <USCIS-CaseStatus@dhs.gov> wrote:
U.S. Department of Homeland Security
USCIS
6500 Campus Circle Drive East
Irving, TX 75063

U.S. Citizenship and Immigration Services
Friday, September 1, 2023

Emailed to carrbp@gmail.com

Dear Rueangrong Carr:

On 08/29/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

...

Case type:
-- N400

Filing date:
-- 07/11/2022

Receipt #:
-- IOE-97-528-55294

Referral ID:
T1E2412301031DAL

...

Type of service requested:
-- Outside Normal Processing Times

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

We have placed your application back in queue for a second interview to be scheduled at a USCIS field office. Once an appointment is available, your interview will be rescheduled, and an appointment notice will be mailed to your current address of record on file with USCIS. If you have not received a new interview notice in 60-days, please feel

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free to submit a new request to the USCIS contact center.

We hope this information is helpful to you.

...

On 8/25/2023 3:23 PM, Brian Carr wrote:

Dear Ombudsman, Honorable Jaddou,

On 6 Dec 2022 I asked for assistance with my wife's I-751, Petition to Remove Conditions on Residence, from the Honorable Jaddou and, in the same time frame, from the USCIS Ombudsman.

On 29 Jan 2023 my wife and I had a combined interview for the I-751 and N-400 (petition for citizenship). In early February we received the results which are attached as I797forMSC2091582908-ioe9752855294.pdf. For your convenience, the text of the response is:

We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the *Oath of Allegiance*, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship. If you have questions regarding this process, please contact the USCIS contact center at 800-375-5283.

However, when I check the status of our petitions it appears that we are still pending our dual interview or awaiting a decision from the interview (see attached file USCISstatusRC20230825.pdf). When we call the 800 number above we are unable to schedule the Oath of Allegiance or get a Permanent Resident Card even though we are well past the 5 month expected delay to schedule the Oath of Allegiance (most petitioners are able to complete that step in a few days).

Can you please schedule the Oath of Allegiance as my wife is being denied many rights of citizenship by these unreasonable delays? I am copying Ms. Ward on the staff of my U.S. representative, Congressman Veasey, as she may also be asked to expedite the scheduling of the Oath of Allegiance.

Thanks for your prompt attention to this matter.

Brian P Carr



Virus-free. www.avast.com

On Mon, Jan 23, 2023 at 7:40 AM cisombudsman <cisombudsman@hq.dhs.gov> wrote:

Dear Rueangrong Carr,

The CIS Ombudsman's Office has determined that U.S. Citizenship and Immigration Services (USCIS) has reviewed your case and scheduled you for an interview.

You should receive your interview notice by mail at the address USCIS has on file. If you do not receive your notice within 15 days, please contact USCIS at 1-800-375-5283 or through one of the customer service options offered by the agency. Please visit [USCIS Tools and Resources](#) | [USCIS](#) to obtain additional information and explore the agency's Customer Service Tools and Resources.

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Because USCIS has acted, our office will be closing this matter.

Thank you for giving the CIS Ombudsman's Office the opportunity to assist you.

Please take our [customer satisfaction survey](#). Your feedback is important to us.

Sincerely,

Office of the Citizenship and Immigration Services Ombudsman

U.S. Department of Homeland Security

Washington, D.C.

www.dhs.gov/cisombudsman

/dl

*The Office of the Citizenship and Immigration Services Ombudsman is an **independent, impartial, and confidential** resource. We advocate for a **fair and efficient** immigration process.*

2 attachments



USCISstatusRC20230825.pdf

122K



I797forMSC2091582908-ioe9752855294.pdf

237K