



1995

U. S. Department of Justice

Criminal Division

Office of the Assistant Attorney General

Washington, D.C. 20530

1995

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(j)(5), concerning alien witnesses or informants who have been admitted to nonimmigrant status pursuant to Section 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S) (1995). This is the first such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service.

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or state law enforcement authorities or to a Federal or state court. 8 U.S.C. § 1101(a)(15)(S)(i)¹. The Attorney General must also determine that the alien's presence in the

¹ The S(i) nonimmigrant classification has been designated as S-5 under the implementing regulation. Entry of Aliens Needed as Witnesses and Informants; Nonimmigrant S Classification, 60 Fed. Reg. 44260 (1995) (to be codified at 8 C.F.R. § 212.14(t)(1)).

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United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 100. 8 U.S.C. § 1184(j)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii)². The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. Id. The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 25. 8 U.S.C. § 1184(j)(1).

The Act also provides for nonimmigrant visas for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants, including spouses, married and unmarried sons and daughters, and parents. 8 U.S.C. § 1101(a)(15)(S).³

The Act requires that the Attorney General determine whether a ground for exclusion exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for exclusion if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence, if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(i)(1). Similarly, the Attorney

² The nonimmigrant classification S(ii) has been designated as S-6 under the implementing regulation. 60 Fed. Reg. 44260 (to be codified at 8 C.F.R. § 214.2(t)(2)).

³ The nonimmigrant classification for eligible family members of S(i) and S(ii) category nonimmigrants has been designated S-7 under the implementing regulation. 60 Fed. Reg. 44260 (to be codified at 8 C.F.R. § 214.2(t)(3)).

General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence, if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. 8 U.S.C. § 1255(i)(2).

An alien witness or informant admitted as either an S(i) or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of deportation, any action of deportation instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation or restriction imposed by the Attorney General. 8 U.S.C. § 1184(j)(4).

The Attorney General is required by 8 U.S.C. § 1184(j)(5) to make an annual report to Congress regarding the granting of S visa classifications. Specifically, the Act requires that:

- (5) (t)he Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and

- (E) the number of such nonimmigrants who have failed to report quarterly (as required under the Act) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

18 U.S.C. § 1184(j)(5).

Responsibility for compiling this report has been delegated to the Assistant Attorney General, Criminal Division, in consultation with the Commissioner of the Immigration and Naturalization Service. 60 Fed. Reg. 44260, 44268 (to be codified at 8 C.F.R. § 214.2(t)(8)).

Annual Report for Fiscal Year 1995

In accordance with these statutory reporting requirements, the following information is submitted regarding the issuance of S visa classifications during fiscal year 1995:

- (A) In fiscal year 1995, 59 witnesses or informants and 77 family members were granted S classification nonimmigrant status. Of these, 54 alien witnesses and informants were classified as S(i) nonimmigrants, along with 71 family members who obtained derivative S status. Additionally, five alien witnesses and informants were classified as S(ii) category non-immigrants, together with six family members who obtained derivative S status.⁴
- (B) The cooperation of 36 such aliens resulted in successful criminal prosecutions. The cooperation of the remaining 23 aliens contributed to successful investigations.
- (C) No terrorist acts are known to have been prevented or frustrated by the cooperation of the above noted aliens.
- (D) No witnesses or informants were admitted whose cooperation failed to result in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act.

⁴ The time available for processing applications for S visa classification in fiscal year 1995 was limited to the period between the promulgation of implementing regulations (August 25, 1995) and the end of the fiscal year (September 30, 1995).

The Honorable Henry J. Hyde
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- (E) None of the above-noted S classification nonimmigrants failed to report quarterly, as required under the Act, or were convicted of crimes in the United States between the date of their admission as such a non-immigrant and the end of the fiscal year.⁵

Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Acting Assistant Attorney General

⁵ The aliens approved for S visa classification in fiscal year 1995 were all approved during the last week of the fiscal year.

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U. S. Department of Justice

Criminal Division

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Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the United States Senate, as required by 8 U.S.C. § 1184(k) (5), concerning alien witnesses or informants who have been admitted to nonimmigrant status pursuant to Section 101(a) (15) (S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a) (15) (S) (1995). This is the second such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service.

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S) (i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or state law enforcement authorities or to a Federal or state court. 8 U.S.C. § 1101(a) (15) (S) (i)¹. The Attorney General must also determine that the alien's presence in the

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¹ The S(i) nonimmigrant classification has been designated as S-5 under the implementing regulation. Nonimmigrant Classes; Alien Witnesses and Informants, 8 C.F.R. § 214.2(t) (1) (1997).

United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or enterprise. Id. The number of witnesses or informants who may be granted (S) (i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k) (1).

The second category of nonimmigrant classification, (S) (ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a) (15) (S) (ii)². The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. Id. The number of witnesses or informants who may be granted (S) (ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k) (1).

The Act also provides for nonimmigrant visas for immediate family members of (S) (i) and (S) (ii) category alien witnesses or informants, including spouses, married and unmarried children and parents. 8 U.S.C. § 1101(a) (15) (S).³

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d) (1).

The Attorney General may adjust the status of an S (i) nonimmigrant to that of an alien lawfully admitted for permanent residence, if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(i) (1). Similarly, the Attorney

² The nonimmigrant classification S(ii) has been designated as S-6 under the implementing regulation. 8 C.F.R. § 214.2(t) (2).

³ The nonimmigrant classification for eligible family members of S(i) and S(ii) category nonimmigrants has been designated S-7 under the implementing regulation. 8 C.F.R. § 214.2(t) (3).

General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence, if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. 8 U.S.C. § 1255(i)(2).

An alien witness or informant admitted as either an S(i) or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of deportation, any action of deportation instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k)(4).

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k)(5) to make an annual report to Congress regarding the granting of S visa classifications. Specifically, the Act requires that:

- (5) [t]he Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under the Act) or who have been convicted of crimes in the United

States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k)(5).

Responsibility for compiling this report has been delegated to the Assistant Attorney General, Criminal Division, in consultation with the Commissioner of the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t)(8).

Annual Report for Fiscal Year 1996

In accordance with the statutory reporting requirements, this report addresses the issuance of S visa classifications during fiscal year 1996. Information is also provided for individuals issued S visa classifications during fiscal year 1995 because all S category nonimmigrants remain under Law Enforcement Agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S category nonimmigrant status.⁴

Reporting Results

- (A) (1) In fiscal year 1996, 98 witnesses or informants and 21 family members were granted S classification nonimmigrant status. All of these individuals were classified as S(i) nonimmigrants.⁵
- (2) In fiscal year 1995, 59 witnesses or informants and 77 family members were granted S nonimmigrant classification. Of these, 54 alien witnesses and informants were classified as S(i) nonimmigrants, along with 71 family members who obtained derivative S status. Additionally, five alien witnesses and informants

⁴Fiscal year 1995 was unique in that all S classifications awarded for that year were based on applications submitted within six weeks of the end of the fiscal year. The fiscal year 1995 annual report was, therefore, based on conclusions which were drawn from information provided in each alien's initial S visa application.

⁵ One additional family member of an individual granted S(i) nonimmigrant status in fiscal year 1995 was granted derivative S status in fiscal year 1996.

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were classified as S(ii) category nonimmigrants, together with six family members who obtained derivative S status.

(B) (1) The cooperation of 83 aliens granted S nonimmigrant classification in fiscal year 1996 resulted in 62 prosecutions and the conviction of 214 defendants. In addition, the cooperation of 12 of these aliens contributed to 58 successful investigations involving 173 targets.⁶ Six of these cooperating individuals provided information which resulted in both successful prosecutions and successful investigations.

(2) The cooperation of 45 aliens granted S nonimmigrant classification in fiscal year 1995 resulted in 217 prosecutions and the conviction of 359 defendants. In addition, the cooperation of 20 of these aliens contributed to 15 successful investigations involving 91 targets. Thirteen of these cooperating individuals provided information which resulted in both successful prosecutions and successful investigations.⁷

(C) (1) No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification in fiscal year 1996.

217
17

1359
84

413
15
17

32
91
27

118

⁶The total number of successful prosecutions and investigations reported by LEAs was higher than indicated herein because LEAs reported the number of successful results from each witness or informant. This resulted in numerous instances of "double counting" of successful prosecutions and investigations, as well as defendants and targets. To correct for this, an alien's cooperation was only counted as having led to a successful prosecution or investigation in the event that no other alien's cooperation had yet caused that case or investigation to be counted. The same approach was used for counting defendants and targets.

⁷In the fiscal year 1995 Annual Report to Congress, 36 aliens were reported as having provided information which led to successful prosecutions, and 23 aliens were reported as having provided information which led to successful investigations. That information is correct. However, the number of successful prosecutions or investigations for each alien was not determined in that report. In this year's report, the LEAs were able to provide more accurate data from which to compile responses to these questions.

- (2) No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification in fiscal year 1995.⁸
- (D) (1) No witnesses or informants granted S nonimmigrant classification in fiscal year 1996 were admitted whose cooperation failed to result in a successful criminal prosecution or investigation. The annual reports submitted for two aliens indicate that in 1996 the aliens' cooperation did not result in a successful prosecution or investigation. However, our records indicate that one alien had previously provided information leading to one conviction and a successful investigation in Colombia and a successful investigation in the United States. The other alien had previously provided information leading to nine federal convictions and one state conviction.
- (2) One LEA reported that a witness, currently incarcerated, who was granted S nonimmigrant classification in fiscal year 1995 failed to provide the cooperation which was the basis of his being granted S nonimmigrant status. No other witnesses or informants granted S nonimmigrant classification in fiscal year 1995 were admitted whose cooperation failed to result in a successful criminal prosecution or investigation. The annual reports submitted for two aliens granted S nonimmigrant classification in fiscal year 1995 indicate that the aliens' cooperation did not result in a successful prosecution or investigation. However, one of these aliens had previously provided information contributing to the conviction of 29 defendants. Information provided by the other alien assisted in a successful prosecution in the United States and a successful investigation involving United States law enforcement and leading to eight convictions in Germany.

⁸Supervising LEAs reported that two terrorist acts had been prevented or frustrated, however, further analysis revealed that while in both cases the alien provided significant testimony, neither incident actually involved the prevention or frustration of a terrorist act. In both instances, the alien's cooperation was one of the grounds upon which the alien was awarded S classification.

- (E) (1) Two witnesses or informants granted S nonimmigrant classification in fiscal year 1996 failed to report quarterly as required during fiscal year 1996 because the aliens had not been informed of their S nonimmigrant classification in a sufficiently timely manner to enable reporting prior to the end of the fiscal year.⁹
- (2) One witness or informant granted S nonimmigrant classification in fiscal year 1995 failed to report quarterly as required during fiscal year 1996 because the alien was not informed of his S nonimmigrant classification until the second quarter of this fiscal year. Also, one alien and his family members returned to their home country prior to being informed that they had been awarded S nonimmigrant classification. The supervising LEA considers this alien to be in good standing and plans to bring him back into the U.S. for an upcoming trial, at which time the alien plans to stay in the U.S. permanently. Additionally, six aliens failed to make any of the required quarterly reports. These six aliens are believed to have left the United States and the supervising LEAs are in the process of seeking termination of the S nonimmigrant classification for each of these individuals.
- (F) (1) Of the aliens granted S nonimmigrant classification in fiscal year 1996, no nonimmigrants were convicted of crimes in the United States between the date of their admission as such a nonimmigrant and the end of the fiscal year.

⁹In their Annual Reports concerning each alien in S nonimmigrant classification, the supervising LEAs indicated whether the alien had made all of the required quarterly reports. These responses were verified by a careful review of all S-Visa files in the possession of the Criminal Division.

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(F) (2) Of the aliens granted S nonimmigrant classification in fiscal year 1995, no nonimmigrants were convicted of crimes in the United States during fiscal year 1996.

Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Acting Assistant Attorney General

1997



U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, DC 20530-0001

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(5), concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to §101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S)(1995). This report is for fiscal year 1997 and is the third such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service.

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to federal or state law enforcement authorities or to a Federal or state court. 8 U.S.C. § 1101(a)(15)(S)(i)¹. The Attorney General must also determine that the alien's presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or

¹ The S(i) nonimmigrant classification has been designated as S-5 under the implementing regulation. Nonimmigrant Classes; Alien Witnesses and Informants, 8 C.F.R. § 214.2(t)(1)(1997).

enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii)². The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. Id. The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k)(1).

The Act also provides for nonimmigrant visas for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants, including spouses, married and unmarried children and parents. 8 U.S.C. § 1101(a)(15)(S).³

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence, if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(i)(1). Similarly, the Attorney General may adjust the status of an S(ii) nonimmigrant to that of

² The nonimmigrant classification S(ii) has been designated as S-6 under the implementing regulation. 8 C.F.R. § 214.2(t)(2).

³ The nonimmigrant classification for eligible family members of S(i) and S(ii) category nonimmigrants has been designated S-7 under the implementing regulation. 8 C.F.R. § 214.2(t)(3).

an alien lawfully admitted for permanent residence, if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under Section 36(a) of the State Department Basic Authorities Act of 1956. 8 U.S.C. § 1255(i)(2).

An alien witness or informant admitted as either an S(i) or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of deportation, any action of deportation instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k)(4).

By regulation, 8 C.F.R. Part 214, the Assistant Attorney General for the Criminal Division was given the authority to approve applications for S nonimmigrant status. This authority has now been delegated to the Principal Deputy Assistant Attorney General for the Criminal Division.

The Act contains a "sunset" provision which, in effect, prohibits any alien from being granted S category nonimmigrant status after September 12, 1999. See 8 U.S.C. § 1184(k)(2). Unless this provision is repealed or amended, the S nonimmigrant category will no longer be available to law enforcement agencies to use for those informants and witnesses who have provided substantial assistance to law enforcement. The information we have received from the Law Enforcement Agencies (LEAs) indicates that the availability of S category nonimmigrant status is an important law enforcement tool. In light of the value of this program to the law enforcement community, consideration is being given to appropriate legislative initiatives which would serve to repeal this "sunset" provision.

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k)(5) to make an annual report to Congress regarding the granting of S visa classifications. Specifically, the Act requires that:

- (5) [t]he Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
- (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under the Act) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k)(5).

Responsibility for compiling this report has been delegated to the Assistant Attorney General, Criminal Division, in consultation with the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t)(8).

Annual Report for Fiscal Year 1997

In accordance with the statutory reporting requirements, this report provides information for individuals granted S visa classification for fiscal year 1997. Information is also provided for individuals issued S visa classifications for fiscal years 1995 and 1996 because all S category nonimmigrants remain under LEA supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S nonimmigrant status, and is supported by quarterly reports and other information regularly submitted by the supervising LEAs.

(A) The number of aliens granted S nonimmigrant classification

For fiscal year 1997, 35 witnesses or informants and 19 family members were granted S classification nonimmigrant status. All of these individuals were classified as S(i) nonimmigrants.

For fiscal year 1996, 98 witnesses or informants and 21 family members were granted S classification nonimmigrant status. All of these individuals were classified as S(i) nonimmigrants.

For fiscal year 1995, 59 witnesses or informants and 77 family members were granted S nonimmigrant classification. Of these, 54 alien witnesses and informants were classified as S(i) nonimmigrants, along with 71 family members who obtained derivative S status. Additionally, five alien witnesses and informants were classified as S(ii) category nonimmigrants, together with six family members who obtained derivative S status.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 1997, the cooperation of the aliens granted S nonimmigrant classification for fiscal year 1997 had resulted in 36 prosecutions and the conviction of 72 defendants.⁴ In addition, the cooperation of these aliens contributed to 3 successful investigations involving 20 targets.

As of the end of fiscal year 1997, the cooperation of the aliens granted S nonimmigrant classification for fiscal year 1996 had resulted in 106 prosecutions and the conviction of 325

⁴ The figures concerning the results of the aliens' cooperation provided in this report for fiscal years 1997, 1996 and 1995 are conservative and lower in many instances than the figures reported by the LEAs for two reasons. First, there were some instances of "double counting" of prosecutions, investigations, defendants and targets because the LEAs reported the number of successful results from each witness or informant. To correct for this, an alien's cooperation was only counted as having led to a successful prosecution or investigation in the event that no other alien's cooperation had yet caused that case or investigation to be counted. The same approach was used for counting defendants and targets. Also, the LEAs inadvertently submitted for certain aliens the same results for fiscal year 1997 that had previously been submitted in the annual reports for fiscal year 1996. We have made the appropriate adjustments in those cases.

defendants.⁵ In addition, the cooperation of these aliens contributed to 69 successful investigations involving 232 targets.

As of the end of fiscal year 1997, the cooperation of the aliens granted S nonimmigrant classification for fiscal year 1995 resulted in 234 prosecutions and the conviction of 413 defendants. In addition, the cooperation of these aliens contributed to 32 successful investigations involving 118 targets.

(C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification for fiscal years 1997, 1996 or 1995. However, a number of the aliens granted S nonimmigrant status were involved in the investigation or prosecution of cases involving terrorism.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

There were no aliens granted S nonimmigrant status for 1997 whose cooperation did not result in a successful prosecution or investigation.

E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 1997, of all aliens granted S nonimmigrant status by the end of the period covered by this report, 12 aliens failed to report every quarter as required.

⁵ The figures we are reporting regarding the results of the cooperation of aliens granted S nonimmigrant classification for fiscal years 1996 and 1995 are higher than the figures we have reported to you in previous annual reports. The figures are higher because the cooperation of these aliens has continued to contribute to prosecutions, convictions, investigations and the identification of targets.

None of the aliens granted S nonimmigrant classification for fiscal years 1997 and 1996 was convicted of a crime during fiscal year 1997. Of the aliens granted S nonimmigrant classification for fiscal year 1995, one was convicted on a misdemeanor criminal traffic charge, and another was convicted on two criminal misdemeanor charges during fiscal year 1997.

Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

James K. Robinson
Assistant Attorney General

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U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, DC 20530-0001

The Honorable Orrin Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(5), concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S). This report is for fiscal year 1998 and is the fourth such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service (INS).

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The Attorney General must also determine that the alien's presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the

Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii). The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under 22 U.S.C. § 2708(a). *Id.* The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k)(1).

The Act also provides for derivative nonimmigrant classification for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants. This derivative status is limited to spouses, married and unmarried children, and parents. 8 U.S.C. § 1101(a)(15)(S).

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(j)(1). Similarly, the Attorney General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under 22 U.S.C. § 2708(a). 8 U.S.C. § 1255(j)(2).

An alien witness or informant admitted as either an S(i) or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by

one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of removal, any action for removal instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation, or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k)(4).

By regulation, 8 C.F.R. § 214.2(t)(4)(ii), approval of applications for S nonimmigrant status is a two-step process involving the Criminal Division and the INS. Applications for S nonimmigrant status are submitted by law enforcement agencies to the Criminal Division. The Assistant Attorney General for the Criminal Division has been given the authority to review the applications. If appropriate, the Assistant Attorney General certifies that an application meets the requirements for S nonimmigrant status, recommends approval of the application, and forwards the application to the Commissioner of the INS. 8 C.F.R. § 214.2(t)(4)(ii). The Assistant Attorney General's authority has now been delegated to the Principal Deputy Assistant Attorney General for the Criminal Division.

The Attorney General's authority to waive grounds of inadmissibility of applicants for S nonimmigrant status has been delegated to the Commissioner of the INS. After receiving a certified application for S nonimmigrant status from the Criminal Division, the Commissioner approves or denies the application. 8 C.F.R. § 214.2(t)(5).

The Violent Crime Control Act of 1994 prohibited any alien from being granted S category nonimmigrant status after September 12, 1999. The Immigration and Naturalization Act has since been amended to extend the authorized period for admission of an alien as an S nonimmigrant by two years, to September 12, 2001. 8 U.S.C. § 1184(k)(2); 113 Stat. 1483 (November 13, 1999.) The 1999 amendments to the Immigration and Nationality Act included the Sense of the Congress that S nonimmigrant status should be used in more alien smuggling investigations than has been done in the past. 113 Stat. 1483.

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k)(5)

to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

- (5) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k) (5).

Responsibility for compiling this report has been delegated to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t) (8).

Annual Report for Fiscal Year 1998

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 1998. In addition, certain information provided in previous annual reports is

updated, because all S category nonimmigrants remain under law enforcement agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S nonimmigrant status, and are supported by quarterly reports and other information regularly submitted by the supervising LEAs.

Since the inception of the S Visa Program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service. Applications have also been sponsored by the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Diplomatic Security of the Department of State, the Inspectors General of the Department of Education and the Department of Justice, and by various Task Forces and state law enforcement agencies.

In the interest of timely reporting, the method of reporting the number of S nonimmigrant visas granted to principal aliens and derivatives employed in this report, and to be used in future reports, differs from that previously used. The Commissioner of the INS often approves the granting of S nonimmigrant status to aliens in a fiscal year following the one in which the Criminal Division recommended approval. As INS practice is to assign the S nonimmigrant visa to the allocation of the year in which it received the recommendation of the Criminal Division, rather than to the year in which the S visa was granted, the Criminal Division deferred reporting for the fiscal year until it had received grants or denials of all recommendations it had made for that year. In this report, and henceforth, the grant or denial will be reported in the year it has been made so that the report can be made shortly after the end of the fiscal year. When appropriate, future reports will update prior reports to reflect the allocations made to the earlier years.

The information provided below in response to statutory reporting requirements reflects the data on the S visa program as of September 30, 1998, the end of fiscal year 1998.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 1998, 56 witnesses or informants and 36 family members were granted S nonimmigrant status. All of these individuals were classified as S(i) nonimmigrants.

During fiscal year 1998, the Assistant Attorney General for the Criminal Division approved applications for an additional 37 witnesses or informants and 19 family members for S nonimmigrant status. These applications were submitted to the INS for the approval of the Commissioner. Aliens granted S nonimmigrant status by the INS pursuant to these applications will be assigned to the 1998 fiscal year allotment in accordance with INS's usual practice.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 1998, the cooperation of the aliens granted S nonimmigrant classification during fiscal year 1998 had resulted in 153 prosecutions and the conviction of 240 defendants. In addition, the cooperation of these aliens contributed to 48 successful investigations involving 124 targets.

(C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification during fiscal year 1998. However, a number of the aliens granted S nonimmigrant status were involved in the investigation or prosecution of cases involving terrorism.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 1998, the cooperation of four of the aliens granted S nonimmigrant status in 1998 had not resulted in a successful prosecution or investigation. The

sponsoring LEAs report that the cooperation of three of those aliens has resulted in eight open investigations and the identification of 28 targets.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 1998, 15 principal aliens failed to report every quarter as required. Of these, eleven principal aliens and their 18 family members granted S nonimmigrant classification for fiscal years 1995, 1996, and 1997, returned to their native countries and no longer have S nonimmigrant status. Of the remaining four aliens granted S nonimmigrant status for fiscal year 1998 that did not report every quarter as required, one has died, one has acquired lawful permanent resident status through other means, and two were delayed in reporting during their respective moves from one state to another within the United States.

During fiscal year 1998, one alien granted S nonimmigrant classification in 1995 was convicted of narcotics trafficking, and is in prison. One alien granted S nonimmigrant status for fiscal year 1996 was sentenced to prison for violating the terms of his/her supervised release. One alien granted derivative S nonimmigrant classification for fiscal year 1996 (the spouse of a principal alien) was convicted of attempted narcotics trafficking and was removed from the United States. These three aliens no longer have S nonimmigrant status. Fiscal year 1998 is the first year since the S visa program was established that an alien with S nonimmigrant status has been convicted of a felony for conduct committed after receiving the S nonimmigrant status.

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Principal Deputy Assistant
Attorney General

The Honorable Orrin Hatch

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cc: The Honorable Patrick Leahy
Ranking Minority Member,
Committee on the Judiciary

1999

U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, DC 20530-0001

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(5), concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S). This report is for fiscal year 1999 and is the fifth such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service (INS).

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The Attorney General must also determine that the alien's presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the

Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii). The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under 22 U.S.C. § 2708(a). Id. The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k)(1).

The Act also provides for derivative nonimmigrant classification for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants. This derivative status is limited to spouses, married and unmarried sons and daughters, and parents. 8 U.S.C. § 1101(a)(15)(S).

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(j)(1). Similarly, the Attorney General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under 22 U.S.C. § 2708(a). 8 U.S.C. § 1255(j)(2).

An alien witness or informant admitted as either an S(i)

or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of removal, any action for removal instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation, or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k)(4).

By regulation, 8 C.F.R. § 214.2(t)(4)(ii), approval of applications for S nonimmigrant status is a two-step process involving the Criminal Division and the INS. Applications for S nonimmigrant status are submitted by law enforcement agencies to the Criminal Division. The Assistant Attorney General for the Criminal Division has been given the authority to review the applications. If appropriate, the Assistant Attorney General certifies that an application meets the requirements for S nonimmigrant status, recommends approval of the application, and forwards the application to the Commissioner of the INS. 8 C.F.R. § 214.2(t)(4)(ii).

The Attorney General's authority to waive grounds of inadmissibility of applicants for S nonimmigrant status has been delegated to the Commissioner of the INS. After receiving a certified application for S nonimmigrant status from the Criminal Division, the Commissioner approves or denies the application. 8 C.F.R. § 214.2(t)(5).

The Violent Crime Control Act of 1994 prohibited any alien from being granted S category nonimmigrant status after September 12, 1999. The Immigration and Naturalization Act has since been amended to extend the authorized period for admission of an alien as an S nonimmigrant by two years, to September 12, 2001. 8 U.S.C. § 1184(k)(2); 113 Stat. 1483 (November 13, 1999). The 1999 amendments to the Immigration and Nationality Act included the Sense of the Congress that S nonimmigrant status should be used in more alien smuggling investigations than has been done in the past. 113 Stat. 1483.

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k)(5)

to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

- (5) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k)(5).

Responsibility for compiling this report has been delegated to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t)(8).

Annual Report for Fiscal Year 1999

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 1999. In addition, certain information provided in previous annual reports has been updated, because all S category nonimmigrants remain under law

enforcement agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S nonimmigrant status, and are supported by quarterly reports and other information regularly submitted by the supervising LEAs.

Since the inception of the S Visa Program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service. Applications have also been sponsored by the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Diplomatic Security of the Department of State, the Inspectors General of the Department of Education and the Department of Justice, and by various Task Forces and state law enforcement agencies.

Unless otherwise indicated, the information provided below in response to statutory reporting requirements reflects the data on the S visa program as of September 30, 1999, the end of fiscal year 1999.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 1999, 50 witnesses or informants and 33 family members were granted S nonimmigrant status. Of these, 39 witnesses and 20 derivatives were assigned by the INS to the allocation for fiscal year 1998, the year in which these applications were received by the INS from the Criminal Division. All of these individuals were classified as S(i) nonimmigrants.

During fiscal year 1999, the Assistant Attorney General for the Criminal Division approved applications for an additional 53 witnesses or informants and 47 family members for S nonimmigrant status. These applications were submitted to the INS during fiscal year 1999 for the approval of the Commissioner. Aliens granted S nonimmigrant status by the INS pursuant to these applications will be assigned to the 1999 fiscal year allotment, in accordance with the INS's usual practice.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 1999, the cooperation of the aliens granted S nonimmigrant classification during fiscal year 1999 had resulted in 124 prosecutions and the conviction of 181 defendants. In addition, the cooperation of these aliens contributed to 50 successful investigations involving 121 targets.

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 1999 have resulted in continued benefits to law enforcement. During fiscal year 1999, the cooperation of the aliens granted S nonimmigrant classification for fiscal years 1995 through fiscal year 1998 resulted in an additional 32 prosecutions, 20 convictions, 32 investigations, and the pursuit of an additional 103 targets.

C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification during fiscal year 1999.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 1999, the cooperation of all of the aliens granted S nonimmigrant status in 1999 had resulted in a successful prosecution or investigation.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 1999, six principal aliens failed to report every quarter as required. Of these, two principal aliens granted S nonimmigrant classification for fiscal years 1996 and 1997 returned to their native countries and no longer have S nonimmigrant status, one alien granted S nonimmigrant status for fiscal year 1997 married a United States citizen and has

applied for lawful permanent resident status by virtue thereof, and one alien granted S nonimmigrant classification for fiscal year 1998 has died.

One alien granted S nonimmigrant status for fiscal year 1996 has failed to report every quarter since his arrest for violating the terms of his/her parole. One alien granted S nonimmigrant status for fiscal year 1996 was delayed in reporting during his/her move from one state to another within the United States.

During fiscal year 1999, four principal aliens were convicted of crimes. One alien granted S nonimmigrant classification for fiscal year 1998 was convicted of disorderly conduct, and paid a fine. One alien granted S nonimmigrant classification for fiscal year 1999 pled guilty to domestic violence, and was sentenced to one year of probation.

One alien granted S nonimmigrant classification for 1997 was convicted of narcotics trafficking, and one alien granted S nonimmigrant status for fiscal year 1998 was convicted of violating the terms of his/her supervised release. These two aliens no longer have S nonimmigrant status.

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Deputy Assistant Attorney General

cc: The Honorable Orrin Hatch
Ranking Minority Member,
Committee on the Judiciary

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U.S. Department of Justice

Criminal Division

2000

Office of the Deputy Assistant Attorney General

Washington, DC 20530-0001

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(4) (amended October 1, 2001,) concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S). This report is for fiscal year 2000 and is the sixth such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service (INS).

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The Attorney General must also determine that the alien's presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the

Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii). The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under 22 U.S.C. § 2708(a). Id. The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k)(1).

The Act also provides for derivative nonimmigrant classification for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants. This derivative status is limited to spouses, married and unmarried sons and daughters, and parents. 8 U.S.C. § 1101(a)(15)(S).

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(j)(1). Similarly, the Attorney General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an individual involved in such an act of terrorism, and the nonimmigrant has received a reward under 22 U.S.C. § 2708(a). 8 U.S.C. § 1255(j)(2).

An alien witness or informant admitted as either an S(i)

or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of removal, any action for removal instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation, or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k) (3) (amended October 1, 2001).

By regulation, approval of applications for S nonimmigrant status is a two-step process involving the Criminal Division and the INS. Applications for S nonimmigrant status are submitted by law enforcement agencies (LEAs) to the Criminal Division. The Assistant Attorney General for the Criminal Division has been given the authority to review the applications. If appropriate, the Assistant Attorney General certifies that an application meets the requirements for S nonimmigrant status, recommends approval of the application, and forwards the application to the Commissioner of the INS. 8 C.F.R. § 214.2(t) (4) (ii).

The Attorney General's authority to waive grounds of inadmissibility of applicants for S nonimmigrant status has been delegated to the Commissioner of the INS. After receiving a certified application for S nonimmigrant status from the Criminal Division, the Commissioner approves or denies the application. 8 C.F.R. § 214.2(t) (5).

The Violent Crime Control Act of 1994 prohibited any alien from being granted S category nonimmigrant status after September 12, 1999. The Immigration and Naturalization Act was amended to extend the authorized period for admission of an alien as an S nonimmigrant by two years, to September 12, 2001. The Immigration and Naturalization Act has subsequently been again amended to repeal the expiration date and to make the authority to admit S category nonimmigrants permanent. 8 U.S.C. § 1184(k) (amended October 1, 2001).

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k) (4) (amended October 1, 2001) to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

- (4) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k) (4) (amended October 1, 2001).

Responsibility for compiling this report has been delegated to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t) (8).

Annual Report for Fiscal Year 2000

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 2000. In addition, certain information provided in previous annual reports has been updated, because all S category nonimmigrants remain under LEA supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S nonimmigrant status, and are supported by quarterly reports and other information regularly submitted by the supervising LEAs.

Since the inception of the S Visa program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service. Applications have also been sponsored by the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Diplomatic Security of the Department of State, the Environmental Protection Agency, the Inspectors General of the Department of Education and the Department of Justice, United States Attorneys Offices, and by various Task Forces and state law enforcement agencies.

Unless otherwise indicated, the information provided below in response to statutory reporting requirements reflects the data on the S Visa program as of September 30, 2000, the end of fiscal year 2000.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 2000, 21 witnesses or informants and 17 family members were granted S nonimmigrant status. Of these, 19 witnesses and all 17 derivatives were assigned by the INS to the allocation for fiscal years prior to 2000, in the year in which these applications were received by the INS from the Criminal Division. All of these individuals were classified as S(i) nonimmigrants.

During fiscal year 2000, the Assistant Attorney General for the Criminal Division approved applications for an additional 97 witnesses or informants and 122 family members for S nonimmigrant status. These applications were submitted to the INS during fiscal year 2000 for the approval of the Commissioner. Aliens granted S nonimmigrant status by the INS pursuant to these applications will be assigned to the 2000 fiscal year allotment, in accordance with the INS's usual practice.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 2000, the cooperation of the aliens granted S nonimmigrant classification during fiscal year 2000 had resulted in 89 prosecutions and the conviction of 132 defendants. In addition, the cooperation of these aliens contributed to 46 successful investigations involving 186 targets.

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 2000 have resulted in continued benefits to law enforcement. During fiscal year 2000, the cooperation of the aliens granted S nonimmigrant classification for fiscal years 1995 through fiscal year 1999 resulted in an additional 89 prosecutions, 185 convictions, 61 investigations, and the pursuit of an additional 40 targets.

C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification during fiscal year 2000.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 2000, the cooperation of all of the aliens granted S nonimmigrant status in 2000 had resulted in a successful prosecution or investigation.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 2000, eight principal aliens failed to report every quarter as required. Of these, one alien granted S nonimmigrant classification for fiscal year 1998 returned to his/her native country and no longer desires S nonimmigrant status. One alien granted S nonimmigrant classification for fiscal year 1998 was delayed in reporting during his/her move from one location to another within the United States.

One alien granted S nonimmigrant status for fiscal year 1996 and one alien granted S nonimmigrant status for fiscal year 1999 failed to report due to ignorance of the reporting requirements.

One alien granted S nonimmigrant status for fiscal year 1998 has failed to report every quarter since his/her indictment for conspiracy to distribute cocaine. This alien no longer has S nonimmigrant status.

Three aliens, two of whom were granted S nonimmigrant status for fiscal year 1996, and one of whom was granted S nonimmigrant status for fiscal year 1997 failed to report each quarter as required after having been granted approval to apply for adjustment of status to that of permanent resident. Contact with these aliens is currently being sought so that it can be determined if adjustment is still appropriate.

During fiscal year 2000, two principal aliens were convicted of crimes. One alien granted S nonimmigrant classification for fiscal year 1998 was convicted of violating the terms of probation. One alien granted S nonimmigrant classification for fiscal year 1998 pled guilty to misprision of a felony with respect to a narcotics trafficking charge. These two aliens no longer have S nonimmigrant status.

The Honorable Patrick Leahy

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We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Deputy Assistant Attorney General

cc: The Honorable Orrin Hatch
Ranking Minority Member,
Committee on the Judiciary

2001

Office of the Deputy Assistant Attorney General

Washington, DC 20530-0001

The Honorable Patrick Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(4) (amended October 1, 2001,) concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S).¹ This report is for fiscal year 2001 and is the seventh such annual report submitted under the terms of the Act. It has been prepared in consultation with the Immigration and Naturalization Service (INS).

Background

The Violent Crime Control Act of 1994 amended the Immigration and Nationality Act to establish a new "S" nonimmigrant visa classification for two categories of alien witnesses and informants. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who the Attorney General has determined is in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The Attorney General must also determine that the alien's presence in the United States is essential to the success of an authorized criminal investigation or the successful prosecution of an individual involved in a criminal organization or

¹ The Homeland Security Act of 2002, P.L. 107-296, is not discussed herein, as it does not affect reporting for Fiscal Year 2001.

enterprise. Id. The number of witnesses or informants who may be granted (S)(i) nonimmigrant classification in any fiscal year may not exceed 200. 8 U.S.C. § 1184(k)(1).

The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii). The Secretary of State and the Attorney General must also determine that the alien will be or has been placed in danger as a result of providing such information, and is eligible to receive a reward under 22 U.S.C. § 2708(a). Id. The number of witnesses or informants who may be granted (S)(ii) visas in any fiscal year may not exceed 50. 8 U.S.C. § 1184(k)(1).

The Act also provides for derivative nonimmigrant classification for immediate family members of (S)(i) and (S)(ii) category alien witnesses or informants. This derivative status is limited to spouses, married and unmarried sons and daughters, and parents. 8 U.S.C. § 1101(a)(15)(S).

The Act requires that the Attorney General determine whether a ground for inadmissibility exists with respect to any S category visa applicant. The Attorney General has discretion to waive most grounds for inadmissibility if the Attorney General considers that it is in the national interest to do so. 8 U.S.C. § 1182(d)(1).

The Attorney General may adjust the status of an S(i) nonimmigrant to that of an alien lawfully admitted for permanent residence if, in the opinion of the Attorney General, the alien has supplied information as agreed, and the information has substantially contributed to a successful criminal investigation or prosecution. 8 U.S.C. § 1255(j)(1). Similarly, the Attorney General may adjust the status of an S(ii) nonimmigrant to that of an alien lawfully admitted for permanent residence if the alien has, in the sole discretion of the Attorney General, supplied information as agreed, the information has substantially contributed to the prevention or frustration of an act of terrorism, or to a successful investigation or prosecution of an

individual involved in such an act of terrorism, and the nonimmigrant has received a reward under 22 U.S.C. § 2708(a). 8 U.S.C. § 1255(j)(2).

An alien witness or informant admitted as either an S(i) or S(ii) category nonimmigrant must report quarterly to the Attorney General, may not be convicted of any crime punishable by one year or more of imprisonment after the date of admission, must waive the right to contest, other than on the basis of an application for withholding of removal, any action for removal instituted before the alien obtains lawful permanent resident status, and must abide by any other condition, limitation, or restriction imposed by the Attorney General. 8 U.S.C. § 1184(k)(3) (amended October 1, 2001).

By regulation, approval of applications for S nonimmigrant status is a two-step process involving the Criminal Division and the INS. Applications for S nonimmigrant status are submitted by law enforcement agencies (LEAs) to the Criminal Division. The Assistant Attorney General for the Criminal Division has been given the authority to review the applications. If appropriate, the Assistant Attorney General certifies that an application meets the requirements for S nonimmigrant status, recommends approval of the application, and forwards the application to the Commissioner of the INS. 8 C.F.R. § 214.2(t)(4)(ii).

The Attorney General's authority to waive grounds of inadmissibility of applicants for S nonimmigrant status has been delegated to the Commissioner of the INS. After receiving a certified application for S nonimmigrant status from the Criminal Division, the Commissioner approves or denies the application. 8 C.F.R. § 214.2(t)(5).

The Violent Crime Control Act of 1994 prohibited any alien from being granted S category nonimmigrant status after September 12, 1999. The Immigration and Naturalization Act was amended to extend the authorized period for admission of an alien as an S nonimmigrant by two years, to September 12, 2001. The Immigration and Naturalization Act has subsequently been again amended to repeal the expiration date and to make the authority to admit S category nonimmigrants permanent. 8 U.S.C. § 1184(k) (amended October 1, 2001).

Reporting Requirement

The Attorney General is required by 8 U.S.C. § 1184(k) (4) (amended October 1, 2001) to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

- (4) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k) (4) (amended October 1, 2001).

Responsibility for compiling this report has been delegated to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service. 8 C.F.R. § 214.2(t) (8).

Annual Report for Fiscal Year 2000

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 2000. In addition, certain information provided in previous annual reports has been updated, because all S category nonimmigrants remain under LEA supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division in the form of annual reports from the supervising LEAs for each alien in S nonimmigrant status, and are supported by quarterly reports and other information regularly submitted by the supervising LEAs.

Since the inception of the S Visa program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service. Applications have also been sponsored by the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Diplomatic Security of the Department of State, the Environmental Protection Agency, the Inspectors General of the Department of Education and the Department of Justice, United States Attorneys Offices, and by various Task Forces and state law enforcement agencies.

Unless otherwise indicated, the information provided below in response to statutory reporting requirements reflects the data on the S Visa program as of September 30, 2001, the end of fiscal year 2001.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 2001, 105 witnesses or informants and 122 family members were granted S nonimmigrant status. Of these, 79 witnesses and 90 derivatives were assigned by the INS to the allocation for fiscal years prior to 2001, in the year in which these applications were received by the INS from the Criminal Division. All of these individuals were classified as S(i) nonimmigrants.

During fiscal year 2001, the Assistant Attorney General for the Criminal Division approved applications for an additional 29 witnesses or informants and 29 family members for S nonimmigrant status. These applications were submitted to the INS during fiscal year 2001 for the approval of the Commissioner. Aliens granted S nonimmigrant status by the INS pursuant to these applications will be assigned to the 2001 fiscal year allotment, in accordance with the INS's usual practice.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 2001, the cooperation of the aliens granted S nonimmigrant classification during fiscal year 2001 had resulted in **XX** prosecutions and the conviction of **XX** defendants. In addition, the cooperation of these aliens contributed to **XX** successful investigations involving **XX** targets.

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 2001 have resulted in continued benefits to law enforcement. During fiscal year 2001, the cooperation of the aliens granted S nonimmigrant classification for fiscal years 1995 through fiscal year 2000 resulted in an additional 2 prosecutions, 3 convictions, 14 investigations, and the pursuit of an additional 50 targets.

C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of aliens granted S nonimmigrant classification during fiscal year 2001.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 2001, the cooperation of all of the aliens granted S nonimmigrant status in 2001 had resulted in a successful prosecution or investigation.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 2001, four principal aliens failed to report every quarter as required. Of these, one alien granted S nonimmigrant classification for fiscal year 1999 returned to his/her native country and no longer desires S nonimmigrant status. One alien granted S nonimmigrant classification for fiscal year 1998 was delayed in reporting during his/her move from one location to another within the United States.

One alien granted S nonimmigrant status for fiscal year 1998 has failed to report every quarter as required, and no longer has S nonimmigrant status.

One alien granted S nonimmigrant classification for fiscal year 1996 has failed to report every quarter as required, and the sponsoring law enforcement agency is investigating why the lapse occurred.

During fiscal year 2001, no principal aliens were convicted of a crimes

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

John C. Keeney
Deputy Assistant Attorney General

cc: The Honorable Orrin Hatch
Ranking Minority Member,
Committee on the Judiciary



U.S. Department of Justice

Criminal Division

2002

Assistant Attorney General

Washington, D.C. 20530

The Honorable Orrin G. Hatch
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the Senate, as required by 8 U.S.C. § 1184(k)(4)(amended October 1, 2001), concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S). This report is for fiscal year 2002 and is the eighth such annual report submitted under the terms of the Act. It has been prepared in consultation with the former Immigration and Naturalization Service (INS)¹ and the United States Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security.

The Violent Crime Control Act of 1994 created a new "S" nonimmigrant classification under United States immigration law.² This classification may be made available for up to a maximum of 200 aliens per fiscal year who have critical, reliable information which is necessary for the successful investigation and/or prosecution of a criminal organization and for up to 50 aliens who provide information concerning a terrorist organization and qualify for a Department of State antiterrorism reward. If approved for S classification, such an alien may be admitted to the United States in a temporary nonimmigrant status for up to three years. In approving an application for S classification, grounds of inadmissibility which might otherwise prevent the person from entering or remaining in the United States, may be waived. If the alien complies with the terms of admission, he or she may become eligible to apply for permanent resident status.

¹ The Homeland Security Act of 2002, P.L. 107-296, abolished the INS, formerly part of the Department of Justice, and transferred its immigration enforcement functions to the Department of Homeland Security in March 2003.

² The Homeland Security Act of 2002, P.L. 107-296, is not discussed herein, except as specifically referenced, as it does not affect reporting for Fiscal Year 2002.

The Attorney General is required by 8 U.S.C. § 1184(k)(amended October 1, 2001) to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

- (4) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
 - (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k)(4)(amended October 1, 2001).

Responsibility for compiling this report is assigned by regulation to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service, 8 C.F.R. § 214.2(t)(8), whose functions with regard to S Visa reporting have now been absorbed by ICE.

Annual Report for Fiscal Year 2002

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 2002. In addition, certain information provided in previous annual reports has been updated, because all S category nonimmigrants remain under law enforcement agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division by the supervising LEAs for each alien in S nonimmigrant status.

Since the inception of the S Visa program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United States Marshals Service. Applications have also been sponsored by the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Diplomatic Security of the Department of State, the Environmental Protection Agency, the Inspectors General of the Department of Education and the Department of Justice, United States Attorneys Offices, and by various Task Forces and state law enforcement agencies.

Unless otherwise indicated, the information provided below in response to statutory reporting requirements reflects the data on the S Visa program as of September 30, 2002, the end of fiscal year 2002.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 2002, 43 witnesses or informants and 40 family members were granted S nonimmigrant status. Of these, 22 witnesses and 27 derivatives were assigned by the INS to the allocation for fiscal years prior to 2002, in the year in which these applications were received by the INS from the Criminal Division. All of these individuals were classified as S(I)³ nonimmigrants.

During fiscal year 2002, the Assistant Attorney General for the Criminal Division approved applications for an additional 22 witnesses or informants and 25 family members for S nonimmigrant status. These applications were submitted to the INS during fiscal year 2002 for the approval of the Commissioner, but had not yet been approved by the end of FY 2002. Aliens

³ S nonimmigrant visa classification falls into two categories. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who has been determined to be in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii).

subsequently granted S nonimmigrant status by the INS pursuant to these applications were assigned to the 2002 fiscal year allotment, in accordance with the INS's usual practice.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 2002, the cooperation of the aliens granted S nonimmigrant classification during fiscal year 2002 had resulted in 191 prosecutions and the conviction of 225 defendants. In addition, the cooperation of these aliens contributed to 84 successful investigations involving 263 targets.

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 2002 has resulted in continued benefits to law enforcement. During fiscal year 2002, the cooperation of the aliens granted S nonimmigrant classification for fiscal years 1995 through fiscal year 2001 resulted in an additional 12 prosecutions, 10 convictions, 7 investigations, and the pursuit of an additional 78 targets.

(C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of an alien granted S nonimmigrant classification during fiscal year 2002.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 2002, the cooperation of all of the aliens granted S nonimmigrant status in 2002, had resulted in a successful prosecution or investigation.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 2002, three principal aliens, all of whom received S nonimmigrant classification prior to fiscal year 2002, failed to report every quarter as required. One of these aliens returned to his/her native country and no longer desires S nonimmigrant status. Two aliens failed to report as required by the regulations because the law enforcement agents responsible for monitoring the aliens were unaware of the monitoring requirements. Both of those situations have since been corrected, and the aliens are reporting as required.

During fiscal year 2002, four principal aliens, all of whom received S nonimmigrant classification prior to fiscal year 2002, were convicted of crimes. One alien was convicted in

2002 of narcotics trafficking, and was deported. One alien was convicted of assaulting a brother. The alien's S Visa status was allowed to expire without adjustment. One alien pled guilty to a misdemeanor for having written a bad check, and made immediate restitution. One alien was convicted of driving on a suspended license for the second time, and his S Visa status was terminated.

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

Christopher A. Wray
Assistant Attorney General

By:

John C. Keeney
Acting Assistant Attorney General

cc: The Honorable Patrick J. Leahy
Ranking Minority Member
Committee on the Judiciary



2003

U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This letter is to report to the Committee on the Judiciary of the House of Representatives, as required by 8 U.S.C. § 1184(k)(4)(amended October 1, 2001), concerning alien witnesses or informants who have been granted nonimmigrant status pursuant to § 101(a)(15)(S) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1101(a)(15)(S). This report is for fiscal year 2003 and is the ninth such annual report submitted under the terms of the Act. It has been prepared in consultation with the former Immigration and Naturalization Service (INS)¹ and the United States Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security (DHS).

The Violent Crime Control Act of 1994 created a new "S" nonimmigrant classification under United States immigration law. This classification may be made available for up to a maximum of 200 aliens per fiscal year who have critical, reliable information which is necessary for the successful investigation and/or prosecution of a criminal organization and for up to 50 aliens who provide information concerning a terrorist organization and qualify for a Department of State antiterrorism reward. If approved for S classification, such an alien may be admitted to the United States in a temporary nonimmigrant status for up to three years. In approving an application for S classification, grounds of inadmissibility which might otherwise prevent the person from entering or remaining in the United States, may be waived. If the alien complies with the terms of admission, he or she may become eligible to apply for permanent resident status.

The Attorney General is required by 8 U.S.C. § 1184(k)(amended October 1, 2001) to make an annual report to Congress regarding the granting of S nonimmigrant status. Specifically, the Act requires that:

¹ The Homeland Security Act of 2002, P.L. 107-296, abolished the INS, formerly part of the Department of Justice, and transferred its immigration enforcement functions to the Department of Homeland Security in March 2003.

- (4) The Attorney General shall submit a report annually to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate concerning -
- (A) the number of such nonimmigrants admitted;
 - (B) the number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens;
 - (C) the number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens;
 - (D) the number of such nonimmigrants whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act; and
 - (E) the number of such nonimmigrants who have failed to report quarterly (as required under [the Act]) or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant.

8 U.S.C. § 1184(k)(4)(amended October 1, 2001).

Although the Homeland Security Act of 2002 transferred many of the Attorney General's immigration-related functions, including the authority to grant S visas, to the Secretary of DHS, responsibility for compiling this report is assigned by regulation to the Assistant Attorney General for the Criminal Division, in consultation with the Immigration and Naturalization Service, 8 C.F.R. § 214.2(t)(8), whose functions with regard to S Visa reporting have now been absorbed by ICE.

Annual Report for Fiscal Year 2003

In accordance with the statutory reporting requirements, this report provides information for individuals granted S nonimmigrant status during fiscal year 2003. In addition, certain information provided in previous annual reports has been updated, because all S category nonimmigrants remain under law enforcement agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status. The following results are derived from data submitted to the Criminal Division by the supervising LEAs for aliens in S nonimmigrant status.

Since the inception of the S Visa program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the United

States Marshals Service. Applications have also been sponsored by the Department of Homeland Security, the United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Diplomatic Security of the Department of State, the Environmental Protection Agency, the Inspectors General of the Department of Education and the Department of Justice, United States Attorneys Offices, and by various Task Forces and state law enforcement agencies.

Unless otherwise indicated, the information provided below in response to statutory reporting requirements reflects the data on the S Visa program as of September 30, 2003, the end of fiscal year 2003.

(A) The number of aliens granted S nonimmigrant status

During fiscal year 2003, 30 witnesses or informants and 28 family members were granted S nonimmigrant status. All of these individuals were classified as S(i)² nonimmigrants.

During fiscal year 2003, the Assistant Attorney General for the Criminal Division approved applications for 56 witnesses or informants and 45 family members for S nonimmigrant status. Two of these witnesses or informants and one of these family members were among the aliens who received S nonimmigrant status, as discussed in the above paragraph. Of these, These applications were submitted to DHS during fiscal year 2003 for approval, but had not yet been approved by the end of FY 2003.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 2003, the cooperation of the aliens granted S nonimmigrant

² S nonimmigrant visa classification falls into two categories. The first category of nonimmigrant classification, (S)(i), may be granted to an alien who has been determined to be in possession of critical reliable information concerning a criminal organization or enterprise, which the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court. 8 U.S.C. § 1101(a)(15)(S)(i). The second category of nonimmigrant classification, (S)(ii), may be granted to an alien who the Secretary of State and the Attorney General jointly determine is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court. 8 U.S.C. § 1101(a)(15)(S)(ii).

classification during fiscal year 2003 had resulted in 114 prosecutions and the conviction of 200 defendants. In addition, the cooperation of these aliens contributed to 71 successful investigations involving 159 targets.

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 2003 has resulted in continued benefits to law enforcement. During fiscal year 2003, the cooperation of aliens granted S nonimmigrant classification for fiscal years 1995 through fiscal year 2002 resulted in an additional 33 prosecutions, 28 convictions, 8 investigations, and the pursuit of an additional 67 targets.

(C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of an alien granted S nonimmigrant classification during fiscal year 2003.

(D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 2003, the cooperation of all of the aliens granted S nonimmigrant status in 2003, had resulted in a successful prosecution or investigation.

(E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 2003, two principal alien, who received S nonimmigrant classification prior to fiscal year 2003, failed to report every quarter as required. As a result of these failures to report, the S nonimmigrant status of both of the aliens was terminated.

During fiscal year 2003, two principal aliens, all of whom received S nonimmigrant classification prior to fiscal year 2003, were convicted of crimes. One alien was convicted of credit card fraud, and one alien was convicted of driving on a suspended license for the second time. The S Visa status of both of these aliens was terminated.

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

Alice S. Fisher
Assistant Attorney General

By:

John C. Keeney
Acting Assistant Attorney General

cc: The Honorable Patrick Leahy
Ranking Minority Member
Committee on the Judiciary



2004

U.S. Department of Justice

Criminal Division

Assistant Attorney General

Washington, D.C. 20530

The Honorable Patrick J. Leahy
Chairman, Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The purpose of this letter is to report to the Committee on the Judiciary of the Senate, as required by 8 U.S.C. § 1184(k)(4), concerning alien witnesses or informants who have been granted S nonimmigrant classification pursuant to Section 101(a)(15)(S) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(S) (the Act). This report is for fiscal year 2004 and is the tenth such annual report submitted under the requirements of the Act. It has been prepared in consultation with the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement.

Established by the Violent Crime Control Act of 1994, "S" nonimmigrant classification, commonly known as an S Visa, is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation.¹ Specifically, an alien who has been determined to be in possession of critical reliable information concerning a criminal organization or enterprise, which information the alien is willing to supply or has supplied to Federal or State law enforcement authorities or to a Federal or State court, is eligible for S(i) nonimmigrant classification. 8 U.S.C. § 1101(a)(15)(S)(i). Alternatively, an alien is eligible for S(ii) nonimmigrant classification if the Secretary of State and the Secretary of the Department of

¹ S nonimmigrant classification may be granted to a maximum of 200 aliens per fiscal year who have assisted law enforcement authorities by providing critical, reliable information concerning a criminal organization or enterprise and whose presence is necessary for the successful investigation and/or prosecution of an individual involved in a criminal organization or enterprise. S nonimmigrant classification may be granted to a maximum of 50 aliens who assist Federal law enforcement authorities by providing information concerning a terrorist organization and qualify for a reward under the State Department's Rewards for Justice Program. The number of applications submitted to the Department of Justice for its review has never reached or exceeded these numerical limits.

Homeland Security (formerly the Attorney General) jointly determine that the alien is in possession of critical reliable information concerning a terrorist organization, enterprise, or operation, which information the alien is willing to supply or has supplied to Federal law enforcement authorities or to a Federal court, if the alien would be in danger as a result of providing such information, and the alien is eligible to receive a reward under the State Department's Rewards for Justice Program. 8 U.S.C. § 1101(a)(15)(S)(ii).

If approved for S nonimmigrant classification, an alien may be admitted to the United States in a temporary nonimmigrant status for up to three years. When an application for S nonimmigrant classification is approved, grounds of inadmissibility which might otherwise prevent the person from legally entering or remaining in the United States are waived. If the alien complies with the terms of the S nonimmigrant classification, he or she may become eligible to apply for permanent resident status.

Prior to the enactment of the Homeland Security Act of 2002, the Attorney General was required by 8 U.S.C. § 1184(k) to submit an annual report to Congress regarding specific matters concerning aliens who were granted S nonimmigrant status. Starting with the report for fiscal year 2005, the DHS, which now has the authority to grant S Visas, will be submitting the annual report to Congress.

In accordance with the applicable statutory reporting requirements, this report provides information for individuals granted S nonimmigrant classification during fiscal year 2004. In addition, this report contains updated information about aliens who were granted S nonimmigrant status before fiscal year 2004, about whom information was provided in previous annual reports. All aliens who have S nonimmigrant status are under law enforcement agency (LEA) supervision and, thus, continue to be subject to statutory reporting requirements for the entire period that they remain in S nonimmigrant status.

Since the inception of the S Visa program, the majority of the applications for S nonimmigrant status have been sponsored by the Drug Enforcement Administration, the Federal Bureau of Investigation, and the former Immigration and Naturalization Service. Applications have also been sponsored by the DHS, the former United States Customs Service, the United States Secret Service, the Internal Revenue Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Marshals Service, the Bureau of Diplomatic Security of the Department of State, the Environmental Protection Agency, the Inspector General of the Department of Education, the United States Attorney's Offices, and by various Task Forces and state law enforcement agencies. The results presented below are derived from data submitted to the Criminal Division by the supervising LEAs for aliens in S nonimmigrant status.²

² Unless otherwise indicated, the information provided reflects data on the S Visa program as of September 30, 2004, the end of fiscal year 2004.

The following reports the information that is required by the Act:

(A) The number of aliens granted S nonimmigrant status

During fiscal year 2004, the DHS granted S(i) nonimmigrant status to 44 witnesses or informants and derivative S nonimmigrant status to 37 family members. S(i) aliens qualify for S nonimmigrant classification by providing cooperation in an investigation or prosecution involving a criminal organization or enterprise.

Also during fiscal year 2004, the Assistant Attorney General for the Criminal Division submitted applications for 76 witnesses or informants and 100 family members to the Secretary of the DHS for approval of S(i) nonimmigrant status. The DHS did not render final disposition on these applications during fiscal year 2004.

(B) The number of successful criminal prosecutions or investigations resulting from the cooperation of such aliens

As of the end of fiscal year 2004, the cooperation of the 44 aliens granted S nonimmigrant classification during fiscal year 2004 had resulted in 340 prosecutions and the conviction of 272 defendants.³

The cooperation of aliens granted S nonimmigrant status in fiscal years prior to 2004 has resulted in continued benefits to law enforcement in addition to the successful investigations or prosecutions which were the bases for granting the S Visas. During fiscal year 2004, the cooperation of aliens granted S nonimmigrant classification for fiscal years 1995 through 2003 resulted in an additional seven prosecutions and four convictions.

(C) The number of terrorist acts prevented or frustrated resulting from the cooperation of such aliens

No terrorist acts are known to have been prevented or frustrated by the cooperation of an alien granted S nonimmigrant classification during fiscal year 2004.

³ These statistics are derived from reports submitted to the Criminal Division by the law enforcement agencies setting forth the number of investigations, prosecutions, convictions, and targets pursued as a result of the cooperation of the alien witnesses or informants, and from information submitted by the law enforcement agencies and prosecutors as part of the S Visa application process.

- (D) The number of aliens granted S nonimmigrant status whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act

As of the end of fiscal year 2004, the cooperation of all of the aliens granted S nonimmigrant classification in 2004 had resulted in a successful prosecution or investigation. No aliens were granted S(ii) status during fiscal year 2004, and accordingly, none failed to prevent or frustrate a terrorist act.

- (E) The number of aliens granted S nonimmigrant status who have failed to report quarterly or who were convicted of crimes

During fiscal year 2004, no aliens failed to report quarterly or were convicted of crimes, as reported by the LEAs.

We hope that this information is useful. Please do not hesitate to contact me if I can be of further assistance with regard to this or any other matter.

Sincerely,

Alice S. Fisher
Assistant Attorney General

By:

John C. Keeney
Deputy Assistant Attorney General

cc: The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 26, 2014

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Attorney General, in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2012

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to sixty (60) aliens and seventy-one (71) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S (i) classification, and to 50 under the S (ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS Citizen and Immigration Services. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Four hundred and seventeen (417) prosecutions and two hundred and ninety-four (294) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Ten (10) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Two (2) aliens granted S nonimmigrant classification and zero (0) derivative family members failed to report quarterly to the Attorney General.
- ii. Four (4) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Member



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 17, 2015

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Attorney General, in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2013

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-seven (27) aliens and twenty (20) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS's Citizen and Immigration Services. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

One hundred and forty-eight (148) prosecutions and seventy-four (74) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Zero (0) terrorist acts known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

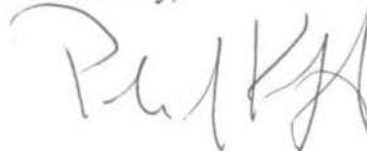
There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Zero (0) aliens and zero (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. One (1) alien granted S nonimmigrant classification and zero (0) derivative family members granted S nonimmigrant classification were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 17, 2015

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

The Attorney General, in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2013

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-seven (27) aliens and twenty (20) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS's Citizen and Immigration Services. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

One hundred and forty-eight (148) prosecutions and seventy-four (74) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Zero (0) terrorist acts known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Zero (0) aliens and zero (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. One (1) alien granted S nonimmigrant classification and zero (0) derivative family members granted S nonimmigrant classification were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 7, 2016

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2014

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-eight (28) aliens and nineteen (19) family members.
 - ii. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Seventy-eight (78) prosecutions and fifty-seven (57) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

One (1) terrorist act is known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

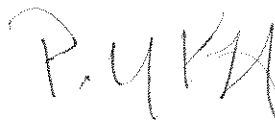
There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classification who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Zero (0) aliens and (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

April 7, 2016

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2014

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-eight (28) aliens and nineteen (19) family members.
 - ii. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Seventy-eight (78) prosecutions and fifty-seven (57) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

One (1) terrorist act is known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classification who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Zero (0) aliens and (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 27, 2016

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of “S” nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2015

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-six (26) aliens and fifteen (15) family members.
 - ii. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to a maximum of 50 under the S(ii) classification. The Department reviews requests for S Visas, and makes recommendations to DHS’s USCIS. The latter has final authority to approve or deny the S Visa applications.

- B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Ninety-two (92) prosecutions and ninety-six (96) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.

- C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Zero (0) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.

- D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

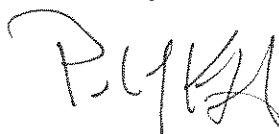
There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

- E. The number of aliens granted S nonimmigrant classifications who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. One (1) alien and zero (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 27, 2016

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2015

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to twenty-six (26) aliens and fifteen (15) family members.
 - ii. DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to a maximum of 50 under the S(ii) classification. The Department reviews requests for S Visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S Visa applications.

- B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:
- Ninety-two (92) prosecutions and ninety-six (96) investigations resulted from the cooperation of the aliens granted S nonimmigrant classification.
- C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:
- Zero (0) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens granted S nonimmigrant classification.
- D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:
- There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.
- E. The number of aliens granted S nonimmigrant classifications who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:
- i. One (1) alien and zero (0) derivative family members granted S nonimmigrant classification failed to report quarterly to the Attorney General.
 - ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely



Peter J. Kadzik
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 08 2017

The Honorable Robert William Goodlatte
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20510

Dear Mr. Chairman:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of “S” nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2016

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to forty-five (45) aliens and forty (40) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS’s USCIS. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

One hundred twenty-four (124) prosecutions and one hundred twenty-seven (127) investigations resulted from the cooperation of the aliens who were granted S nonimmigrant classification in FY2016.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Two (2) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens who were granted S nonimmigrant classification in FY2016.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications in FY2016 who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Two (2) aliens and one (1) derivative family member granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we can be of further assistance with regard to this or any other matter.

Sincerely



Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

AUG 08 2017

The Honorable John Conyers, Jr.,
Ranking Minority Member
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20510

Dear Representative Conyers:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), reports the following information relative to the granting of "S" nonimmigrant immigration benefits, commonly known as the S Visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).¹

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2016

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- i. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to forty-five (45) aliens and forty (40) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to zero (0) aliens and zero (0) family members.

¹ The S Visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S Visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S Visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S Visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

One hundred twenty-four (124) prosecutions and one hundred twenty-seven (127) investigations resulted from the cooperation of the aliens who were granted S nonimmigrant classification in FY2016.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Two (2) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens who were granted S nonimmigrant classification in FY2016.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

There were zero (0) aliens granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications in FY2016 who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- i. Two (2) aliens and one (1) derivative family member granted S nonimmigrant classification failed to report quarterly to the Attorney General.
- ii. Zero (0) aliens granted S nonimmigrant classification and zero (0) derivative family members were convicted of crimes after the date of their admission as such a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we can be of further assistance with regard to this or any other matter.

Sincerely



for
Samuel R. Ramer
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 31 2019

The Honorable Jerrold Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS), reports the following information regarding the granting of "S" nonimmigrant immigration benefits, commonly known as the S visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).³

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2018

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- iii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to sixteen (16) aliens and fourteen (14) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to one (1) alien and two (2) family members.

³ The S visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Thirty-nine (39) prosecutions and forty-five (45) investigations resulted from the cooperation of the aliens who were granted S nonimmigrant classification in FY2018.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Two (2) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens who were granted S nonimmigrant classification in FY2018.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

Zero (0) aliens were granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications in FY2018 who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- v. One (1) alien and zero (0) derivative family members granted S nonimmigrant classification failed to report every quarter to the Attorney General since his/her admission as a nonimmigrant.
- vi. Zero (0) aliens and zero (0) derivative family members who were granted S nonimmigrant classification were convicted of crimes after the date of their admission as a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 31 2019

The Honorable Doug Collins
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Collins:

The Department of Justice (the Department), in consultation with the Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS), reports the following information regarding the granting of "S" nonimmigrant immigration benefits, commonly known as the S visa, as established by the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796, 2024-26 (1994).⁴

In accordance with Title 8, United States Code, Section 1184(k)(4), the information required to be reported is as follows:

Fiscal Year 2018

- A. The number of aliens granted S nonimmigrant classification during this fiscal year:
- iv. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(i) to sixteen (16) aliens and fourteen (14) family members.
 - ii. The DHS granted S nonimmigrant classification pursuant to 8 U.S.C. § 1101(a)(15)(S)(ii) to one (1) alien and two (2) family members.

⁴ The S visa is available to aliens who provide information to law enforcement authorities in an investigation or prosecution of an individual involved in a criminal organization or enterprise (subsection (i)) or, under certain circumstances, to aliens who provide information to Federal law enforcement authorities concerning a terrorist organization, enterprise or operation (subsection (ii)). S visas may be granted to a maximum of 200 aliens per fiscal year under the S(i) classification, and to 50 under the S(ii) classification. The Department of Justice reviews requests for S visas, and makes recommendations to DHS's USCIS. The latter has final authority to approve or deny the S visa applications.

B. The number of successful criminal prosecutions or investigations resulting from the cooperation of aliens granted S nonimmigrant classification:

Thirty-nine (39) prosecutions and forty-five (45) investigations resulted from the cooperation of the aliens who were granted S nonimmigrant classification in FY2018.

C. The number of terrorist acts prevented or frustrated resulting from the cooperation of aliens granted S nonimmigrant classification:

Two (2) terrorist acts are known to have been prevented or frustrated as a result of the cooperation of aliens who were granted S nonimmigrant classification in FY2018.

D. The number of aliens granted S nonimmigrant classification whose admission or cooperation has not resulted in a successful criminal prosecution or investigation or the prevention or frustration of a terrorist act:

Zero (0) aliens were granted S nonimmigrant classification whose admission or cooperation did not result in a successful criminal prosecution or investigation, or did not prevent or frustrate a terrorist act.

E. The number of aliens granted S nonimmigrant classifications in FY2018 who have failed to report quarterly or who have been convicted of crimes in the United States after the date of their admission as such a nonimmigrant:

- vii. One (1) alien and zero (0) derivative family members granted S nonimmigrant classification failed to report every quarter to the Attorney General since his/her admission as a nonimmigrant.
- viii. Zero (0) aliens and zero (0) derivative family members who were granted S nonimmigrant classification were convicted of crimes after the date of their admission as a nonimmigrant.

We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Stephen E. Boyd
Assistant Attorney General