

# United States Senate

WASHINGTON, DC 20510

January 25, 2022

## VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security

The Honorable Antony J. Blinken  
Secretary  
U.S. Department of State

Dear Secretaries Blinken and Mayorkas:

We are writing to request information about the case of Malik Faisal Akram, a British national who held four people hostage at the Beth Israel Congregation in Colleyville, Texas, for hours on January 15<sup>th</sup>, and was killed by FBI agents after the hostages escaped.<sup>1</sup> Akram was reportedly demanding the release of Dr. Aafia Siddiqui, a Pakistani national currently serving an 86-year sentence at a prison in Texas for attempted murder and armed assault on U.S. officers in Afghanistan in 2010.<sup>2</sup>

Akram reportedly arrived in the United States legally in December 2021.<sup>3</sup> Regarding this entry, law enforcement sources have said:

- Akram was not on a U.S. government watchlist;
- British intelligence officials have advised their U.S. counterparts that a preliminary review of their databases similarly show no derogatory information about Akram;<sup>4</sup> and
- Akram apparently traveled to the United States under the terms of the United Kingdom's membership in the U.S. Visa Waiver Program.

And yet, Akram's brother in the United Kingdom told reporters that Akram "had been known to the counterterrorism police in Britain."<sup>5</sup> Though the Greater Manchester Police Department and the United Kingdom's counterterrorism division declined to comment on that assertion, a British security source told reporters on January 18<sup>th</sup> that Akram was indeed known

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<sup>1</sup> Ruth Graham, Jacey Fortin and Troy Closson, "The Hostages Escaped. But Synagogues Ask, How Can They Be More Secure?," The New York Times, January 17, 2022, <https://www.nytimes.com/2022/01/17/us/texas-synagogue-hostages-escape.html>.

<sup>2</sup> Alaa Elassar, Michelle Watson and Alanne Orjoux, "Malik Faisal Akram: FBI identifies hostage-taker at Texas synagogue," CNN, January 17, 2022, <https://www.msn.com/en-us/news/world/colleyville-texas-fbi-identifies-hostage-taker-at-texas-synagogue/ar-AASPCnu>; Sophia Saifi and Hilary Whiteman, "Sister of 'Lady al Qaeda': 'We want no violence in Aafia's name'," CNN, August 29, 2014, <https://www.cnn.com/2014/08/29/world/asia/siddiqui-terror-sister/index.html>.

<sup>3</sup> Alaa Elassar et al, *supra* note 2.

<sup>4</sup> *Id.*

<sup>5</sup> Megan Specia and Aina J. Khan, "A Tense Texas Standoff Leads to Emotional Phone Call Between Brothers," The New York Times, January 17, 2022, <https://www.nytimes.com/2022/01/17/world/europe/texas-synagogue-hostage-taker-family.html>.

to U.K. intelligence.<sup>6</sup> NBC News reports that Akram “was the subject of a short, low-level investigation by the U.K.’s MI5 domestic intelligence agency in the second half of 2020.”<sup>7</sup> The investigation was “based on information that he may have been involved in Islamist terrorism.”<sup>8</sup> According to NBC News, “[w]hen there was no indication of a terrorist threat, . . . Akram joined approximately 40,000 other closed ‘subjects of interest’ in Britain who have been investigated but not found to be plotting terrorist attacks.”<sup>9</sup>

In addition to being the subject of a security investigation, Akram also reportedly had a criminal record. According to Akram’s brother, Akram was arrested in the 1990s when he was 19 and sent to a young offenders’ institute, and was later sentenced to six months in prison for “violent disorder” for wielding a baseball bat during a family feud with his cousins.<sup>10</sup>

Akram also apparently had mental health issues that, if true, would potentially have made Akram inadmissible to the United States.<sup>11</sup> Akram’s brother in the United Kingdom told reporters that Akram was “a deeply troubled man” and added: “It’s well known, everybody in the town knows, he has mental health issues.”<sup>12</sup>

In light of the numerous red flags in Akram’s record, we are extremely concerned about the adequacy of our visa adjudication and admission screening protocols. As Akram’s own brother told reporters: “How had he gotten into America? . . . Why was he granted a visa? How did he land at J.F.K. airport and not get stopped for one second?”<sup>13</sup>

In order to more fully understand how Malik Faisal Akram entered this country, and what possible breakdowns in our screening processes allowed that to happen, we would appreciate answers to the following questions and requests no later than February 8, 2022:

1. Please send a copy of the “A-file” for Malik Faisal Akram.
2. If not included in the A-file, please send a copy of any Form I-94 or ESTA application completed by Mr. Akram.
3. Please list all U.S. nonimmigrant or immigrant visas possessed at any time by Mr. Akram, including their validity dates and the places where they were issued, and supply copies of the visa application forms submitted by Mr. Akram for such visas, as well as any applications that were denied.
4. On what date was Mr. Akram most recently admitted to the United States?
5. On the date of Mr. Akram’s most recent admission to the United States, was he admitted under the Visa Waiver Program or as an alien in possession of a valid nonimmigrant

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<sup>6</sup> *Id.*; Yuliya Talmazan, “Texas synagogue hostage-taker was known to U.K. intelligence before he flew to U.S.,” NBC News, January 18, 2022, <https://www.nbcnews.com/news/world/texas-synagogue-hostage-taker-investigated-uk-intelligence-terror-rcna12544>.

<sup>7</sup> Talmazan, *supra*, note 6.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Supra*, note 5.

<sup>11</sup> Section 212(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1181) establishes a ground of inadmissibility for an alien who is determined “to have a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others....”

<sup>12</sup> *Supra*, note 5.

<sup>13</sup> *Id.*

- visa? If admitted pursuant to a nonimmigrant visa, in what status was he admitted and for what period? Was he ever granted a waiver of inadmissibility? Please explain
6. In October 2021, the Congressional Research Service stated in a report on the Visa Waiver Program (VWP) that “some observers of the [VWP] have raised concerns about the possibility that terrorists will enter the United States under the VWP because those entering under the VWP undergo a biographic, rather than a biometric (i.e., fingerprint and digital photograph), security screening and do not need to interview in person with a U.S. consular official before embarking for the United States.”<sup>14</sup> Please specify which criminal or security databases are not checked for VWP travelers as part of the ESTA process, but which are checked for aliens applying for a nonimmigrant visa at a U.S. consulate?
  7. Under the statute creating the VWP, a country designated as a VWP program country must enter into and fully implement “an agreement with the United States to share information regarding whether nationals of that country traveling to the United States represent a threat to the security or welfare of the United States or its citizens.”<sup>15</sup>
    - a. Assuming such an agreement exists with the United Kingdom, does the agreement require the United Kingdom to share with the United States the identities of persons on whom MI5 has opened an investigation? If not, why not?
    - b. Does the agreement require the United Kingdom to share with the United States the identities of persons on the U.K. “Subjects of Interest” list? If not, why not?
    - c. Has the United Kingdom, pursuant to such agreement, ever shared with the United States the identities of persons on whom MI5 has opened an investigation?
    - d. Has the United Kingdom, pursuant to such agreement, ever shared with the United States the identities of persons on the U.K. “Subjects of Interest” list?
    - e. Did the United Kingdom share information with the United States about the investigation on Mr. Akram or his placement on the “Subjects of Interest” list, and if so, was that information made available to DHS or State Department officials adjudicating Mr. Akram’s ESTA application or application for admission?
  8. Would the fact that Mr. Akram had been investigated by MI5 and subsequently placed on the “Subjects of Interest” list, had it been known by your Departments (assuming it wasn’t known), have resulted in the denial of Mr. Akram’s ESTA application or admission to the United States?
  9. It is our understanding that, since the time of the Christmas 2009 Abdulmuttalab bombing attempt, DHS has opened a Visa Security Unit (VSU) at the U.S. Embassy in London.
    - a. Is the VSU at the U.S. Embassy in London still in operation?
    - b. Was the VSU aware of the MI5 investigation into Mr. Akram or his placement on the “Subjects of Interest” list?
    - c. Is the VSU generally made aware of the subjects of MI5 investigations or of the identities of persons on the U.K. “Subjects of Interest” list?
  10. As discussed above, according to Mr. Akram’s brother, Akram was arrested in the 1990s when he was 19 and sent to a young offenders’ institute, and was later sentenced to

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<sup>14</sup> *Visa Waiver Program*, CRS Report RL32221, Congressional Research Service, October 12, 2021, <https://sgp.fas.org/crs/homesecc/RL32221.pdf>.

<sup>15</sup> Section 217(c)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(F)).

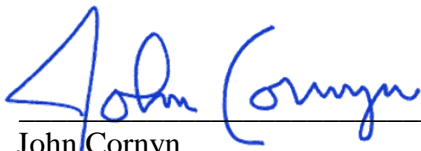
six months in prison for “violent disorder” for wielding a baseball bat during a family feud with his cousins.

- a. Were either of your Departments aware of such criminal history by Mr. Akram at the time of his ESTA, visa, or admission application?
- b. Are such criminal offenses required to be shared by the United Kingdom pursuant to the agreement referenced in Section 217(c)(2)(F) of the Immigration and Nationality Act?


Should you have questions, please contact Drew Robinson of Ranking Member Grassley’s staff at 202-224-5225. Thank you for your attention to this important matter.

Sincerely,


  
Charles E. Grassley  
Ranking Member  
Senate Judiciary Committee

  
John Cornyn  
United States Senator

  
Ted Cruz  
United States Senator

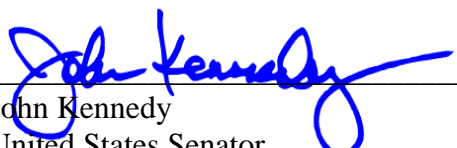
  
Lindsey O. Graham  
United States Senator

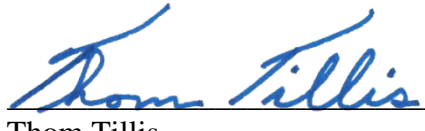
  
Mike Lee  
United States Senator

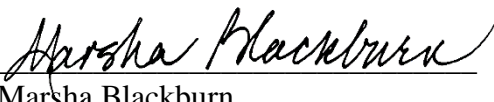
  
Ben Sasse  
United States Senator

  
Josh Hawley  
United States Senator

  
Tom Cotton  
United States Senator

  
John Kennedy  
United States Senator

  
Thom Tillis  
United States Senator

  
Marsha Blackburn  
United States Senator