

Homeland Security official Alejandro Mayorkas probed

WASHINGTON - President Barack Obama's choice to be the No. 2 official at the Homeland Security Department is under investigation for his role in helping a company secure an international investor visa for a Chinese executive, The Associated Press has learned.

U.S. Citizenship and Immigration Services Director Alejandro Mayorkas, who has been nominated to be the department's No. 2 leader, was named by the DHS Inspector General's Office as a target in an ongoing investigation about the foreign investor program run by USCIS.

According to an email sent to lawmakers Monday evening, the IG's office said that it initially started investigating the EB-5 visa program last year based on a referral from an FBI analyst in the counter intelligence unit in Washington.

In the email detailing the case, the IG's office said "at this point in our investigation, we do not have any findings of criminal misconduct." The email does not specify what criminal violations it is investigating.

White House press secretary Jay Carney referred questions to the DHS inspector general's office, which said the probe is in its preliminary stage and that it doesn't comment on the specifics of investigations.

The EB-5 program allows foreign nationals to get a visa if they invest \$500,000 to \$1 million in a project or business that creates jobs for U.S. citizens. The amount of the investment required depends on the type of project. Investors who are approved for the program can become legal permanent residents after two years and would later be eligible to become citizens.

The White House did not have an immediate comment on the investigation. Neither the department nor USCIS immediately responded to inquiries.

Were Mayorkas confirmed as the department's deputy secretary, he likely would run the department on an interim basis until a permanent replacement has been approved to take over for departing Secretary Janet Napolitano.

The email said the primary complaint against Mayorkas was that he helped a financing company run by Anthony Rodham, the brother of former Secretary of State Hillary Rodham Clinton, to win approval for an investor visa, even after the application was denied and an appeal was rejected.

Mayorkas, a former U.S. attorney in California, previously came under fire for his involvement in the commutation by President Bill Clinton of the prison sentence of the son of a Democratic Party donor. Another of Hillary Clinton's brothers, Hugh Rodham, had been hired by the donor to lobby for the commutation. Mayorkas told lawmakers during his 2009 confirmation hearing that "it was a mistake" to talk to the White House about the request.

According to the Inspector General's email, the investigation of the investor visa program also includes allegations that other USCIS Office of General Counsel officials obstructed an audit of the visa program by the Securities and Exchange Commission. The email did not name any specific official from the

general counsel's office.

The email says investigators did not know whether Mayorkas was aware of the investigation. The FBI's Washington Field Office was told about the investigation in June after it inquired about Mayorkas as part of the White House background investigation for his nomination as deputy DHS secretary.

The FBI in Washington has been concerned about the investor visa program and the projects funded by foreign sources since at least March, according to emails obtained by The AP.

The bureau wanted details of all of the limited liability companies that had invested in the EB-5 visa program. Of particular concern, the FBI official wrote, was Chinese investment in projects, including the building of an FBI facility.

"Let's just say that we have a significant issue that my higher ups are really concerned about and this may be addressed way above my pay grade," the official wrote. The FBI official's name was redacted in the email.

Chinese investment in U.S. infrastructure projects has long been a concern of the U.S. government. In September, the Obama administration blocked a Chinese company from owning four wind farm projects in northern Oregon that were near a Navy base used to fly unmanned drones and electronic-warfare planes on training missions. And in October, the House Intelligence Committee warned that two leading Chinese technology firms, Huawei Technologies Ltd. and ZTE Corp., pose a major security threat to the U.S. Both firms have denied being influenced by the Chinese government.

The most routine users of the EB-5 program are Chinese investors. According to an undated, unclassified State Department report about the program obtained by the AP, the U.S. Consulate in Guangzhou, China, processed more investor visas in the 2011 fiscal year than any other consulate or embassy. The document says "applicants are usually coached and prepped for their interviews, making it difficult to take at face value applicants' claims" about where their money comes from and whether they hold membership in the Chinese Communist Party. Party membership would make an applicant ineligible for the investor visa.

Anthony Rodham is president and CEO of Gulf Coast Funds Management LLC in McLean, Va. The firm is one of hundreds of "Regional Centers" that pool investments from foreign nationals looking to invest in U.S. businesses or industries as part of the foreign investor visa program.

There was no immediate response to an email sent to Gulf Coast requesting comment.

It is unclear from the IG's email why the investor visa application was denied. Visa requests can be denied for a number of reasons, including a circumstance where an applicant has a criminal background or is considered a threat to national security or public safety.

<http://www.politico.com/story/2013/07/homeland-security-probe-alejandro-mayorkas-94617.html>