IMMIGRATION BENEFITS

Actions Needed to Address Vulnerabilities in Process for Granting Permanent Residency

What GAO Found

Available data show that of the approximately 917,000 applications for LPR USCIS received from January 1, 2006, through May 31, 2007, 516 (0.05 percent) were referred to USCIS’s Office of Fraud Detection and National Security (FDNS) for national security concerns. According to FDNS, the cases referred to it involved individuals on a watch list which included names of known and suspected terrorists, or posed other national security concerns such as individuals who associated with suspected terrorists or engaged in espionage. While USCIS’s application case management system was not designed to capture and routinely generate detailed statistics on those posing national security concerns, FDNS has developed a separate system to capture such data.

USCIS had encountered delays in obtaining the results of FBI name checks—FBI checks of its investigative files—for LPR applicants and others, and had issues regarding the usefulness of these results, but USCIS and the FBI have taken a number of actions that have improved these checks. The FBI dedicated more staff to process name checks, and USCIS provided additional funding and training to FBI staff. As a result, the number of pending name checks has decreased 90 percent, from 329,000 in May 2007 to 32,000 as of September 30, 2008. The FBI plans on being able to complete all name checks within 90 days of receipt by June 2009.

USCIS has taken some actions to address vulnerabilities identified in one of its assessments of fraud, called Benefit Fraud and Compliance Assessments (BFCA), but has yet to complete actions to address vulnerabilities identified in four other BFCA’s. To conduct BFCA’s, FDNS selected a sample of petitions to determine the extent of fraud and identify any systemic vulnerabilities in USCIS’s adjudications processes. Internal control standards call for agency managers to promptly evaluate findings from audits and reviews, determine proper actions to take, and complete them within established time frames. Although FDNS completed all of these assessments between June 2006 and September 2007, USCIS has not established time frames for evaluating these findings and implementing any necessary corrective actions. Until USCIS takes corrective actions, vulnerabilities identified by these BFCA’s will persist, increasing the risk that ineligible individuals will obtain LPR status. Lack of verification of the evidence submitted with petitions is one of the major vulnerabilities identified in these BFCA’s. For example, FDNS staff found that individuals claiming to be married were not, employers did not exist, and aliens did not have the education or skills they claimed. USCIS procedures give its staff discretion on deciding whether to verify evidence submitted with petitions. The BFCA’s have shown that adjudicators following these procedures have approved fraudulent petitions. Verifying all petitioner-submitted evidence is impossible. Procedures that require verifying certain evidence under certain circumstances would help adjudicators better detect fraud and help USCIS maintain the balance between fraud detection and USCIS’s customer service and production-related objectives.