

Why GAO Did This Study

Enacted in January 2006, IMBRA was passed by Congress to address reports of domestic violence and abuse of foreign beneficiaries married or engaged to U.S. citizens who have petitioned for them to enter the United States on a K visa. As amended, IMBRA requires that the federal government collect and provide to beneficiaries information about petitioners' prior K visa petitions and criminal histories. USCIS is responsible for collecting this information and adjudicating petitions, State is responsible for disclosing information to beneficiaries, and DOJ is authorized to enforce IMBRA. The Violence Against Women Reauthorization Act of 2013 mandates that GAO report on IMBRA implementation.

This report examines the extent to which (1) DHS, State, and DOJ have implemented processes to ensure compliance with IMBRA, and (2) DHS collects and maintains reliable data to manage the K visa process. GAO analyzed IMBRA, USCIS, and State policies, procedures, and guidance, and K visa petition data from March 2012 through March 2014. GAO also interviewed USCIS, State, and DOJ officials regarding their agencies' implementation of IMBRA.

What GAO Recommends

GAO recommends that State provide training to consular officers on IMBRA documentation requirements. GAO also recommends, among other things, that USCIS ensure that all IMBRA-related data will be captured with the planned electronic release of the I-129F petition and that its officers receive additional training on IMBRA requirements. State and DHS concurred with our recommendations.

View [GAO-15-3](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

IMMIGRATION BENEFITS

Improvements Needed to Fully Implement the International Marriage Broker Regulation Act

What GAO Found

The Departments of Homeland Security (DHS), Justice (DOJ), and State (State) have processes to help ensure compliance with the International Marriage Broker Regulation Act of 2005 (IMBRA), as amended, but State could better document information on IMBRA disclosures. Specifically, consistent with IMBRA, DHS's U.S. Citizenship and Immigration Services (USCIS) collects information from petitioners—U.S. citizens who apply to bring noncitizen fiancé(e)s, spouses, and their children (beneficiaries) into the country—through I-129F petitions for K visas. DOJ is responsible for pursuing federal civil and criminal penalties for IMBRA violations. State has guidance on processes for providing IMBRA information to beneficiaries (referred to as disclosures), such as a pamphlet outlining for beneficiaries the K visa process and legal rights and resources available to immigrant crime victims. Specifically, State's guidance requires consular officers to document within case notes in State's database whether they made all of the IMBRA-required disclosures to the beneficiary during the visa interview. However, GAO's review of a sample of K visa applications showed that in about 52 percent of interview case notes (76 of 147), consular officers did not document that they had provided beneficiaries the IMBRA pamphlet as required by State's guidance. In October 2014, State drafted a guidance cable for consular officers on IMBRA implementation, including a reminder to follow guidance regarding IMBRA documentation. State's consular officer training courses, however, do not cover IMBRA-related documentation procedures outlined in its guidance. Incorporating IMBRA-related documentation requirements into training courses could help State better ensure that consular officers are aware of the requirements for documenting IMBRA disclosures.

Consistent with IMBRA, USCIS is to collect and maintain data on, among other things, eight elements in the K visa process for GAO reporting purposes; however, six of the eight elements are either not reliable or are not collected or maintained in a reportable (i.e., electronic) format. Thus, these elements were not readily available for GAO's review. For example, USCIS is to collect and maintain data on I-129F petitions where the petitioner had one or more criminal convictions. This information is maintained in hard copy in the petition file and thus was not readily available for GAO's review. USCIS has begun planning to electronically capture I-129F petition data under the agency's overarching transformation to an electronic immigration benefits system. However, this transformation has faced significant delays, and as of September 2014, the electronic I-129F petition design requirements have not been finalized. Consistent with federal internal control standards, ensuring that all of the IMBRA-related requirements will be captured with the release of the I-129F electronic petition would better position USCIS to collect and maintain complete data on petitioners for reporting purposes and management oversight. Further, USCIS officers have not consistently adjudicated I-129F petitions or recorded complete and accurate data. Specifically, GAO found that USCIS's data are not reliable for determining the number of I-129F petitions filed by persons who have previously filed I-129F petitions for a fiancé(e) or spouse or that required IMBRA waivers because of, among other things, officer error in recording data on petitions. Additional training for officers could help USCIS better ensure its officers are aware of IMBRA requirements to assist them in maintaining petitions data consistent with IMBRA.