



September 2019

# IMMIGRATION BENEFITS

## Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse

# GAO Highlights

Highlights of [GAO-19-676](#), a report to congressional requesters

## Why GAO Did This Study

In fiscal year 2018, foreign nationals filed nearly 13,000 VAWA self-petitions alleging domestic abuse by a U.S. citizen or LPR family member. The Immigration and Nationality Act, as amended by VAWA, provides for immigration relief for self-petitioning foreign nationals who are victims of battery or extreme cruelty committed by their U.S. citizen or LPR family member. The self-petition process allows such victims to obtain classification as an immigrant and ultimately apply for LPR status.

GAO was asked to review fraud risks in the self-petition process and how, if at all, DHS assists U.S. citizens or LPRs who may have been falsely identified as domestic abusers. This report examines the extent to which (1) USCIS has adopted relevant leading practices in GAO's Fraud Risk Framework for the self-petition program; and (2) DHS provides assistance to U.S. citizens or LPRs who may have been falsely identified as domestic abusers in the self-petition process, and steps DHS takes when suspected fraud is identified. GAO reviewed documents, interviewed officials, analyzed program data, and assessed the agency's approach to managing fraud risks against GAO's Fraud Risk Framework.

## What GAO Recommends

GAO is making three recommendations, including that USCIS conduct regular fraud risk assessments to determine a fraud risk profile for the program and develop an antifraud strategy with specific control activities. DHS concurred.

View [GAO-19-676](#). For more information, contact Rebecca Gambler at (202) 512-8777 or [GamblerR@gao.gov](mailto:GamblerR@gao.gov) or Rebecca Shea at (202) 512-6722 or [ShearR@gao.gov](mailto:ShearR@gao.gov).

September 2019

## IMMIGRATION BENEFITS

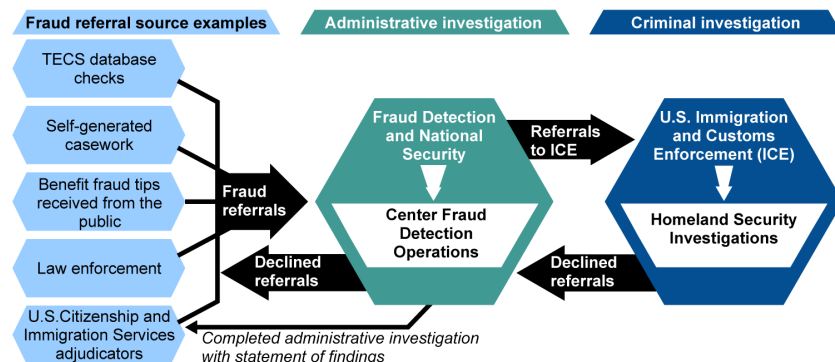
### Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse

## What GAO Found

Within the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) has responsibility for the Violence Against Women Act (VAWA) self-petition program for foreign national victims of battery or extreme cruelty committed by their U.S. citizen or lawful permanent resident (LPR) spouse or parent, or their adult U.S. citizen son or daughter. According to USCIS officials, the self-petition program is vulnerable to fraud, such as self-petitioners' use of false or forged documents. USCIS has adopted some, but not all, of the leading practices in GAO's Fraud Risk Framework. While USCIS has established a culture and a dedicated entity to manage fraud risks for the program, it has not fully assessed fraud risks and determined a fraud risk profile to document its analysis of the types of fraud risks the program could be vulnerable to. Further, the number of self-petitions filed has grown by more than 70 percent over the past 5 fiscal years. At the end of fiscal year 2018, USCIS had received 12,801 self-petitions and had over 19,000 self-petitions pending adjudication. Planning and conducting regular fraud risk assessments would better position USCIS to identify fraud risks when reviewing self-petitions. USCIS has instituted some fraud controls, such as developing antifraud training for self-petition adjudicators, but has not developed and implemented a risk-based antifraud strategy based on a fraud risk assessment. Developing and implementing an antifraud strategy would help USCIS better ensure its controls are addressing potential fraud risks in the program.

DHS provides assistance to victims of immigration-related crimes and refers suspected self-petition fraud for review and investigation. Within DHS, U.S. Immigration and Customs Enforcement provides professional services and assistance to potential victims of immigration-related crimes, including self-petition fraud. As shown in the figure below, USCIS also has a referral process for suspected fraud in self-petitions, which may result in a referral for criminal investigation. According to agency data, from fiscal year 2014 to March 2019, USCIS created 2,208 fraud referral leads and cases that involved a VAWA self-petition. Total leads and cases increased from 198 in fiscal year 2014 to 801 in fiscal year 2019 as of March 2019, an increase of about 305 percent.

The Self-Petition Fraud Referral Process



Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-19-676

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### Abbreviations

CFDO	Center Fraud Detection Operations
CRCL	Office for Civil Rights and Civil Liberties
DHS	Department of Homeland Security
FDNS	Fraud Detection and National Security Directorate
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
LPR	lawful permanent resident
USCIS	U.S. Citizenship and Immigration Services
VAWA	Violence Against Women Act
VOICE	Victims Of Immigration Crime Engagement Office

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September 30, 2019

The Honorable Lindsey Graham  
Chairman  
Committee on the Judiciary  
United States Senate

The Honorable Charles Grassley  
United States Senate

In fiscal year 2018, U.S. Citizenship and Immigration Services (USCIS) data indicate that foreign nationals filed nearly 13,000 petitions alleging domestic abuse by a U.S. citizen or lawful permanent resident (LPR) family member; about 90 percent of these filings alleged abuse by spouses.<sup>1</sup> The Immigration and Nationality Act, as amended by the Violence Against Women Act (VAWA) of 1994 and subsequent reauthorizations, provides for immigration relief for self-petitioning foreign nationals who are victims of battery or extreme cruelty committed by their U.S. citizen or LPR spouse or parent or their adult U.S. citizen son or daughter (self-petition program or process).<sup>2</sup> Such foreign nationals claiming to have suffered domestic abuse may self-petition for classification as an immigrant, and ultimately apply for lawful permanent resident status. The decision by the Department of Homeland Security (DHS) to approve a VAWA self-petition is a consequential one, as the program allows a victim to seek relief independent of their abuser. If the self-petition is approved, a foreign national has established that he or she is a qualifying victim of domestic abuse, and will generally not be subject to immigration enforcement as he or she goes through the process of obtaining work authorization and LPR status. According to DHS's Office for Civil Rights and Civil Liberties (CRCL), VAWA self-petition relief brings safety, security, and stability to legitimate victims who might not otherwise

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<sup>1</sup>Violence Against Women Act self-petitioners generally must be present in the United States, except where the alien petitioner is the spouse, intended spouse, or child living abroad of a U.S. citizen who (1) is an employee of the federal government, (2) is a member of uniformed services, or (3) has subjected the petitioner or their child to battery or extreme cruelty in the United States.

<sup>2</sup>Pub. L. No. 82-414, tit. I & II, §§ 101, 204, 66 Stat. 163, 166-73, 179-80 (1952), as amended by Violence Against Women Act of 1994, Pub. L. No. 103-322, tit. IV, 108 Stat. 1796, 1902-55, and subsequent reauthorizations (classified, as amended, at 8 U.S.C. §§ 1101(a)(51), 1154(a)(1)(A), (B)).

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be able to escape domestic abuse. However, approving a self-petition with a fraudulent claim jeopardizes the integrity of the self-petition program by enabling an ineligible individual to remain in the United States as an immigrant and potentially obtain LPR status without lawful entitlement.

DHS is responsible for managing the self-petition program. Specifically, a team of adjudicators within DHS's USCIS Vermont Service Center adjudicates self-petitions—a petition filed with USCIS by a foreign national seeking to demonstrate he or she is a person qualified for immigration relief under the VAWA self-petition provisions of the Immigration and Nationality Act. Within USCIS, the Fraud Detection and National Security Directorate (FDNS) is responsible for determining whether individuals filing a self-petition pose a threat to national security or public safety or are engaging in self-petition fraud, a type of immigration benefit fraud. The directorate maintains program oversight over the Center Fraud Detection Operations (CFDO) comprised of immigration officers who conduct administrative investigations of self-petition fraud. DHS's U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) is responsible for conducting criminal investigations regarding immigration-related document and benefit fraud, including instances of self-petition fraud referred by the directorate and other sources.

You asked us to review issues related to fraud risks in the self-petition process and how, if at all, U.S. citizens or LPRs who may have been falsely identified as domestic abusers in the self-petition process are assisted by DHS. This report examines the extent to which (1) USCIS has adopted relevant leading practices in GAO's *A Framework for Managing Fraud Risks in Federal Programs* (Fraud Risk Framework) for the self-petition program;<sup>3</sup> and (2) DHS provides assistance to U.S. citizens or LPRs who may have been falsely identified as domestic abusers in the self-petition process, and steps DHS takes when suspected fraud is identified.

To evaluate the extent to which USCIS has adopted relevant leading practices in GAO's Fraud Risk Framework for the self-petition program, we reviewed policies and procedures from USCIS offices, including FDNS

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<sup>3</sup>GAO, *A Framework for Managing Fraud Risks in Federal Programs*, [GAO-15-593SP](#) (Washington, D.C.: July 2015).

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and CFDO, and ICE and compared them to leading practices of the components of GAO's Fraud Risk Framework we identified as relevant based on the entirety of our review.<sup>4</sup>

We also interviewed USCIS officials on a range of program topics, including the VAWA self-petition adjudication process, perspectives on the program, and VAWA fraud detection efforts. More specifically, we conducted a site visit to the Vermont Service Center to conduct interviews with senior management, senior adjudication staff, and adjudication staff, as well as CFDO staff located in Vermont. Our interviews included 23 of the 25 adjudicators who reviewed self-petitions at the time of our interview with them. We also reviewed self-petition filings with adjudication staff that illustrated a petition approval, a petition denial, and a self-petition that was referred for fraud investigation.<sup>5</sup> These reviews allowed us to observe and discuss the Vermont Service Center staff's application of law and evidentiary standards in their adjudication of the self-petition filings. This includes the manner by which the staff evaluates the filings for credibility or indications of fraud or inconsistencies. During our review, we also interviewed officials from the Department of State, USCIS headquarters and its Service Center Operations (which oversees the Vermont Service Center), FDNS and its Reports and Analysis Branch, and USCIS's Office of Performance and Quality. These interviews provided us with perspectives on the VAWA self-petition program, and helped inform our inquiries to self-petition program officials and other USCIS and DHS officials.

In addition, we reviewed and analyzed self-petition program data from USCIS. More specifically, we analyzed data from fiscal years 2009 through January 2019 on self-petition filings, approvals, denials, and outcomes; referrals made for fraud investigations; the extent to which adjudication staff at the Vermont Service Center seek to obtain more complete evidence from self-petitioners; data relevant to examine whether data analytics could be a useful antifraud tool for the program; self-petitioners' countries of birth; and whether self-petitioners ultimately

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<sup>4</sup>Each of the Fraud Risk Framework's four components is broken down into overarching concepts, which in turn include leading practices that demonstrate ways for program managers to carry out the overarching concepts. Not all leading practices are applicable to all situations. For this report, we identified leading practices as relevant based on the entirety of our review.

<sup>5</sup>These reviews were arranged to avoid disclosure of self-petitioners' personally identifiable information.

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obtain U.S. citizenship following approval of self-petitions.<sup>6</sup> Within the overall data, we analyzed it as appropriate for the issue at hand, such as by year or by population summaries. We assessed the reliability of these data by reviewing relevant documentation and interviewing officials about how the data are collected and maintained, and evaluating the summary data prepared by USCIS for completeness, plausibility, and reasonableness. We determined that these data were sufficiently reliable for our purposes of examining program trends, outcomes, data availability, and steps in the self-petition adjudication process. We assessed USCIS's practices against GAO's Fraud Risk Framework and *Standards for Internal Control in the Federal Government*.<sup>7</sup>

To examine the extent to which DHS provides assistance to U.S. citizens or LPRs who may have been falsely identified as domestic abusers in a self-petition, and steps DHS takes when suspected fraud is identified, we reviewed USCIS and ICE documents, including policies, procedures, and guidance documents. We interviewed officials from ICE's HSI and the Victims Of Immigration Crime Engagement Office (VOICE), which was created to provide support to victims of crimes committed by removable foreign nationals. We also obtained data from the VOICE office on the disposition of the more than 1,500 calls made to the office in fiscal year 2018, the most recent complete fiscal year for which data were available at the time of our review. We analyzed data from FDNS's case management system about the number of fraud cases associated with self-petitions that were opened from fiscal year 2014 through March 2019 and the disposition of those cases.<sup>8</sup> To assess the reliability of these data, we reviewed policies about how data are entered into the system and interviewed FDNS officers and USCIS headquarters officials. We determined that the data were sufficiently reliable for the purpose of providing information on cases related to possible instances of self-petition fraud received and processed by the directorate. We also reviewed an agreement between USCIS and ICE that addresses referral

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<sup>6</sup>We assessed data from fiscal years 2009 to 2019, as data from these years were the most recent data available at the time of our review. As a provision of the Immigration and Nationality Act bars release of personally identifiable information of self-petition filers (see 8 U.S.C. § 1367), we obtained and analyzed summary-level program data and statistics from USCIS that did not disclose protected information.

<sup>7</sup>[GAO-15-593SP](#) and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

<sup>8</sup>We selected data from this time period, as these data were the most current available at the time of our review.



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of cases of suspected fraud from the directorate to ICE for criminal investigation.

We conducted this performance audit from July 2018 to September 2019 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

### VAWA Self-Petition Eligibility Requirements and Confidentiality Protections

To adjudicate a self-petition filed by a foreign national claiming to have suffered domestic abuse, USCIS adjudicators determine whether the self-petitioner has established the statutory eligibility requirements. A foreign national satisfies the applicable eligibility requirements by demonstrating that he or she (1) has a qualifying relationship with a U.S. citizen or LPR, such as a marriage;<sup>9</sup> (2) was battered or subjected to extreme cruelty by his or her U.S. relative during the qualifying relationship;<sup>10</sup> (3) is residing or has resided with the abusive U.S. citizen or LPR during the qualifying relationship; and (4) is of good moral character. A foreign national filing a VAWA self-petition as an abused spouse is also required to demonstrate that he or she entered into or intended to enter into the marriage in good faith and not in order to evade U.S. immigration law. For a good moral character determination, the petitioner typically should submit a local or state police clearance letter or a state-issued criminal background check from each place where he or she has lived for 6 months or more in the past 3 years immediately prior to filing the VAWA petition.

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<sup>9</sup>In certain instances, a former or intended spouse of a U.S. citizen or LPR may meet the qualifying relationship standard. Other qualifying relationships include being child of a U.S. citizen or LPR or being the parent of a U.S. citizen son or daughter aged 21 and over.

<sup>10</sup>Different qualifying relationships have different self-petition eligibility requirements depending on where the self-petitioner resided during the alleged abuse. For example, if a self-petitioner is living abroad at the time of the abuse and is a spouse or child of a U.S. citizen or LPR, the abusive U.S. citizen or LPR with whom they are in a qualifying relationship must be an employee of the U.S. government or a member of the uniformed services to satisfy the applicable eligibility requirements.

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The burden of proof is on the self-petitioner to demonstrate, by a preponderance of the evidence, that he or she has satisfied the statutory eligibility requirements. Considered evidence may include, for example, a criminal background check to establish the good moral character of a self-petitioner or testimony in the form of an affidavit to establish abuse on the part of the U.S. citizen or LPR relative. If the self-petition is approved, the point at which the petitioner will be able to apply for and obtain LPR status will depend on whether he or she is an immediate relative of a U.S. citizen (i.e., U.S. citizen's unmarried child under age 21, spouse, or, where the citizen is at least 21, their parent), or other relative of a U.S. citizen or LPR, who, unlike immediate relatives, are subject to annual immigration limits.<sup>11</sup>

Under U.S. immigration law, there are confidentiality protections for VAWA self-petitioners.<sup>12</sup> Any information about the self-petitioner is considered confidential and, with certain exceptions, officials from DHS are prohibited from releasing any information about the petitioner, including that the petitioner has sought immigration relief. In addition, adjudicators are prohibited from using information provided solely by the alleged abuser to make an adverse determination of admissibility or deportability against self-petitioners, unless such adverse information has been corroborated through independent sourcing consistent with departmental policy. Finally, according to DHS policy, DHS officials typically do not take enforcement actions, such as executing an order of removal, against abuse victims when they are present at certain locations, such as domestic violence shelters, victims' services programs, and community-based organizations.

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## Overview of the Self-Petition Process

The self-petition adjudication process begins when a foreign national submits a Form I-360, "Petition for Amerasian, Widow(er), or Special Immigrant," with supporting evidence, to USCIS. USCIS's Vermont

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<sup>11</sup>There is a statutory cap on the number of family-sponsored immigrants who may be issued visas or otherwise acquire LPR status each fiscal year. Immediate relatives are explicitly exempt from this numerical limitation, and may therefore pursue LPR status upon approval of their VAWA self-petition without delay. See 8 U.S.C. § 1151.

<sup>12</sup>See 8 U.S.C. § 1367. This statute also protects confidentiality of information related to individuals seeking certain immigration relief for victims of human trafficking or other qualifying crimes. The willful use or disclosure of protected information by a DHS, Department of State, or Department of Justice official may result in disciplinary action and a civil monetary penalty of not more than \$5,000 per violation.

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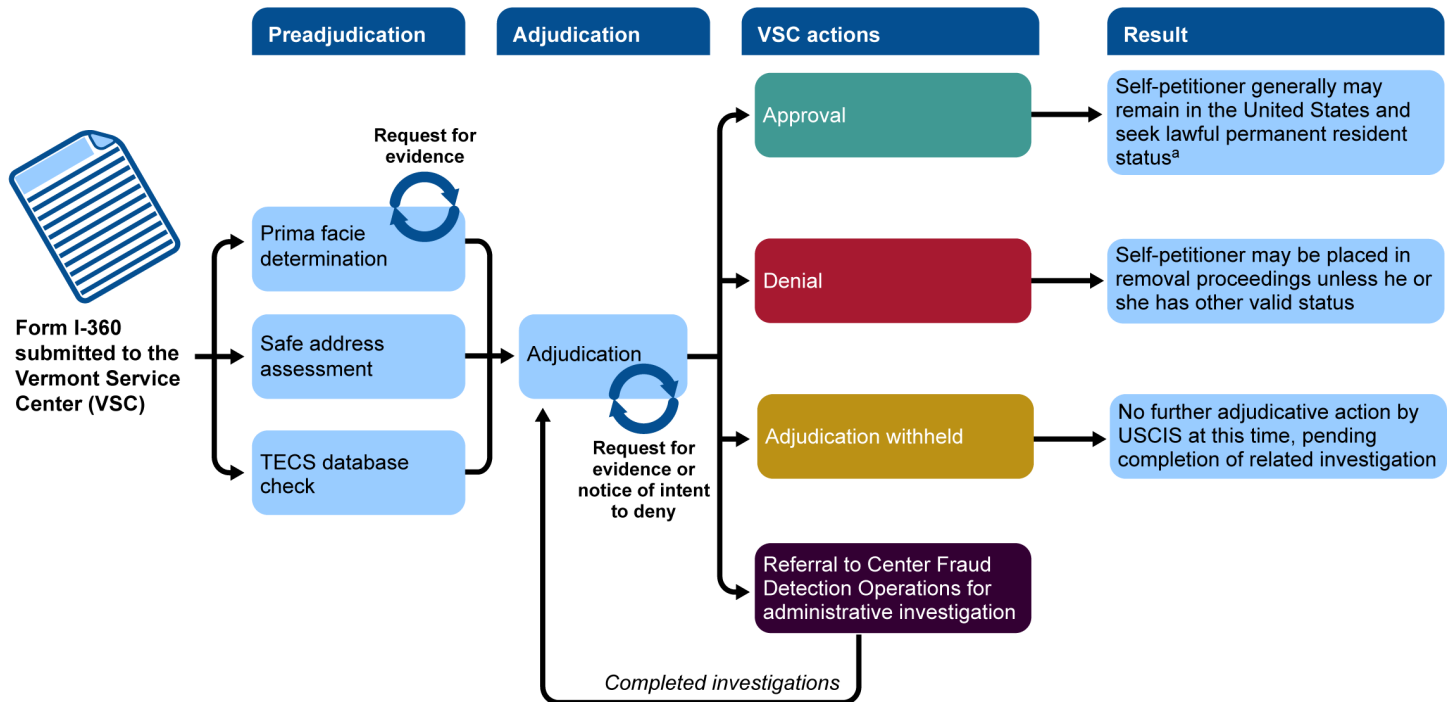
Service Center then begins the pre-adjudication phase and takes several actions. First, the service center makes a *prima facie* determination, which is an initial review of self-petition filings, to determine whether the self-petitioner has submitted evidence that, on its face, is responsive to each of the eligibility requirements noted above, in order to allow qualified aliens access to certain public benefits, if needed. If the self-petitioner has not submitted evidence to address each of the eligibility requirements, USCIS policy directs the service center to issue a request for evidence to the self-petitioner to provide additional evidence for the full adjudication of the petition. In addition, the service center conducts a safe address assessment on the self-petition to identify the address to be used for future communications with the self-petitioner to protect the self-petitioner's confidentiality and safety. Finally, the service center's Background Check Unit uses the TECS database to determine whether the self-petitioner is connected to any administrative or criminal investigations, is the subject of a national security concern, or is a public safety threat.<sup>13</sup> The Vermont Service Center also checks the TECS database to determine whether any derogatory information exists on the foreign national that may impact the submitted self-petition.

Figure 1 provides an overview of the USCIS self-petition process.

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<sup>13</sup>The TECS database, not an acronym, is maintained by DHS and facilitates information sharing among federal, state, local, and tribal government agencies, as well as with international governments and commercial organizations, primarily for inspection of applicants for admission to the United States. Through the TECS Platform, users are able to input, access, or maintain law enforcement and operational records.

**Figure 1: U.S. Citizenship and Immigration Services (USCIS) Self-Petition Process under the Violence Against Women Act**



Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-19-676

<sup>a</sup>The approved self-petitioner is typically able to remain in the United States because the government defers taking removal action pending the outcome of an application for lawful permanent resident status.

To begin the adjudication phase, an adjudicator incorporates a self-petition filing into the self-petitioner’s Alien file.<sup>14</sup> Adjudicators stated they review the evidence available in the self-petition filing and the Alien file and generally take one of three actions—approve, deny, or refer the petition for an administrative investigation. Adjudication may also be withheld.

- **Approve.** If a USCIS adjudicator determines that the evidence submitted by the self-petitioner satisfies the eligibility requirements

<sup>14</sup>An Alien file serves as the central record of all of a foreign national’s immigration-related applications, petitions, and any other relevant documentation. The Alien file includes the self-petitioner’s prior and current immigration history, which may include a Form I-130, “Petition for Alien Relative” for example. A citizen or LPR of the United States may file a Form I-130 with USCIS to establish the existence of a relationship to certain alien relatives who wish to immigrate to the United States.

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noted above, the self-petition is approved. Once USCIS approves a self-petition, DHS will generally defer any removal action against the individual, as he or she goes through the process of applying for LPR status. According to USCIS data, of the 82,357 self-petitions adjudicated from fiscal year 2009 through fiscal year 2018, 72 percent were approved. Self-petitioners who obtain LPR status are not eligible for U.S. citizenship until they have been an LPR in the United States for at least 3 years.<sup>15</sup>

- **Deny.** An adjudicator may deny a self-petition if the petitioner has not demonstrated that he or she is more likely than not eligible for petition approval, considering all credible evidence provided by the self-petitioner.<sup>16</sup> In some circumstances, an adjudicator will issue a request for evidence to the petitioner to provide an opportunity for the petitioner to send additional information or documents. In response to this request, the petitioner has an opportunity to provide additional evidence; if that evidence does not sufficiently demonstrate that the petitioner meets the eligibility requirements, or additional evidence is not provided, USCIS may deny the self-petition. In other circumstances, an adjudicator will issue a notice of intent to deny to the self-petitioner in cases where it does not appear likely that the self-petitioner could overcome the deficiencies. This provides the self-petitioner an opportunity to respond. If the self-petitioner's response does not sufficiently demonstrate that the petitioner meets the eligibility requirements or a response is not provided, the self-petition is subsequently denied. An adjudicator may also deny a self-petition if

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<sup>15</sup>According to USCIS data, among 53,819 self-petitions filed from fiscal 2009 to January 2019 that were approved, 9,508 self-petitioners had subsequently obtained U.S. citizenship as of January 2019, or about 18 percent. The remaining self-petitions were in a variety of other statuses, according to the data. Other categories include, for example, deferred action status (5,329 self-petitioners). We were unable to isolate data between the end of fiscal year 2018 and January 2019 in these figures, based on the data we received from USCIS. Overall, the number of self-petitioners who become naturalized over a 10-year period is expected to be small, USCIS officials told us. According to the officials, approved self-petitioners may wait years for a visa to become available in order to apply for lawful permanent resident status. After that, a three or five year residency period is required to apply for naturalization. See 8 U.S.C. §§ 1427, 1430. In addition, there can be further adjudicative delays.

<sup>16</sup>Once a self-petition is denied, if the self-petitioner does not have other lawful immigration status, the denied petition is referred to the Vermont Service Center Background Check Unit to determine if removal proceedings should be initiated. If it appears that the individual is removable and does not warrant further review, the Background Check Unit may issue a Notice to Appear for the petitioner to be placed in removal proceedings for determinations of removability and eligibility for any requested relief or protection.

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the petitioner abandons his or her self-petition or withdraws the self-petition by providing notice to USCIS in writing.<sup>17</sup> According to USCIS data, among self-petitions adjudicated from fiscal year 2009 through fiscal year 2018, about 28 percent were denied. Of that, about 3 percent were withdrawn, revoked, or closed administratively. If a self-petition is denied and the self-petitioner has other valid immigration status, he or she may remain in the United States. Otherwise, the self-petitioner may be placed in removal proceedings.

- **Adjudication withheld.** An adjudicator may also withhold adjudication of a visa petition or other application if there is an ongoing investigation involving eligibility, in connection with a benefit request, and disclosure of information to the applicant or petitioner concerning the adjudication would prejudice the investigation.<sup>18</sup> If adjudication is withheld from a self-petition, USCIS takes no further adjudicative action at that time, pending completion of the related investigation.
- **Refer a petition for an administrative investigation.** In addition to approving or denying a self-petition, an adjudicator may refer a self-petition to CFDO for an administrative investigation in cases when an adjudicator suspects fraudulent activity within the self-petition. In such cases, CFDO completes an administrative investigation and returns a Statement of Findings to the adjudicator. The Statement of Findings indicates whether fraud was found, not found, or whether the administrative investigation was inconclusive in finding fraud. After reviewing the Statement of Findings, immigration officers stated the adjudicator continues the adjudication process for the self-petition and may ultimately approve or deny the self-petition.<sup>19</sup>

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## Self-Petition Filings

According to USCIS data, the total number of VAWA self-petitions filed by foreign nationals increased from 7,360 in fiscal year 2014 to 12,801 in fiscal year 2018, an increase of about 74 percent. The number of filings by spouses—a subset of the above petitioners—increased from 7,131 in

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<sup>17</sup>If the self-petitioner does not respond to a request for evidence within 87 days, the self-petition is considered abandoned, according to USCIS officials.

<sup>18</sup>See 8 C.F.R. § 103.2(b)(18).

<sup>19</sup>See figure 4 for a description of the fraud referral process.

fiscal year 2014 to 11,213 in fiscal year 2018, an increase of 57 percent.<sup>20</sup> Filings by spouses represented about 93 percent of self-petition filings from fiscal year 2014 to fiscal year 2018. See table 1.

**Table 1: Percentage of Self-Petition Filings by Spouses, Fiscal Years 2014–2018**

Fiscal year	Total filings	Filings by spouses	Filings by spouses as a percent of total filings
2014	7,360	7,131	97
2015	7,987	7,687	96
2016	9,393	8,905	95
2017	11,445	10,478	92
2018	12,801	11,213	88
<b>Total</b>	<b>48,986</b>	<b>45,414</b>	<b>93</b>

Source: U.S. Citizenship and Immigration Services, Office of Performance and Quality. | GAO-19-676

Notes: The total number of filings may include individuals who have filed multiple self-petitions.

In certain instances, a former or intended spouse of a U.S. citizen or LPR may meet the qualifying relationship standard. Other qualifying relationships include being child of a U.S. citizen or LPR or being the parent of a U.S. citizen son or daughter aged 21 and over.

## Self-Petition Fraud

Immigration benefit fraud involves the willful or knowing misrepresentation of material facts for the purpose of obtaining an immigration benefit without lawful entitlement.<sup>21</sup> According to USCIS officials, self-petition fraud is a form of immigration benefit fraud which can occur in a number of ways, such as through document fraud, including submission of falsified affidavits, or making false statements material to the adjudication. For example, a self-petitioner may submit a fraudulent marriage certificate with his or her self-petition in an attempt to establish a qualifying relationship with a U.S. citizen or LPR. Or a self-petitioner may submit a fraudulent affidavit falsely attesting that he or she was battered or subjected to extreme cruelty during the qualifying relationship with the

<sup>20</sup>A foreign national parent may self-petition for themselves and their abused child under the abused spouse category. The additional categories of foreign nationals that are eligible to self-petition include (1) foreign national parents who may have been abused by their U.S. citizen sons or daughters over the age of 21; and (2) foreign national children who may have been abused by a U.S. citizen or LPR parent.

<sup>21</sup>Such misrepresentations may involve a specific intent to deceive. Immigration benefit fraud is often facilitated by document fraud and identity fraud. Immigration-related document fraud includes forging, counterfeiting, altering, or falsely making any document, or using, accepting, or receiving such falsified documents in order to satisfy any requirement of, or to obtain a benefit under the Immigration and Nationality Act. Identity fraud refers to the fraudulent use of others' valid documents.

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U.S. citizen or LPR. For the purposes of this report, self-petition fraud is construed broadly to include any misrepresentation of material fact(s), such as making false statements, submitting forged or falsified documents, or conspiring to do so, in support of a VAWA self-petition. USCIS may deny, or revoke approval of, a self-petition upon determining that the self-petitioner is, or was, not eligible for petition approval by a preponderance of evidence, due to fraud material to the adjudication process.<sup>22</sup> While it is unlawful to fraudulently obtain approval of an immigration benefit, U.S. immigration law does allow VAWA self-petitioners who may have committed such fraud to retain eligibility for LPR status when they or their family would otherwise suffer extreme hardship.<sup>23</sup>

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## GAO's Fraud Risk Management Framework

GAO's *A Framework for Managing Fraud Risks in Federal Programs* (Fraud Risk Framework)<sup>24</sup> is a comprehensive set of leading practices that serves as a guide for program managers to use when developing efforts to combat fraud in a strategic, risk-based manner.<sup>25</sup> The framework describes leading practices for establishing an organizational structure and culture that are conducive to fraud risk management; assessing fraud risks; designing and implementing controls to prevent and detect potential fraud; and monitoring and evaluating to provide assurances to managers that they are effectively preventing, detecting, and responding to potential fraud. Under the Fraud Reduction and Data Analytics Act of 2015, agencies are required to establish financial and

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<sup>22</sup>See 8 C.F.R. pts. 103 (subpt. A), 205.

<sup>23</sup>The Immigration and Nationality Act defines various grounds of removability, such as fraud or misrepresentation, which would render a self-petitioner ineligible for LPR status (inadmissibility), and justify his or her removal from the United States (deportability). However, the Act also provides fraud waivers for approved self-petitioners to retain eligibility for LPR status and avoid removal from the United States. 8 U.S.C. §§ 1182(a), 1227(a)(1), (3), 1255(a). First, under Immigration and Nationality Act § 212(i), a VAWA self-petitioner may obtain a waiver of inadmissibility for fraud or willful misrepresentation of material fact if he or she can demonstrate extreme hardship to himself or herself or to his or her U.S. citizen, LPR, or qualified alien parent or child. This would allow a self-petitioner who was abused by his or her U.S. spouse whom he or she married in good faith, to overcome fraud-related inadmissibility grounds and maintain eligibility for LPR status. Additionally, under Immigration and Nationality Act § 237(a)(1)(H), a VAWA self-petitioner may obtain a waiver of deportability for fraud or misrepresentation (whether willful or innocent), which would prevent their removal from the United States.

<sup>24</sup>[GAO-15-593SP](#).

<sup>25</sup>[GAO-15-593SP](#).



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administrative controls that are aligned with the Fraud Risk Framework's leading practices.<sup>26</sup> In addition, guidance from the Office of Management and Budget affirms that managers should adhere to the leading practices identified in the framework.<sup>27</sup>

The Fraud Risk Framework includes control activities that help agencies prevent, detect, and respond to fraud risks, as well as structures and environmental factors that influence or help managers achieve their objectives to mitigate fraud risks. The framework consists of four components for effectively managing fraud risks: commit, assess, design and implement, and evaluate and adapt. Leading practices for each of these components include the following:

- **Commit:** create an organizational culture to combat fraud at all levels of the agency, and designate an entity within the program office to lead fraud risk management activities.
- **Assess:** assess the likelihood and impact of fraud risks and determine risk tolerance and examine the suitability of existing controls and prioritize residual risks.
- **Design and implement:** develop, document, and communicate an antifraud strategy, focusing on preventive control activities.
- **Evaluate and adapt:** collect and analyze data from reporting mechanisms and instances of detected fraud for real-time monitoring of fraud trends, and use the results of monitoring, evaluations, and investigations to improve fraud prevention, detection, and response.<sup>28</sup>

Figure 2 provides an overview of the Fraud Risk Framework and its control activities.

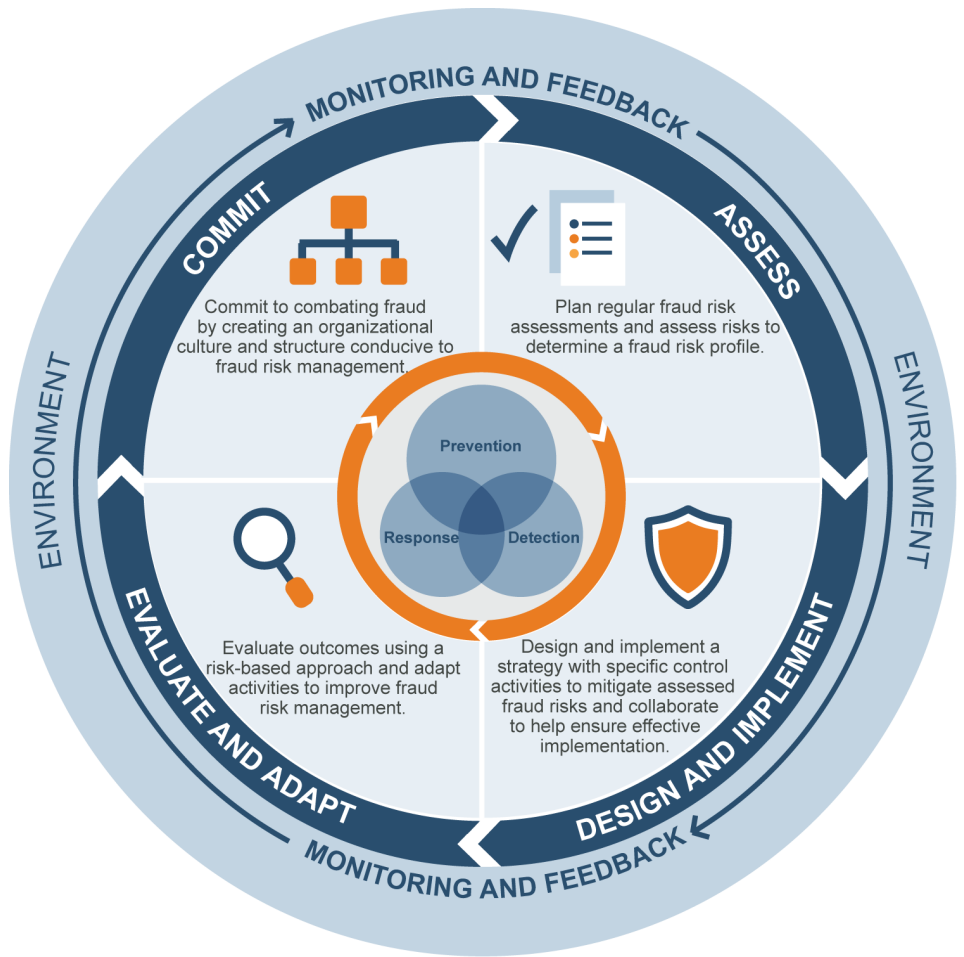
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<sup>26</sup>Pub. L. No. 114-186, 130 Stat. 546 (June 30, 2016).

<sup>27</sup>Office of Management and Budget, *Management's Responsibility for Enterprise Risk Management and Internal Control*, Circular No. A-123 (Washington, D.C.: July 15, 2016).

<sup>28</sup>The fourth and final component of the Fraud Risk Framework calls for evaluating outcomes using a risk-based approach, and adapting activities to improve fraud risk management. This should include review of all components of the Fraud Risk Framework, and include monitoring and evaluation of the effectiveness of preventive activities. Among other things, ongoing monitoring can serve as an early warning system to help identify and resolve issues in fraud risk management. Because USCIS has not fully implemented components 2 and 3 of the framework, it is not yet in a position to implement component 4. Hence, we did not review the fourth component.

**Figure 2: GAO's Fraud Risk Framework**



Source: GAO. | GAO-19-676

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## USCIS Has Established a Culture and Structure to Manage Fraud Risks for the Self-Petition Program but Has Not Implemented Other Fraud Risk Management Practices

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### USCIS Has Established an Antifraud Culture and a Dedicated Entity to Manage Fraud Risks in the Self-Petition Program

USCIS has an antifraud culture and a dedicated entity for managing fraud risks in the self-petition program. The first component of GAO's Fraud Risk Framework—*commit*—provides that agencies should commit to combating fraud by creating an organizational culture and structure conducive to fraud risk management.<sup>29</sup> In particular, agencies should create an organizational culture to combat fraud at all levels, by demonstrating a senior-level commitment to integrity and combatting fraud, and by involving all levels of the agency in setting an antifraud tone that permeates the organizational culture. The first component of the Fraud Risk Framework also calls for an agency to create a structure with a dedicated entity to lead fraud risk management activities.<sup>30</sup>

Consistent with the Fraud Risk Framework, we found USCIS has promoted an antifraud culture in several ways. It has demonstrated a senior-level commitment to combating fraud and involvement at all levels. Within the Vermont Service Center, senior officials who oversee the VAWA self-petition unit, as well as adjudicators who review petitions, are evaluated on activities related to managing fraud risks in the self-petition process. For example, according to performance appraisal

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<sup>29</sup>[GAO-15-593SP](#).

<sup>30</sup>Our evaluation criteria in this section—organizational culture and dedicated entity—are the two overarching concepts of the first component of the Fraud Risk Framework.

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documentation, senior officials are evaluated on their ability to consistently identify immigration fraud. Specifically, experienced adjudicators and supervisors stated that they are evaluated on their ability to review fraud referral sheets submitted by adjudicators to determine whether the adjudicator has appropriately identified and described suspected fraudulent activity in a self-petition. In addition, senior officials told us they independently review a sample of self-petitions adjudicated during each fiscal year for quality assurance purposes, to include identification of suspected fraud. Adjudicators are evaluated by their supervisors on their ability to identify fraud within the self-petition adjudication process, which includes identifying suspected fraudulent activities in self-petitions, submitting fraud referral sheets to their supervisors, and collaborating with CFDO on resolving self-petition adjudications where suspected fraudulent activity has been identified.

In addition to being evaluated on their ability to identify fraud, officials have implemented several activities that contribute to an antifraud tone. For example, officials at the Vermont Service Center stated that VAWA self-petition unit adjudicators and CFDO immigration officers collaborate and share information to combat potential fraud through activities that include monthly meetings, regular contact through their co-location, and an electronic bulletin board. Officials stated that during monthly meetings, immigration officers answer questions from adjudicators on fraudulent schemes and activities uncovered in their administrative investigations of self-petitions. In addition, adjudicators we spoke to stated that because they are co-located with CFDO, they have direct access to immigration officers to obtain feedback on identifying suspected fraudulent self-petitions prior to submitting a formal fraud referral sheet. Finally, CFDO maintains an electronic bulletin board for sharing information with adjudicators on new potentially fraudulent activities they have identified through their administrative investigations. Adjudicators we spoke to stated that the bulletin board assists with identifying fraud indicators during adjudication.

We also found that USCIS has created a dedicated entity to lead fraud risk management activities for the self-petition program. According to USCIS officials, the CFDO unit at the Vermont Service Center, in conjunction with FDNS headquarters, is that dedicated entity. Within the Vermont Service Center, CFDO officials stated the CFDO unit consists of three immigration officers and a supervisory immigration officer who have defined antifraud responsibilities, such as conducting administrative investigations of self-petition filings that are referred by adjudicators who suspect fraudulent activity. In addition, the immigration officers are

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responsible for liaising with law enforcement entities, such as ICE HSI, to provide logistical support in law enforcement matters. According to the officials, CFDO and FDNS fulfill other fraud risk management responsibilities described in GAO's Fraud Risk Framework, including leading or assisting with fraud training for adjudicators.

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### USCIS Has Not Fully Assessed Fraud Risks in the Self-Petition Program

While USCIS has taken some steps to assess fraud risks in the self-petition program, the agency has not conducted a formal assessment of such program risks. The second component of the Fraud Risk Framework—*assess*—calls for federal managers to plan regular fraud risk assessments, and to assess risks to determine a fraud risk profile.<sup>31</sup> A fraud risk profile is the summation of key findings and conclusions from a fraud risk assessment, including the analysis of the types of internal and external fraud risks, their perceived likelihood and impact, managers' risk tolerance, and the prioritization of risks. The fraud risk assessment should be tailored to the program, and in identifying and assessing risks to determine the fraud risk profile, the focus should be on likelihood and impact of *inherent* fraud risks. This means not only fraud risks already known through program experience, but also other fraud risks that may not yet have been experienced but can be identified, based on the nature of the program. Such risks can be either internal or external to the program.<sup>32</sup>

USCIS has not assessed fraud risks and determined a fraud risk profile for the self-petition program, as USCIS officials told us that they were unfamiliar with the concept of a comprehensive fraud risk management process, as provided in the Fraud Risk Framework. Instead, USCIS officials said they viewed fraud risk management more practically, from

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<sup>31</sup>[GAO-15-593SP](#).

<sup>32</sup>The evaluation criteria here—tailored fraud risk assessment and determination of a fraud risk profile—are the two overarching concepts of the second component of the Fraud Risk Framework. The fraud risk profile represents the key findings and conclusions of the fraud risk assessment, and is an essential part of overall antifraud strategy. There is no universally-accepted approach for conducting fraud risk assessments, since circumstances between programs vary. However, assessing fraud risks generally involves five actions: (1) identifying inherent fraud risks affecting the program—that is, determining where fraud can occur and the types of both internal and external fraud risks the program faces; (2) assessing the likelihood and impact of inherent fraud risks; (3) determining fraud risk tolerance; (4) examining the suitability of existing fraud controls and prioritizing risks that remain after application of the existing fraud controls; and (5) documenting the results in a fraud risk profile.

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the standpoint of adjudicating self-petitions and referring suspected fraudulent activity to CFDO. As part of those efforts, CFDO staff review fraud referrals to determine potential fraud schemes and trends that may exist in the self-petition program. While these are positive steps, they do not constitute an assessment of program fraud risks that would position USCIS to develop a fraud risk profile for the self-petition program. More specifically, the Fraud Risk Framework calls for agencies to identify inherent fraud risks of a program, examine the suitability of existing fraud controls, and then to prioritize “residual” fraud risks—that is, risks remaining after antifraud controls are adopted.

According to USCIS officials we spoke with, the self-petition program is vulnerable to fraud. For example, USCIS officials stated that they have seen cases in which self-petitioners submitted false or forged leases in an attempt to show they resided with the alleged abuser during a period of abuse, as well as foreign marriage or divorce certificates later found to be falsified in an attempt to establish that the self-petitioner entered into a marriage with a U.S. citizen in good faith. While these are examples of individual fraudulent activities, USCIS officials cannot be assured they have identified inherent fraud risks to the program without undertaking a fraud risk assessment as provided in the Fraud Risk Framework. USCIS officials we spoke with acknowledged the benefits of conducting a fraud risk assessment and noted that a formal analysis of self-petition fraud referrals and administrative investigations could help to better understand the extent of fraud risks that exist in the self-petition program.

Further, the Fraud Risk Framework highlights the need for fully assessing fraud risks when there are changes to the program or operating environment—conditions that apply in the case of the self-petition program. USCIS data indicate that the number of self-petitions filed has been growing in the past 5 fiscal years, and at the end of fiscal year 2018, USCIS had received 12,801 self-petitions and had over 19,000 self-petitions pending adjudication. In this environment, identification of inherent fraud risks, coupled with assessments of the likelihood and expected impact of those risks, could help USCIS better target its fraud prevention and detection efforts. Planning and conducting regular fraud risk assessments, as provided in the Fraud Risk Framework, would better position USCIS to identify fraud risks in the self-petition program. Regularly assessing fraud risks in the self-petition program to determine a fraud risk profile would also help USCIS better determine the extent to which the agency has designed and implemented adequate fraud prevention controls.

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## USCIS Has Established Controls to Combat Fraud but Has Not Developed a Risk-Based Antifraud Strategy Tailored to the Self-Petition Program

USCIS has controls designed to help prevent and detect fraud in the self-petition program, but has not developed a risk-based antifraud strategy for the program consistent with the Fraud Risk Framework. The third component of the Fraud Risk Framework—*design and implement*—calls for agencies to design and implement a strategy with specific control activities to address risks identified in the fraud risk assessment.<sup>33</sup> In particular, managers should develop and document an antifraud strategy based on the fraud risk profile (developed as part of the fraud risk assessment of the second component of the Framework), and design and implement specific control activities to prevent and detect fraud.<sup>34</sup> The basis for these activities should be the prioritized residual risks identified earlier, meaning that the agency adopts a risk-based antifraud control strategy.<sup>35</sup> This approach is in line with *Standards for Internal Control in the Federal Government*, which requires managers to design a response to analyzed risks.<sup>36</sup>

USCIS has instituted some fraud controls for the self-petition program, particularly controls related to preventing and detecting fraud. USCIS's specific fraud control activities include, for example, the Vermont Service Center Background Check Unit conducting TECS checks on foreign nationals who submit self-petitions during the pre-adjudication stage to determine whether the self-petitioner is connected to any administrative or criminal investigations, is the subject of a national security concern, or is a public safety threat. In addition, USCIS has a process for adjudicators to refer petitions when they suspect fraudulent activities to CFDO for administrative investigation. Specifically, USCIS official stated that in cases where an adjudicator suspects potential fraud in a self-petition, the adjudicator is to complete and submit a supervisor-approved fraud referral sheet to CFDO. After receiving a referral, the center is to

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<sup>33</sup>[GAO-15-593SP](#).

<sup>34</sup>The evaluation criteria here—strategy based on the fraud risk profile, and specific control activities arising from that—are the first two overarching concepts of the third component of the Fraud Risk Framework. We selected the leading practices for review here based on relevancy, following discussions with self-petition program managers, review of program documents, and meetings with self-petition adjudicators and their managers.

<sup>35</sup>According to the Fraud Risk Framework, priority of residual risks is based on analysis of likelihood and impact, and establishment of risk tolerance, as provided under the second component's fraud risk assessment and fraud risk profile activities.

<sup>36</sup>[GAO-14-704G](#).

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determine whether the referral has sufficient information to warrant an administrative investigation. CFDO also provides fraud training to adjudicators.

While these controls help USCIS prevent and detect potential fraud in the self-petition program, USCIS has not developed and implemented a risk-based antifraud strategy based on a fraud risk assessment as provided under the Fraud Risk Framework. This is because, as noted earlier, the agency has not undertaken an assessment of inherent program fraud risks. USCIS officials told us that even with adjudicator and CFDO staff experience with identifying and investigating potential fraud in self-petitions, unknown fraud risks may nevertheless remain. USCIS officials acknowledged the benefits of conducting a fraud risk assessment, such as designing and implementing new control activities, as well as revising existing controls, if they determine that controls are not effectively designed to reduce the likelihood or impact of an inherent fraud risk to a tolerable level. USCIS officials told us that adjudicators and CFDO staff conducting administrative investigations have identified trends in fraudulent activities; however, officials also stated that it is difficult for staff to identify fraud risks that are present but that are not identified through adjudication or investigation. Examining antifraud controls, and adjusting them as necessary based on an antifraud strategy, would help the Vermont Service Center to better ensure that its controls are addressing fraud risks in the self-petition program, including inherent risks.

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### USCIS Has Plans to Develop Tailored Antifraud Training For the Self-Petition Program

USCIS is developing training on fraud-related issues for the self-petition program. The third component of the Fraud Risk Framework, discussed earlier, identifies training as a leading antifraud practice and as an antifraud control to increase fraud awareness of possible fraud schemes.<sup>37</sup> Training and education intended to increase fraud awareness among managers and employees, among others, can serve as a preventive measure to help create a culture of integrity and compliance within the program. Increasing fraud awareness can also enable managers and employees to better detect potential fraud. To achieve these benefits, the Fraud Risk Framework notes that a leading practice is to require all employees to attend training upon hiring and on an ongoing basis thereafter. Training should convey fraud-specific information that is

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<sup>37</sup>[GAO-15-593SP](#). The first component of the Fraud Risk Framework, discussed earlier, also identifies training as a way to demonstrate an agency's commitment to fraud.



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tailored to the program and its fraud risk profile. Specifically, it should include information on fraud risks, such as examples of specific types of fraud that employees are likely to encounter, and information on how to identify fraud schemes.

USCIS has a training program in place for new adjudicators that provides general information on identifying potential fraudulent activities as part of any adjudication and has plans to develop new fraud awareness training tailored specifically to the self-petition program. According to CFDO officials, USCIS provides general training to new adjudicators during a 6-day classroom training program. During this training, new adjudicators are instructed on eligibility and evidence requirements across several application types, including the VAWA self-petition. The training includes information on eligibility requirements, supporting documentation needed, and evidentiary requirements for these applications. Application forms are used to teach adjudicators fraud identification, and adjudicators are given a list of common fraud indicators to assist when reviewing applications, according to adjudicators. This training also includes a 2-hour presentation on the VAWA self-petition program where general fraud concepts, such as document fraud, are discussed.

While adjudicators receive general training when hired, USCIS had not provided tailored antifraud training on the self-petition prior to fiscal year 2019. Adjudicators we spoke to noted that fraud schemes continue to evolve, and that fraud schemes and tactics are becoming more sophisticated and thus more difficult to identify during adjudication of VAWA self-petitions. Adjudicators we spoke to also noted that ongoing training that included information on evolving fraud schemes and tactics specific to the self-petition program would help increase their ability to identify potentially fraudulent activities. Further, adjudicators noted that additional training on how to identify potential fraud when a petitioner submits an attested affidavit would help to identify potentially fraudulent self-petitions.

In response to our discussions and adjudicator feedback, a senior CFDO official stated that they recognized the need for fraud training, including training tailored to the self-petition program, and planned to hire an additional four immigration officers in fiscal year 2019 to increase fraud training for adjudicators, among other duties. In response to discussions we had during our review, officials at the center also stated they planned to develop and implement tailored fraud training for the self-petition program by the end of fiscal year 2019. CFDO officials stated they also

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plan to continually update the training based on any new potentially fraudulent activity identified in the self-petition program.

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### USCIS Has Not Used Data Analytics as an Antifraud Tool for the Self-Petition Program

USCIS has data analytics capabilities, but has not applied these capabilities as an antifraud tool for the self-petition program. The third component of the Fraud Risk Framework, discussed earlier, cites data analytics as a leading practice in developing specific control activities to prevent and detect fraud—in particular, to mitigate the likelihood and impact of fraud.<sup>38</sup> In addition, *Standards for Internal Control in the Federal Government* provide for ongoing monitoring of operations and internal controls, and data analytics can aid in this task.<sup>39</sup>

According to the Fraud Risk Framework, data analytics can include a variety of techniques, such as data mining (identifying suspicious activity or transactions, including anomalies, outliers, and other red flags, within data) and data matching (comparing information in one source to another to identify inconsistencies), which can enable programs to identify potential fraud. Further, predictive analytics can identify particular types of behavior, including fraud, before transactions are completed.

According to USCIS officials, the agency has developed and uses data analytics capabilities as part of its efforts to identify and prevent fraud within immigration benefit programs. These officials said the agency has not had sufficient resources to pursue data analytics separately for each type of immigration benefit program. Thus, they stated that USCIS deploys its data analytics resources strategically across immigration benefit programs, based on factors including, among other things, the volume of filings or applications for specific benefit programs, the amount of data available for electronic analysis, and whether the type of application is one that can lead to a change in immigration status, such as asylum or permanent residency. Under this approach, for example, USCIS officials stated that marriage and employment-based benefit programs are areas where there is a greater amount of electronic data available for analysis.

USCIS's development and use of data analytics in other programs are positive actions in helping the agency in its efforts to prevent and detect

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<sup>38</sup>[GAO-15-593SP](#).

<sup>39</sup>[GAO-14-704G](#).

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fraud risks to immigration benefit programs. However, USCIS has not conducted a comprehensive assessment of fraud risks in the self-petition program to provide an understanding of the likelihood and impact of program risks and to help inform the level of resources USCIS should allocate to addressing those risks. Consistent with the Fraud Risk Framework, using data analytics capabilities in the self-petition program could help position USCIS to better identify and assess fraud risks in the program. Such data analysis does not by itself necessarily confirm the existence of fraud, but the use of data analytics could help USCIS to determine indicators of potential fraud. Further, consistent with the Fraud Risk Framework, this type of analysis can aid in decisions on prioritization of investigative resources.<sup>40</sup>

According to the Fraud Risk Framework, specific data analytic tests that are most effective in helping managers prevent or detect potential fraud vary by program because of the different fraud risks programs face. By using information on previously encountered fraud schemes or known fraud risks, managers can identify signs of fraud that may exist within their data. In the absence of an assessment of fraud risks in the self-petition program, we asked USCIS officials about fraud risks or schemes they have identified in the program and analyzed program data to identify examples of ways USCIS could use program data to better prevent or detect potential self-petition program fraud. As examples, we analyzed variables that generally serve to identify individuals, such as address and Social Security number, because multiple instances of the same identifier in program data can indicate misuse of personally identifying information. In addition, we examined other variables associated with self-petition filings and outcomes of self-petition adjudications, as trends in variables associated with denial outcomes, for example, can provide indicators of potential fraud. We offer the following examples not as illustrations of confirmed or even potential fraud, but rather to help illustrate the use of data analytics as a tool for helping to prevent and detect fraud in the self-petition program.

For example, one area in which we identified multiple instances of the same variable was with addresses. While not necessarily indicative of fraud, our review of USCIS data showed that from fiscal year 2009 to January 2019, thousands of self-petition filings had addresses that were

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<sup>40</sup>USCIS officials noted that any such analysis would need to comply with statutory requirements to protect self-petitioner personal information.

used in multiple self-petition filings. According to USCIS officials, this is not unexpected and further research would be required to authoritatively explain the multiple address use we identified. The self-petitioner program also allows self-petitioners to use a “safe address” for communications, in an effort to ensure confidentiality in filing of the petition. According to USCIS officials, self-petitioners often use an assisting attorney or representative’s business address as their safe address. In prior work on other immigration benefits, we have highlighted where DHS officials have used multiple instances of the same address in program data to target investigative follow-up.<sup>41</sup> Our analysis of data on the number of times unique addresses were used in filing self-petitions showed, for instance, 37,201 filings had addresses used at least 10 times each from fiscal year 2009 to January 2019. In some cases, an address was used hundreds of times—in a group of 6,302 self-petitions, there were 31 instances in which addresses were used 100 or more times. Table 2 provides examples of multiple uses of addresses, which we selected for illustrative purposes from among all the multiple uses of addresses we identified. It shows, for example, in the last row, that there was one unique address that was used 845 times in self-petition filings, all of which were separate filings. Thus, the total number of self-petitions involved with this address was 845.

**Table 2: Self-Petition Filings, Examples of Multiple Use of Addresses, Fiscal Year 2009 to January 2019**

<b>Number of times a unique address was used</b>	<b>Number of instances of the unique address being used</b>	<b>Resulting number of self-petition filings</b>
2 times	4,439	8,878
10 times	186	1,860
15 times	78	1,170
50 times	5	250
845 times	1	845

Source: GAO analysis of data from U.S. Citizenship and Immigration Services, Office of Performance and Quality. | GAO-19-676

Note: Fiscal year 2019 data is through January 7, 2019.

<sup>41</sup>See, for example, GAO, *Immigrant Investor Program: Additional Actions Needed to Better Assess Fraud Risks and Report Economic Benefits*, [GAO-15-696](#) (Washington, D.C.: August 12, 2015).

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Another example of multiple instances of the same variable was identification numbers. In particular, our review of USCIS data showed that from fiscal year 2009 to January 2019, there were thousands of self-petition filings that used duplicative identifying numbers – Social Security numbers and Alien numbers.<sup>42</sup> According to USCIS officials, as with multiple uses of the same address, further research would be required to authoritatively explain the multiple identification number use we identified. For example, according to USCIS officials, a foreign national parent and child may file separate self-petitions, resulting in multiple petitions using the same Social Security number. Also, it is common for people to file more than one self-petition if, for instance, they are able to obtain additional evidence after a decision is made. Our analysis of the number of times unique Social Security numbers were provided in self-petition filings, as well as unique Alien numbers, showed that for each, there were several thousand filings in which the numbers were used in multiple self-petition filings. In prior work, we have highlighted examples where multiple instances of the same Social Security number in program or payment data has indicated Social Security number misuse, such as where multiple individuals may have been using the same Social Security number for employment, and use of Social Security numbers to create synthetic identities, to obtain benefits for ineligible individuals using the Social Security numbers of eligible applicants.<sup>43</sup> Table 3 provides examples of multiple uses of Social Security and Alien Registration numbers, selected for illustrative purposes from among all the multiple uses of identification numbers we identified. It shows, for example, in the last row, that there were 28 instances in which a unique Alien number was used in five different self-petition filings, all of which were separate filings. Thus, the total number of self-petitions involved with these 28 Alien numbers was 140.

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<sup>42</sup>An Alien number is a unique seven-, eight-, or nine-digit number assigned to a noncitizen by the Department of Homeland Security.

<sup>43</sup>See, for example, GAO, *Highlights of a Forum: Combating Synthetic Identity Fraud*, [GAO-17-708SP](#) (Washington, D.C.: July 26, 2017) and *Supplemental Security Income: Wages Reported for Recipients Show Indications of Possible SSN Misuse*, [GAO-14-597](#) (Washington, D.C.: July 16, 2014).

**Table 3: Self-Petition Filings, Examples of Multiple Use of Social Security and Alien Numbers, Fiscal Year 2009 to January 2019**

<b>Number of times a unique number was used</b>	<b>Number of instances of the unique number being used</b>	<b>Resulting number of self-petition filings</b>
<i>Social Security number</i>		
2 times	1,782	3,564
3 times	218	654
<i>Alien number</i>		
2 times	3,997	7,994
5 times	28	140

Source: GAO analysis of data from U.S. Citizenship and Immigration Services, Office of Performance and Quality. | GAO-19-676

Note: Fiscal year 2019 data is through January 7, 2019.

Another example of multiple instances of the same variables was assistance provided to self-petitioners by attorneys or other organizations. According to USCIS officials, self-petitions filed with assistance are expected, as organizations specialize in providing assistance to petitioners and applicants for immigration benefits, including self-petitions. Thus, USCIS officials noted that the appearance of the same attorneys or other organizations in program data is not necessarily indicative of fraud without further investigation. However, USCIS officials also noted that application “mills,” in which a relatively large number of incomplete or deficient self-petitions are submitted through a single preparer, also exist and could indicate avenues for further investigation. For example, if investigation revealed submission of self-petitioner affidavits or other supporting evidence across multiple self-petitions and using common information, such as duplicate wording, that could be an indicator of potential fraud. In July 2019, the U.S. Attorney for the District of Vermont announced an indictment against a self-petition preparer, charging the man with filing false statements with USCIS, including more than 1,800 fraudulent submissions for more than 1,000 self-petitioners over four years. The preparer is alleged to have falsely claimed that his clients were victims of abuse, without their authorization, according to the U.S. Attorney’s office.

Our analysis of USCIS data from fiscal year 2009 to January 2019 showed that a large portion of self-petitions were filed with assistance by either attorneys or by other organizations. In the case of attorneys, according to our analysis, about 80 percent of self-petitions were filed by foreign nationals with assistance from attorneys or accredited

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representatives from fiscal year 2009 through January 2019. However, while USCIS collects attorney identifying information on the paper form that self-petitioners submit, officials told us the agency does not capture this information electronically.<sup>44</sup> Therefore, it is not available for analysis.<sup>45</sup> Such analysis could indicate particular attorneys' or representatives' relative shares of self-petitions, and allow USCIS to conduct further analysis, as appropriate. In the case of organizations providing assistance, we found that about 70 percent of self-petitioners from fiscal year 2009 through January 2019 listed various organizations in their filings, and we identified a number of organizations assisting hundreds of self-petitioners each. For example, in one case an organization was listed as providing assistance in over 500 filings and in another case two entities were listed as providing assistance in over 400 filings each. However, according to USCIS officials, one legal organization providing assistance for 500 filings over a 10-year period is not uncommon or necessarily an indicator of fraud, given that, unlike other petitions, most VAWA self-petitions are filed with the assistance of an attorney or legal representative.

Consistent with leading practices as described in the Framework, analyses of multiple uses of unique identifiers or instances of certain variables in self-petition program data could help USCIS identify areas for more targeted review, to determine what accounts for the duplicates in the program data and the extent to which they or other variables could be indicators of potential fraud.<sup>46</sup> Moreover, according to the Fraud Risk

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<sup>44</sup>The paper VAWA self-petition form (Form I-360) includes a field for whether a Form G-28, "Notice of Entry of Appearance as Attorney or Accredited Representative," or a Form G-28I, "Notice of Entry of Appearance as Attorney in Matters Outside the Geographical Confines of the United States," have been filed. Responses for this item are captured electronically, according to USCIS officials. The paper self-petition form also includes a field for attorney or accredited representative identification numbers, but this information is not captured electronically.

<sup>45</sup>USCIS officials also told us that in some circumstances, attorney identifying information "should be" captured electronically from Form G-28 filings, but not necessarily on a consistent basis. While we believe such electronic data availability could be useful, the better outcome is for electronic data to be readily available on a systemic basis, to fully support data analytics.

<sup>46</sup>In previous work, we have used address validation as a tool to identify potential fraud. For example, in examining providers and suppliers to the Medicare healthcare program, we used address validation to determine that about 22 percent of reported practice locations were potentially ineligible – consisting of commercial mail receiving agencies, vacant land, or invalid addresses. See GAO, *Medicare Program: Continued Action Required to Address Weaknesses in Provider and Supplier Enrollment Controls*, [GAO-16-703T](#) (Washington, D.C.: May 2016).

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Framework, data analytics, such as data mining, can identify suspicious activity or transactions, including anomalies, outliers and other red flags in a program's data. Activity or transactions that deviate from expected patterns can potentially indicate fraudulent activity and program managers who effectively use data analytics to detect potential fraud look for unusual transactions or data entries that do not fit an expected pattern. However, as noted earlier, USCIS has not applied data analytics as an antifraud tool for the self-petition program. For example, as previously discussed, while adjudicating self-petitions, USCIS officers may request additional evidence from petitioners for reasons including incomplete or inconsistent information provided in filings, or suspected fraud, USCIS officials told us. The officials told us the agency does not compile data on the nature of these requests for additional evidence, which number in the thousands annually.

Maintaining and analyzing such data—especially when adjudicators are requesting further information because they suspect possible fraud—could provide program-level insights into where self-petitions are incomplete or suspected to be fraudulent. Further, as noted earlier, USCIS does not assess data on the outcomes of self-petition adjudications to determine whether there are any trends or patterns in such data that could be indicative of fraud. In particular, denials or referrals can be based on multiple factors, including potential fraud. Analyzing such outcomes for any patterns or trends that could suggest potential fraud could help USCIS strengthen its efforts to identify and prevent fraud risks in the self-petition program. For example, USCIS officials told us they sometimes observe patterns or trends among self-petitions that may seem suspicious and warrant further review and noted as an example an increase in cases involving potentially false claims of abuse from self-petitioners from one country. While not necessarily indicative of fraud, and to provide some example of trend analysis on data on the outcomes of self-petition adjudications, we analyzed data on the outcomes of adjudications from the 10 countries with the largest number of self-petition filings and found the denial rate by country of birth of the self-petitioner varied by as much as a factor of three. Additional analysis across data on adjudication outcomes could help better identify areas for further investigation or review.

In addition, the Fraud Risk Framework notes that one leading practice for using data analytics as an antifraud tool is to verify key information, including self-reported data and information necessary to determine eligibility. To effectively prevent and detect instances of potential fraud, managers are to take steps to verify reported information, particularly self-



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reported data and other key data necessary to determine eligibility for programs or receiving benefits. For example, according to officials, USCIS does not check the validity of key identification information submitted by self-petitioners, and it does not analyze outcomes across characteristics of self-petitions—practices our prior work indicates could strengthen USCIS’s use of data analytics.<sup>47</sup> More specifically, although USCIS may conduct background checks on self-reported self-petitioner information, officials told us the agency does not have the capability to check the validity of Social Security numbers or passport information that self-petitioners report in their Form I-360 filings. Nevertheless, USCIS officials told us the agency routinely performs overseas verification of self-petitioner documents, such as birth certificates, marriage/divorce certificates, and passports.

Based on our analysis of USCIS data, the agency maintains data that could be used for data analytics. For example, the majority of self-petition filings have full name information, addresses, Alien numbers, and, to a lesser extent, Social Security numbers. This relative completeness of data items provides opportunities for data-matching, which, as noted, is a key data analytics technique. USCIS officials told us that generally, they see the value of developing a data analytics capability for the self-petition program, noting that such a capability would be beneficial both in aiding fraud detection and prevention efforts, as well as by allowing timely, accurate reporting on self-petitioner data as part of routine program management and oversight. However, officials also noted that while expanding the range of electronic self-petitioner data maintained would increase analytical capabilities, there would be a cost to implementation, which would need to be balanced against the benefit of the additional antifraud tool, and any data analytics would need to be conducted so as to not target individuals or groups solely based on certain self-petitioner characteristics indicated by data.

In other work, we have noted that leading practices in data analytic techniques alone may not be sufficient to prevent fraud in obtaining benefits but can help an agency prioritize and enhance fraud

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<sup>47</sup>In prior work, for example, we have used invalid Social Security identities as a means to identify fraud vulnerabilities in the application process for healthcare under the Patient Protection and Affordable Care Act. See GAO, *Patient Protection and Affordable Care Act: Preliminary Results of Undercover Testing of Enrollment Controls for Health Care Coverage and Consumer Subsidies Provided Under the Act*, [GAO-14-705T](#) (Washington, D.C.: July 2014).

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investigations.<sup>48</sup> Developing and implementing a data analytics capability for the self-petition program would provide USCIS with tools to aid in identifying potential fraud in self-petition filings and aid in focusing resources. Further, analysis and insights developed through use of data analytics could inform the self-petition program's periodic fraud risk assessments, which, as described earlier, are a key aspect of the fraud risk management process.<sup>49</sup>

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## DHS Provides Assistance to Potential Victims of Immigration-Related Crimes and Refers Suspected Self-Petition Fraud for Review and Investigation

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### DHS VOICE Office Provides Assistance to Potential Victims of Immigration-Related Crimes

The DHS VOICE Office provides assistance to potential victims of immigration-related crimes. In April 2017, in response to Executive Order 13768, ICE established the VOICE Office to provide professional services and assistance to potential victims and family members of victims of crimes committed by removable aliens. The office's assistance to potential U.S. citizen and LPR victims includes, among other things, providing ICE community relations officers who serve as local representatives to help potential victims understand the immigration enforcement and removal process; victim assistance specialists who provide potential victims with direct service referrals for matters such as counseling; and information, such as the potential offenders' immigration and custody status. In addition, the office provides referral information to

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<sup>48</sup>See, for example, GAO, *Supplemental Nutrition Assistance Program: Disseminating Information on Successful Use of Data Analytics Could Help States Manage Fraud Risks*, [GAO-19-115](#) (Washington, D.C.: October 2018).

<sup>49</sup>[GAO-15-593SP](#).

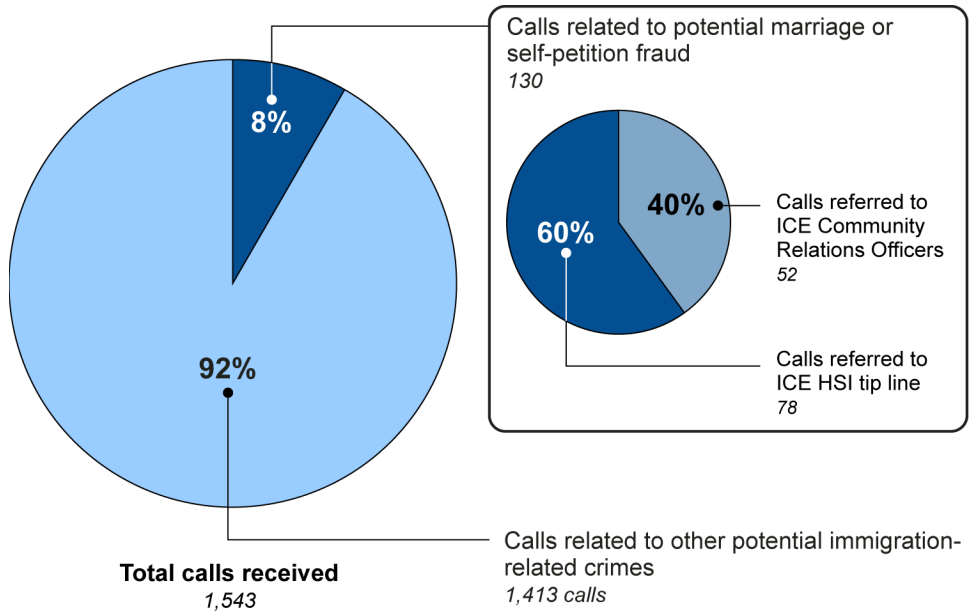
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the ICE HSI tip line and answers questions and concerns regarding immigration enforcement through the VOICE Office's toll-free hotline.

Data collected by the VOICE Office from hotline calls shows that in fiscal year 2018, a total of 1,543 calls were made to the VOICE Office. Of those 1,543 calls, 130 calls, or 8 percent, were from self-identified victims of marriage-related fraud requesting assistance. VOICE officials indicated that they would consider VAWA self-petition fraud as a subset of marriage fraud; however, self-petition fraud is not separately identifiable in their data. Of those 130 calls, the Office referred 78 alleged victims to ICE's HSI Tip Line. For example, in one case from fiscal year 2018, a caller claimed that his or her spouse married the caller for immigration purposes and attempted to falsely press criminal domestic violence charges against the caller as a means of obtaining immigration status. The Office offered the caller local victim services and referred the caller to both USCIS and the ICE HSI Tip Line.

Of the remaining 52 calls from self-identified victims of marriage-related fraud, the office provided the caller with an ICE community relations officer, and the officer recommended actions to victims, such as calling the ICE HSI Tip Line, or providing the victim with a victim assistance specialist to discuss available resources. For example, in another case from fiscal year 2018, a caller claimed his or her spouse married the caller to obtain immigration relief, and falsely accused the caller of domestic violence to obtain legal residency. The VOICE office referred the caller to ICE HSI and explained the victim assistance services available to the caller. See figure 3 for a description of calls made to the VOICE Office and subsequent office action.

**Figure 3: Description of Calls the Victims Of Immigration Crime Engagement Office Received in Fiscal Year 2018**



ICE U.S. Immigration and Customs Enforcement  
 HSI Homeland Security Investigations

Source: GAO analysis of U.S. Immigration and Customs Enforcement data. | GAO-19-676

According to CRCL officials, assessing tips from self-identified victims of immigration fraud poses a challenge, since domestic abusers may use the immigration system against their victims by providing false tips in order to have them removed. Per statutory protections for self-petitioners, DHS treats tips as inherently suspect, and is barred from making adverse determinations of inadmissibility or deportability in adjudications based solely on information provided by certain individuals, such as the alleged abuser or a member of the abuser’s household. However, DHS may consider such information if it can be independently corroborated consistent with DHS policy.<sup>50</sup> As for the alleged abuser’s information, which may have been included in a VAWA self-petition, USCIS officials noted that USCIS never provides such information to anyone including law enforcement even where allegations of criminal conduct are reported with a self-petition. As a result, U.S. citizens and LPRs face no

<sup>50</sup>See 8 U.S.C. § 1367.

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consequences solely from being named in a self-petition regardless of its outcome.

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### DHS Has a Referral Process for Suspected Fraud in Self-Petitions, Which May Result in a Referral to ICE for Criminal Investigation

DHS has a referral process for suspected fraud in self-petitions, which may result in a referral to ICE for criminal investigation. Within USCIS, FDNS immigration officers review self-petition fraud referrals, conduct administrative investigations when warranted, and in limited circumstances, refer cases to ICE for criminal investigation. Fraud referrals related to self-petitions typically originate from five sources: (1) the TECS checks that the Vermont Service Center Background Check Unit conducts prior to adjudication, which include notifications that indicate potential national security concerns, public safety threats, and fraud leads in the preadjudication screening process; (2) USCIS adjudicators reviewing self-petitions at any time during the adjudication process; (3) other USCIS offices that may encounter potential self-petition fraud in the course of their work on other USCIS applications; (4) other law enforcement sources, including other federal law enforcement entities; and (5) benefit fraud tips received from the general public. After receiving a referral, FDNS immigration officers determine whether the referral has sufficient information to warrant further investigation.

According to FDNS's fraud detection standard operating procedures, FDNS immigration officers either determine that the referral becomes a lead and the lead is accepted, or the referral is declined.<sup>51</sup> After accepting the referral, immigration officers are responsible for conducting an administrative investigation to, among other things, obtain relevant information needed by Vermont Service Center adjudicators to render the appropriate adjudicative decision. If, after conducting research and analyzing the information associated with a lead, the FDNS immigration officer determines that a reasonable suspicion of fraud is articulated and actionable, the lead is elevated to a case.<sup>52</sup>

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<sup>51</sup>FDNS officials stated that a fraud referral that contains a self-petition among other form types may be declined by FDNS when it determines that the primary lead or case does not merit an administrative investigation. FDNS officials at the Vermont Service Center stated that they accept a majority of referrals that originate from self-petition adjudicators at the Vermont Service Center.

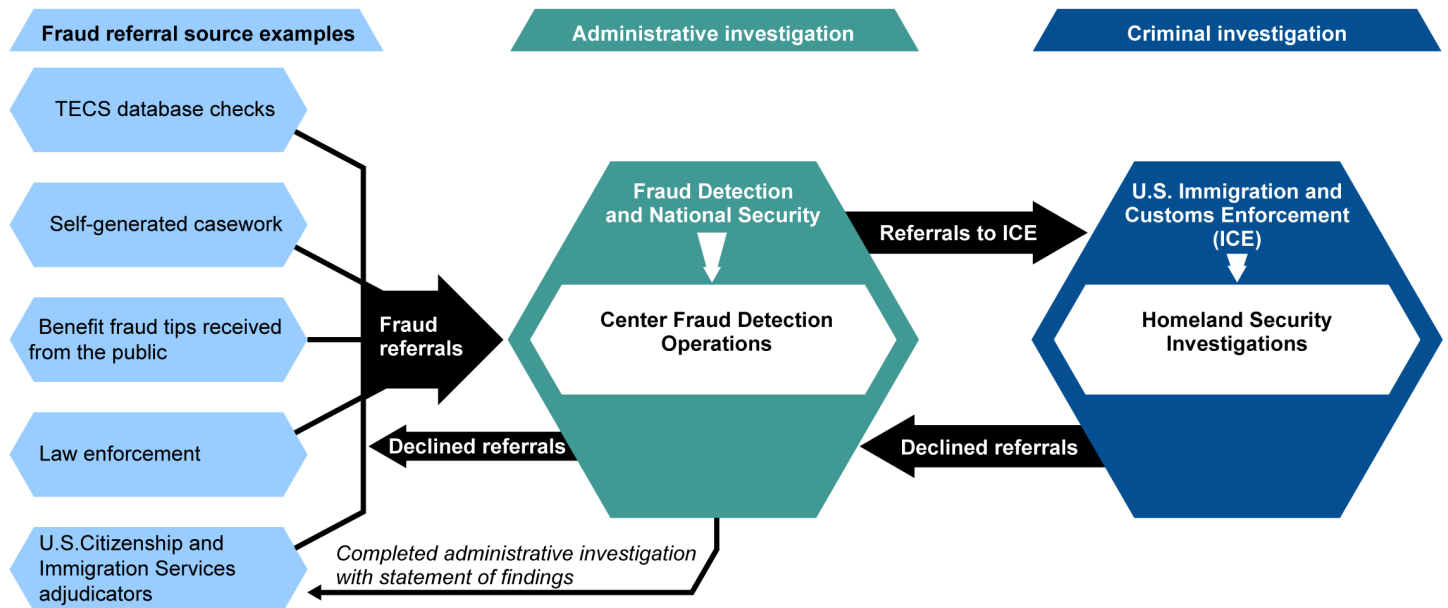
<sup>52</sup>According to an FDNS official, not every immigration form associated with an individual or case is the basis for fraud in that case and a case may include multiple immigration forms.

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Upon conclusion of the administrative investigation, FDNS immigration officers close the accepted lead and case and record their findings in a Statement of Findings. The Statement of Findings concludes the administrative investigation with one of three types of findings: (1) Fraud Found: the investigation determined fraudulent activities exist in the self-petition; (2) Fraud Not Found: the investigation did not uncover fraudulent activities in the self-petition; or (3) Inconclusive: the investigation could not make a determination of whether fraudulent activity occurred. Once completed, the Statement of Findings is returned to the appropriate referral source.

In cases where FDNS immigration officers find self-petition fraud, the case can be referred to ICE's HSI for criminal investigation. According to a 2008 immigration benefit fraud memorandum of agreement between USCIS and ICE, FDNS is to refer individual petitions involving suspected fraud to HSI where (1) the alien is the subject of a TECS record; (2) USCIS suspects misconduct on the part of the self-petitioner's attorney, notary, interpreter, or preparer of the application; or (3) evidence of a criminal conviction of an offense that is not grounds for inadmissibility or removability is present, among other things. Typically, referrals are sent to the National Lead Development Center, where they are distributed to ICE Special Agent In-Charge local offices for further investigation, according to FDNS officials. If a referral is the result of a task team, petitions may be referred directly to ICE Special Agent In-Charge local offices. ICE either accepts the referral and conducts a criminal investigation or declines the referral and sends it back to FDNS. If a referral is declined by ICE, FDNS continues its administrative investigation. Figure 4 provides an overview of the self-petition fraud referral process.

**Figure 4: The Self-Petition Fraud Referral Process**



Source: GAO analysis of U.S. Citizenship and Immigration Services data. | GAO-19-676

According to FDNS data, from fiscal year 2014 to March 2019, FDNS created 2,208 fraud referral leads and cases that involved a VAWA self-petition. Total leads and cases increased from 198 in fiscal year 2014 to 801 in fiscal year 2019 (data as of March 2019), an increase of about 305 percent. USCIS officials attributed this increase to an overall increase in the number of self-petitions filed and an increase in fraud leads and cases obtained through USCIS’s fraud tip hotline. FDNS data showed that 2,151 leads and cases were accepted by FDNS between fiscal year 2014 and March 2019, or about 97 percent. Table 5 shows the number of fraud leads and cases that contain a self-petition and the disposition of accepted leads and cases between fiscal years 2014 and March 2019.

**Table 4: Fraud Detection and National Security Directorate Fraud Leads and Cases Containing a Self-Petition, Fiscal Year 2014 to March 2019**

Fiscal year	Total leads and cases	Declined leads	Accepted leads and cases	Disposition of accepted leads and cases	
				Closed leads and cases	Ongoing leads and cases
2014	198	6	192	172	20
2015	282	10	272	238	34
2016	307	7	300	258	42
2017	256	7	249	184	65
2018	364	10	354	221	133
March 2019	801	17	784	294	490
<b>Total</b>	<b>2,208</b>	<b>57</b>	<b>2,151</b>	<b>1,367</b>	<b>784</b>

Source: GAO analysis of data from Fraud Detection and National Security Directorate. | GAO-19-676

From fiscal year 2014 to March 2019, FDNS found a disposition for 631 of the closed cases that involved a VAWA self-petition. According to USCIS officials, a fraud lead or case is not typically closed within the same year that it is filed. This accounts for differences between the total number of fraud cases and leads filed and the total number of completed cases and closed leads within the same fiscal year. Of the 631 closed cases with a disposition, FDNS found fraud in 332, or 53 percent. Table 6 shows the disposition of closed self-petition fraud leads and cases between fiscal year 2014 and March 2019.

**Table 5: Fraud Detection and National Security Directorate Disposition of Closed Self-Petition Fraud Cases and Leads, Fiscal Year 2014 to March 2019**

Fiscal year	Closed leads and cases	Closed leads	Disposition of closed case investigations		
			Fraud found	Fraud not found	Inconclusive
2014	172	37	70	14	51
2015	238	75	85	16	62
2016	258	95	90	16	57
2017	184	97	46	7	34
2018	221	157	34	7	23
March 2019	294	275	7	1	11
<b>Total</b>	<b>1,367</b>	<b>736</b>	<b>332</b>	<b>61</b>	<b>238</b>

Source: GAO analysis of data from Fraud Detection and National Security Directorate. | GAO-19-676



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According to FDNS data, from fiscal year 2014 to March 2019, FDNS made 68 fraud referrals to ICE for criminal investigation that involved a VAWA self-petition. We inquired with ICE about the status and disposition of these cases. As previously mentioned, for purposes of accepting a referral for criminal investigation, ICE does not make distinction between self-petition fraud and marriage fraud investigations. As a result, information on the 68 fraud referrals to ICE is encompassed in ICE's immigration benefit fraud investigation data and could not be separated for analysis. Therefore, we could not provide status and disposition information on these referrals.

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## Conclusions

The VAWA self-petition program is designed to protect foreign nationals who are victims of domestic abuse. The decision to approve or deny a VAWA self-petition is consequential, as the program allows an eligible foreign national victim to remain in the country, obtain work authorization, and apply for LPR status independent of their abuser. According to CRCL, VAWA self-petition relief brings safety, security and stability to legitimate victims who might not otherwise be able to escape domestic abuse. However, approving a fraudulent petition could affect the integrity of the program. USCIS has implemented some aspects of GAO's Fraud Risk Framework in managing the self-petition program, such as having a dedicated antifraud entity, but could improve efforts to detect and prevent potential fraud in the program. More specifically, conducting regular fraud risk assessments and determining a fraud risk profile for the program could help USCIS identify fraud risks in the self-petition program and better determine the extent to which the agency has designed and implemented adequate fraud prevention controls. Further, basing antifraud controls on inherent risks identified through regular fraud risk assessments could help ensure USCIS's antifraud controls are addressing fraud risks in the self-petition program. Lastly, developing and implementing a data analytics capability could provide USCIS with tools to aid in identifying potential fraud in self-petition filings. Analysis and insights developed through the use of data analytics could inform the self-petition program's regular fraud risk assessments.

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## Recommendations for Executive Action

We are making the following three recommendations to USCIS:

The Director of USCIS should plan and conduct regular fraud risk assessments of the self-petition program to determine a fraud risk profile, as provided in GAO's Fraud Risk Framework. (Recommendation 1)

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The Director of USCIS should develop and implement an antifraud strategy with specific control activities, based upon the results of fraud risk assessments and a corresponding fraud risk profile, as provided in GAO's Fraud Risk Framework. (Recommendation 2)

The Director of USCIS should develop and implement data analytics capabilities for the self-petition program, as a means to prevent and detect fraud, as provided in GAO's Fraud Risk Framework. (Recommendation 3)

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## Agency Comments and Our Evaluation

We provided a draft of this report to DHS for review and comment. DHS provided comments, which are reproduced in full in appendix I and discussed below. DHS also provided technical comments, which we incorporated as appropriate.

In its comments, DHS concurred with our three recommendations and described actions planned to address them.

With respect to our first recommendation that USCIS plan and conduct regular fraud risk assessments of the self-petition program to determine a fraud risk profile, DHS stated that the USCIS FDNS plans to capture data digitally for both I-360 and I-751 self-petitions filed on the basis of domestic abuse, and discuss any patterns observed with stakeholders in order to develop a fraud risk profile. Further, DHS stated USCIS will use the results of data analytics to conduct and update regular fraud risk assessments.

With regard to our second recommendation that USCIS develop and implement an antifraud strategy with specific control activities based upon the results of fraud risk assessments and a corresponding fraud risk profile, DHS stated USCIS plans to create an antifraud strategy that includes both adjudicators and FDNS officers in order to emphasize fraud detection prior to adjudication of self-petitions.

With respect to our third recommendation that USCIS develop and implement data analytics capabilities for the self-petition program as a means to prevent and detect fraud, DHS stated that USCIS will apply their data analytics capabilities, driven by the results of the self-petition fraud risk assessments, to develop analytic tools that verify information provided by self-petitioners and identify indicators of potential fraud. Further, DHS stated that USCIS will use the results of data analytics to

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inform antifraud training and will distribute the results to USCIS senior leadership when warranted.

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We are sending copies of this report to the appropriate congressional committees and the Acting Secretary of Homeland Security. In addition, this report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact Rebecca Gambler at (202) 512-8777 or [GamblerR@gao.gov](mailto:GamblerR@gao.gov) or Rebecca Shea at (202) 512-6722 or [SheaR@gao.gov](mailto:SheaR@gao.gov). Contact points for our Office of Congressional Relations and Public Affairs may be found on the last page of our report. GAO staff who made key contributions to this report are listed in appendix II.



Rebecca Gambler  
Director  
Homeland Security and Justice



Rebecca Shea  
Director  
Forensic Audits and Investigative Services

# Appendix I: Comments from the Department of Homeland Security

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

September 10, 2019

Ms. Rebecca Gambler  
Director, Homeland Security and Justice  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Ms. Rebecca Shea  
Director, Forensic Audits and Investigative Services  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Management Response to Draft Report GAO-19-676, "IMMIGRATION BENEFITS: Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse"

Dear Ms. Gambler and Ms. Shea:

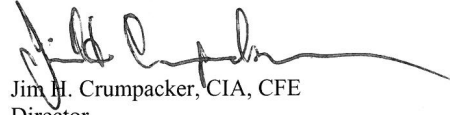
Thank you for the opportunity to review and comment on this draft report." The Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's positive recognition of U.S. Citizenship and Immigration Services' (USCIS) actions to establish an antifraud culture and manage fraud risks for the Violence Against Women Act self-petition program, as demonstrated (1) by a senior-level commitment to combating fraud at all levels, (2) the establishment of an agency component to detect and deter this fraud through administrative investigations, and (3) an appraisal process that evaluates adjudicators' ability to identify immigration fraud. DHS remains committed to combatting immigration fraud in all benefit types, including self-petitions, to foster both an efficient and a secure immigration benefits system.

The Department concurs with the three recommendations in the draft report. Attached find our detailed response to each recommendation. Technical comments have been previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Sincerely,



Jim H. Crumpacker, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: Management Response to Recommendations  
Contained in GAO-19-676**

GAO recommended that the Director of USCIS:

**Recommendation 1:** Plan and conduct regular fraud risk assessments of the self-petition program to determine a fraud risk profile, as provided in GAO's Fraud Risk Framework.

**Response:** Concur. The USCIS Fraud Detection and National Security Directorate (FDNS) is currently analyzing available data for both I-360 and I-751 self-petitions filed on the basis of domestic abuse that are associated with fraud investigations conducted by FDNS. For this purpose, USCIS has isolated more than 500 I-360s and more than 700 I-751s associated with FDNS administrative fraud investigations. USCIS will analyze the data digitally captured on these forms and discuss with relevant stakeholders the patterns observed, in order to develop a fraud risk profile. USCIS will use the results of data analytics to conduct and update regular fraud risk assessments. Estimated Completion Date (ECD): June 30, 2020.

**Recommendation 2:** Develop and implement an antifraud strategy with specific control activities, based upon the results of fraud risk assessments and a corresponding fraud risk profile, as provided in GAO's Fraud Risk Framework.

**Response:** Concur. By using the results of the self-petition fraud risk assessment and profile, USCIS stakeholders will create an antifraud strategy that includes both adjudicators and FDNS officers in order to emphasize fraud detection prior to adjudication of a self-petition. This will build upon existing agency fraud awareness initiatives and reporting mechanisms that GAO noted in its report. ECD: September 30, 2020.

**Recommendation 3:** Develop and implement data analytics capabilities for the self-petition program, as a means to prevent and detect fraud, as provided in GAO's Fraud Risk Framework.

**Response:** Concur. As noted by GAO, USCIS currently has data analytics capabilities to detect and deter fraud. USCIS will apply those, as dictated by the results of the self-petition fraud risk assessments, to develop data matching and other analytical tools that verify information provided by self-petitioners and identify indicators of potential fraud. This could range from simple reports and notifications for stakeholders to quantitative modeling. These results will be used to inform antifraud training, and they will be distributed to USCIS senior leadership if changes to adjudication procedures are warranted. ECD: September 30, 2020.

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# Appendix II: GAO Contacts and Staff Acknowledgements

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## GAO Contacts

Rebecca Gambler at (202) 512-8777 or [GamblerR@gao.gov](mailto:GamblerR@gao.gov)

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## Staff Acknowledgements

In addition to the contacts named above, Jeanette Henriquez (Assistant Director), Kelsey M. Carpenter, Pamela Davidson, April Gamble, Eric Hauswirth, Brandon Jones, Brendan Kretzschmar, Sasan J. “Jon” Najmi, Christopher H. Schmitt, and Eli Stiefel made key contributions to this report.

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