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Immigration office ignores fake marriages

By Stephen Dinan

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Documents show that the Houston office of the federal agency charged with interior immigration enforcement has stopped investigating individual cases of "sham" marriages, which terrorists have used in the past to stay legally in the U.S.

"Due to our current goals, priorities and lack of resources, we will not be participating in conducting one-on-one marriage fraud investigations," Immigration and Customs Enforcement (ICE) Special Agent Gus Meza wrote in an October 2004 e-mail obtained by The Washington Times, citing the direction of supervisory agents in Houston.

In another e-mail, an official at U.S. Citizenship and Immigration Services (USCIS), the bureau that grants visas, says ICE agents regularly decline to investigate 70 percent of fraud cases, including sham marriages, sent over by the fraud unit at USCIS.

Both federal agents and independent analysts say "sham marriages" are a common tool used by terrorists to remain in the United States, making them a national security issue.

A recent report for the Center for Immigration Studies by Janice L. Kephart, who was one of the staff members on the September 11 commission, found that of 20 terrorists she studied, 18 married U.S. citizens, 10 of whom entered "sham marriages."

Regardless of whether a person entered illegally or on a legal temporary basis, "marrying an American provides an entree toward a permanent legal status and eventual naturalization," she says in the report.

Gene Lowery, the assistant special agent in charge of marriage fraud at the Houston ICE office, didn't return a call for comment.

Nick Smith, a spokesman at ICE headquarters, said the agency's policy nationwide is to review every case but to investigate only when there is evidence of an important target or a large-scale criminal organization like a marriage-fraud ring.

"There is a clear understanding throughout ICE that all cases are vetted," he said. "When there is not an extraordinary circumstance such as a criminal record or a national security threat, we focus our resources on criminal organizations engaged in marriage fraud."

He disputed the 70 percent figure and said ICE actually accepts more than half of USCIS' referrals for investigation.

Even if the ICE office in Houston, the nation's fourth-largest city, investigated all marriage fraud cases, another issue is whether the U.S. attorney would be able to prosecute them. A spokesman for the U.S. attorney for the Southern District of Texas did not have any comment.

Rep. John Culberson, Texas Republican, said the issues extend beyond marriage fraud probes. He said ICE and USCIS "cook the books" so they don't have to do investigations. He also said USCIS cares more about finishing applications than in making sure those it admits are deserving.

"Their focus is customer service for the foreign national applying for the greatest privilege in the history of humanity -- American citizenship -- instead of providing national security protection," he said.

Mr. Culberson obtained a memo from the Houston USCIS office that offers time off for employees who churn out cases quickly. According to the memo, completing an average of six cases a day over a given quarter earned an employee an extra day off and averaging 10 cases per day for the quarter earned an employee a week's time off.

"The Houston office has had a reputation of being an easy mark for the foreign national that wants to slip into the country," Mr. Culberson said.

He said he was so angry during a meeting with CIS officials in Houston last year that he pulled out a picture of a first-grade class and told the employees that they had it wrong.

"It isn't about quotas; it's about protecting these children," he told them. "You've got your priorities totally backwards, and it's outrageous, appalling and unacceptable that you're more concerned about that Iraqi or that Muslim terrorist out in the lobby than you are the national security of the United States."

USCIS is without a director, and Mr. Culberson said he hopes and thinks Emilio Gonzalez, whom President Bush has nominated for the slot, can right the agency.

Bill Strassberger, a spokesman for USCIS, said that his agency and ICE work together on fraud cases and that even when ICE doesn't open an investigation, USCIS does its own checks.

"When ICE declines to open a criminal investigation, USCIS suspends the adjudication and conducts an administrative inquiry aimed at verifying the suspected fraud," he said.

He also said the time-off incentives don't affect adjudicators' abilities.

"USCIS evaluates employee performance on both productivity and quality. National security is not sacrificed for expediency," he said.

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