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Statement of Judiciary Committee Chairman Lamar Smith Subcommittee on Immigration Policy and Enforcement Hearing on USCIS Oversight: Safeguarding the Integrity of the Immigration Benefits Adjudication Process

Chairman Smith: The vast majority of those who apply for immigration benefits have no ill intent toward the U.S.—they come here for legitimate work or travel.

But American immigration benefits, whether they are in the form of H1-B visas, permanent residence for relatives of U.S. citizens, employment authorization documents, or naturalization, are of great value around the world.

For that reason, there are foreign nationals who will do and say whatever they think will get their benefits approved – forge documents, get bogus employers to sponsor them and even deny their terrorist ties.

So we must have policies in place that help ensure we will not admit those who intend to cause us harm or make a mockery of our immigration system. We need immigration policy designed to protect American workers and taxpayers.

Officers at U.S. Citizenship and Immigration Services (USCIS) are the first line of defense against those trying to come to the U.S. by fraudulent means.

In 2002, the then General Accounting Office found that immigration benefit fraud was “pervasive,” “on the increase” and “rampant” at the Immigration and Naturalization Service.

And in 2006, the now Government Accountability Office (GAO) again found that “[a]lthough the full extent of benefit fraud is not known, available evidence suggests that it is an ongoing and serious problem.”

GAO reported that the immigration officers interviewed felt management didn’t emphasize fraud control, but instead focused on “production goals, designed to reduce the backlog of applications, almost exclusively.”

Also in 2006, the Department of Homeland Security (DHS) Office of Inspector General reported on a lack of incentives for USCIS personnel to combat fraud, as opposed to simply rubber-stamping applications to get gold stars for improved productivity.

The allegations of rubber-stamping continued and whistleblowers began providing details to Congressional investigators.

In October 2010, Senator Chuck Grassley asked the DHS Inspector General to again look into whether “senior U.S. Citizenship and Immigration Services leaders are putting pressure on employees to approve more visa applications, even if the applications might be fraudulent or the applicant is ineligible.”

Last month, the Inspector General (IG) released a report detailing findings based on Senator Grassley’s request.

Specifically the IG reported that the mindset of quantity over quality has not ended at USCIS. In fact, according to the report, nearly 25 percent of immigration service officers who responded to the IG survey “have been pressured to approve questionable applications.”

This mindset is called “get to yes” regardless of the consequences. Where does it come from, rogue supervisors or from the very top of USCIS?

Such pressure undermines the rule of law, the integrity of U.S. immigration policy, and national security. This rubberstamp process leaves an ink trail of fraud and abuse.

For instance, in 2005 the Office of Fraud Detection and National Security (FDNS) at UCSIS reported a 33 percent fraud rate in the religious worker visa program. Following that disturbing find, in 2008, USCIS issued a rule designed to strengthen the requirements for religious worker visa processing. The rule included a site visit requirement. And last December, FDNS issued a follow-up report noting a fraud rate of less than six percent in the program.

And in 2008 FDNS found a 21 percent fraud rate in H-1B cases. That FDNS report triggered site visits to H-1B employers which resulted in nearly 1,200 adverse actions by USCIS and the prosecution of 27 people.

As long as FDNS is allowed to operate in an unhindered fashion, it is an asset to USCIS and to all Americans.

USCIS processes more than six million immigration benefits applications or petitions each year. That is no small job. And security should be the number one priority in that process.

At the same time, legitimate petitions should be approved in a timely manner.

I look forward to the witnesses’ testimony so we can be assured that security is in fact, the top priority at USCIS.

Thank you Mr. Chairman and I yield back the balance of my time.