



Highlights of [GAO-09-55](#), a report to the Chairman, Committee on Homeland Security, House of Representatives

Why GAO Did This Study

Since September 11, 2001, a concern has been that terrorists or their supporters would seek to immigrate to the United States (i.e., seek lawful permanent residency (LPR)). The Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) conducts background checks and the FBI conducts name checks for those applying for LPR. GAO was asked to review USCIS's processes for screening individuals applying for LPR. GAO assessed: (1) what available data show about the extent to which national security concerns were discovered during USCIS background checks for LPR applications, (2) what issues USCIS has encountered in its background check processes and what actions have been taken to resolve those issues, and (3) the extent to which USCIS has addressed fraud vulnerabilities in its adjudication procedures for LPR. To conduct this work, GAO analyzed USCIS background check and adjudication procedures, USCIS data on adjudications, and its assessments of fraud in applications for LPR, and interviewed USCIS and FBI officials.

What GAO Recommends

GAO recommends that the Director of USCIS (1) establish timetables for addressing findings from its four benefit fraud assessments, and (2) establish requirements in LPR adjudications procedures on what evidence petitioner should be verified. USCIS agreed with our recommendations.

To view the full product, including the scope and methodology, click on [GAO-09-55](#). For more information, contact Rich Stana at (202) 512-8777 or stanar@gao.gov.

IMMIGRATION BENEFITS

Actions Needed to Address Vulnerabilities in Process for Granting Permanent Residency

What GAO Found

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

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

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