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Thank you Chairman Gallegly and Ranking Member Lofgren.

In preparation for my testimony today I spoke with ICE Attorneys, Citizenship and Immigration Service Employees and Supervisors, and ICE Officers and Supervisors to ensure that I had the latest information from a diverse group of federal employees in the field whose duties frequently expose them to immigration fraud.

Every employee and supervisor I spoke with voiced strong concerns that immigration fraud is widespread and virtually accepted by all of the federal agencies tasked with enforcing United States immigration laws. The agencies I reference in my testimony today are Citizenship and Immigration Services (CIS), Immigration and Customs Enforcement (ICE) and the Executive Office for Immigration Review (EOIR).

As a rule, when fraud is suspected or confirmed in a case no action is taken against the alien involved or their attorney representative. ICE attorneys explain that while fraudulent claims are common during court proceedings before an immigration judge, it is not that all private attorneys engage in fraudulent activities, but instead that the same attorneys and/or firms engage in fraudulent activities again and again. ICE attorneys allege that their ICE supervisors as well as EOIR judges openly discuss the fact that certain attorneys or firms engage in fraudulent activities before the court, so everyone is aware that fraudulent acts are committed, yet no action is ever taken.

Some private attorneys blatantly lie to ICE making fraudulent claims in order to prevent their clients from being deported. Sometimes successful and sometimes not, employees are not aware of any private attorney being subjected to discipline or being placed under investigation

for attempting and/or succeeding in preventing the deportation of an alien through fraudulent and false claims to the agency.

CIS adjudicators and field supervisors express similar concerns. Both indicate that CIS supervisors are aware that fraud is taking place within CIS offices daily and that no action is being taken. One ICE Officer attending a CIS town hall meeting reports that CIS management officials told CIS adjudications officers at the meeting that if 49% or less, or basically half of the information contained in an alien's application for benefits is fraudulent then the application should still be approved. An alarming public announcement showing the extent to which fraud is accepted and condoned by managers. CIS adjudicators report that aliens and their attorney representatives frequently lie during interviews in an attempt to gain benefits for the alien, but once caught in a lie no disciplinary action is sought, no preventative measures are put in place to curtail future fraud, and the alien's application is not impacted and proceeds forward.

CIS adjudicators and field supervisors claim that training for fraud prevention is not provided, and formal requests for training are ignored with no response from upper management. As one CIS field supervisor stated to me, "it's as if they don't want employees trained in fraud detection."

Similarly, most employees don't know how to report suspected fraud by private attorneys for investigation. Veteran CIS adjudicators and CIS supervisors, ICE attorneys and ICE agents and officers all indicated that reports to their respective supervisors and chain of command regarding suspected fraud by private attorneys resulted in no action, and that as employees they were not aware of any investigative component with the authority to investigate allegations of

fraud involving private attorneys, clearly preventing employees from filing reports of suspected fraud outside their chain of command.

As immigration fraud is a criminal activity, it should come as no surprise to anyone that many aliens who receive a benefit such as Lawful Permanent Resident Status through fraud often engage in other criminal activities once granted lawful status to reside in the United States. These criminal activities often result in investigations by ICE agents and officers to determine if the alien should be placed in removal proceedings. ICE agents and officers report that when investigations indicate the alien and/or their attorney representative engaged in immigration fraud to obtain lawful status for the alien, CIS and ICE supervisors direct officers and agents to ignore the fraud and take no action. Officers and agents are literally told that it is the position of ICE and CIS that once lawful status is granted to an alien even though fraud and violation of law was involved no action will be taken to revoke the fraudulently obtained status. Only convictions for new crimes, if any, can initiate actions against the alien who gained lawful status illegally. Likewise, no action is taken against private attorneys who may have been involved. CIS and ICE employees maintain that ICE and CIS will only take action in these cases if large scale fraud involving a large volume of cases is uncovered or if the case could otherwise be of interest to the media. One CIS supervisor confirmed to me that it is still the unwritten internal policy of CIS that once lawful status is granted it will not be revoked, even when it later becomes known that the status or other benefit was obtained through fraud by an alien and/or their private attorney representative.

As a rule, there appears to be no consequence to private attorneys or their clients who engage in fraudulent activities, even when suspected and reported by CIS and ICE employees. Private attorneys who are believed to engage in fraudulent activities continue to practice in EOIR

courts and continue to enjoy full access to government facilities such as CIS offices which provide opportunities for financial gain and the continued ability to participate in fraud against the U.S. government. As one ICE attorney stated to me, “Why play by the rules, when there is no consequence for violating the law?” The impression left with CIS and ICE employees is that CIS has to some extent become a “production line” or “mill” with the one and only purpose of approving as many benefits applications as possible, ignoring fraudulent activities and the fact that many applicants don’t actually qualify for benefits. Employees believe that resisting these practices will result in harassment from supervisors, and of course lost promotions and career opportunities. CIS and ICE employees believe that because of agency practice, aliens applying for benefits and their private attorneys are above the law and free to engage in fraudulent activities.

Private attorneys whose suspected involvement in fraudulent activities against the government go beyond the level of employee allegations and reach the level of criminal arrest maintain the ability to represent aliens inside government facilities. As an example, an attorney in Salt Lake City, Utah was arrested as the owner of a law firm indicted by a grand jury for fraudulently obtaining visas for as many as 5,000 clients. Released on an ankle monitor pending trial, the attorney was permitted to enter U.S. CIS facilities wearing his ankle monitor and continue representing aliens seeking benefits. Had a CIS adjudicator been arrested for criminal activities of that level, even if the criminal activities were unrelated to fraudulent immigration activities, the CIS adjudicator would be stripped of all credentials, escorted from the building, placed on administrative leave pending conviction and not be permitted to enter CIS facilities.

It’s alarming that fraud has become an accepted practice within our immigration system. That management officials in multiple agencies tasked with upholding U.S. immigration laws

and safeguarding our nation and its communities have chosen to ignore it. Its concerning that, especially in a post 9/11 America, employees are not trained to detect fraud, that employee reports of fraudulent activities are ignored and that agencies don't declare a zero tolerance policy for fraudulent activities and immediately start taking actions to that end, first and foremost encouraging and rewarding law enforcement officers and officers of the court who bring allegations forward.

Allegations made by employees in the field are accurate. Fraud is accepted. Agencies only act when leadership essentially feels forced. As one employee stated, what little the agencies have done is really just "window dressing" intended to cover a much larger problem.

This concludes my testimony; I welcome any questions that you may have.