

**Citizenship and Immigration Services
Summary of Form I-90, Replacement of Lost, Stolen
and Destroyed Forms I-551, Permanent Resident Cards
Benefit Fraud Assessment (BFA) Report**



July 2006

**Office of Fraud Detection
& National Security**

- - - FOR PUBLIC DISTRIBUTION - - -

Subject: Form I-90, Application To Replace a Permanent Resident Card, Benefit Fraud Assessment

Background:

U.S. Citizenship and Immigration Services (USCIS) developed and implemented a Benefit Fraud Assessment (BFA) to measure the integrity of specific nonimmigrant and immigrant applications/petitions by conducting administrative inquiries on randomly selected cases.¹ This is referred to as an *assessment* because the cases are not attached to any suspicions of fraud; they are a combination of applications filed over a specific six-month period. For the purposes of the BFA, fraud is defined as a willful misrepresentation or falsification of a material fact. The results of the BFA will serve as a basis for proposed changes to existing regulations, policies, and procedures, and if warranted, legislative remedies.

In keeping with the USCIS/U.S. Immigration and Customs Enforcement (ICE) anti-fraud joint strategy, cases identified with preliminary findings of fraud will be referred to ICE for criminal investigation and possible prosecution and removal. All national security-related information will also be forwarded to ICE. If ICE declines to open a criminal investigation, FDNS will provide USCIS' Adjudications Operation a report of its fraud findings for the appropriate adjudicative action, i.e., denial, revocation, etc. BFA case data will also be entered into the FDNS Data System,² so that the information can be tracked and known fraud indicators bounced against incoming receipts {in the event another fraud is attempted}.

¹ Using the random sampling formula provided by DHS Office of Immigration Statistics, the BFA sampling consisted of a Rate of Occurrence not more than 20%, a Confidence Level of 95%, and a reliability factor of plus or minus 5%.

² Formerly known as the Fraud Tracking System (FTS).

Benefit Fraud Assessment /Phase 2:

The Form I-90, Application to Replace Permanent Resident Card, was selected as the second form type for the BFA as the replacement program has been perceived to have a high fraud rate, specifically imposters. FDNS sought to document the extent and type of suspected fraud associated with this application.

I-90 Background Information: An I-90 is used by a Lawful Permanent Resident (LPR) to apply to USCIS for replacement of their Form I-551, Permanent Resident Card. Generally, a LPR files an I-90 because the I-551 10-year validity is expiring and needs to be renewed, or to replace a card that has been lost, stolen, or destroyed. The I-90 may also be used to request a new card because the biographical information printed on the I-551 is not correct or has changed (due to marriage/divorce) since the time of issuance.

The I-90 BFA Universe: Although the I-90 may be filed for a variety of purposes described above, the BFA focused on applications filed to replace an I-551 that had been lost, stolen, or destroyed. This category poses the greatest potential for abuse, because the originally issued I-551 is not available to establish identity at the time of filing.

FDNS determined a statistically valid sample of I-90 applications from a recent six-month period based upon service center completed adjudications. When the BFA review was initiated in May 2005, reports indicated that all service centers assigned to adjudicate I-90s had completed applications filed through October 2004. Therefore, the total review population consisted of all I-90s filed to replace a lost, stolen, or destroyed I-551s between May 1, 2004 and October 31, 2004. The total universe consisted of 47,373 applications, of which 245 cases were randomly selected to make up the review population.

In that the I-90 BFA primarily required system checks, it was decided to centralize the review with the FDNS Immigration Officers (IOs) in the USCIS' Western Region. This also balanced the workload generated from other phases of the BFA.

Establishing Fraud: Fraud is defined as a willful misrepresentation or falsification of a material fact. Applied to the I-90 BFA, fraud relates to whether or not the applicant concealed his/her true identity by posing as a LPR. At the time of filing, the applicant would have been aware that they were not a true LPR and ineligible for permanent resident status afforded by the Form I-551 issued. The I-551 is widely used for identification, benefit application and for employment eligibility and serves as a breeder document to generate Social Security cards, driver's licenses, and state identification cards. If this document is procured fraudulently, it can be used to assume a second identity.

BFA Methodology and Process: FDNS IOs participating in the review were assigned a block of alien registration numbers (A-Numbers) identified to be in the review population. Initial record checks were made in the Service Center Computer Linked Adjudication Information Management System (SCCLAIMS), the Interagency Border

Information System (IBIS), the Image Storage and Retrieval System (ISRS) and other open source systems.

Verifying the Identity of the LPR: During the review process, biographical data contained within ISRS was used as one of the basis for verifying the identity of the LPR. The ISRS is a web-based system that permits an on-line immediate query and retrieval of biometric image sets and associated biographical data for aliens registered from 1977 to the present.

The ISRS is available via the USCIS Intranet and has a database of over 37 million biometric image sets and approximately 92 million images. Each biometric image set pertains to an alien and consists of the photograph, signature, and fingerprint used to produce an I-551 or any other USCIS issued document. The information contained in ISRS enhances the officer's ability to detect fraud, specifically multiple identity situations.

As noted, the ISRS does not contain biographical data relating to the initial entry of a LPR that immigrated to the United States prior to 1977. Although pre-1988 images are available, there are records that maybe difficult to read. For the purpose of the BFA, when the biometric data was not available in the ISRS or difficult to read, the original A-file was used as a basis for biometrics comparison

Analysis of I-90 Cases Reviewed

FDNS completed a review of all 245 I-90 applications randomly selected. The following section documents the findings of the FDNS IOs, which were validated by FDNS Headquarters.

FRAUD FINDINGS: Of the 245 I-90 BFA cases reviewed, only one application {less than 1% of those reviewed} resulted in a preliminary finding of fraud. The I-551 appears to have been issued to an imposter.

Other Findings: Of the 245 applications reviewed, 227 I-551s were issued and received by the applicant. 18 applications were denied or not completed. The following breakdown reflects specific information pertaining to these 18:

- **Six** of the I-551s mailed to the applicant at the address provided on the I-90 were returned to USCIS as undeliverable. Current procedures do not allow mail to be forwarded onward. Under Section 265 of the Immigration and Nationality Act, a LPR is required to file an AR-11, Alien's Change of Address Card notifying USCIS of a new mailing address. Cards returned undeliverable are eventually destroyed after a certain time period has elapsed. Five of the LPRs filed a second I-90 under a new mailing address; the other has filed for Naturalization.

- **Four** applications were rejected because the photographs submitted did not meet the required standards implemented in August 2004³.
- **Three** of the applications were forwarded to the field office for review or investigation. Correspondence with the appropriate service center indicates that none of the applications are pending due to suspected fraud.
- **One** LPR has filed a N-400, Application for Naturalization, which is not a valid reason to delay the benefit.
- **One** LPR has not provided the evidence requested by USCIS to complete the adjudication of the application. Records indicate this application is still pending.
- USCIS was unable to create **one** I-551 because of the poor quality of the biometrics.
- **One** application was rejected due to a bounced check and the LPR failed to respond to a request for additional funds.
- **One** applicant failed to respond to a request for additional evidence, as a result the application was denied for abandonment.

Nationality Findings: For informational purposes, we also identified the top five nationalities of the applicants under review. Mexican nationals represented 40.2 % of the BFA population, followed by the Dominican Republic at 6.9% and El Salvador at 4.5%. These three nationalities represented 51.6% of the total randomly-selected population under review.

Ranking	Nationality	Number of Applications	Percentage
1	Mexico	99	40.2 %
2	Dominican Republic	17	6.9 %
3	El Salvador	11	4.5 %
4	Philippines	9	3.7 %
5	South Korea	8	3.3 %

Special Interest Countries. Fourteen applicants (5.7%) are from designated special interest countries⁴, i.e Egypt, Jordan, Lebanon, Philippines, and Sudan.

³ In accordance with the language specified in the Border Security Act of 2003, USCIS changed the photo requirements from a three-quarter-face position to a standard, full-face position. As a result, many LPRs were required to resubmit an application with photographs complying with these new standards.

⁴ Afghanistan, Algeria, Bahrain, Bangladesh, Djibouti, Egypt, Eritrea, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Mauritania, Morocco, North Korea, Oman, Pakistan, the Philippines, Qatar, Saudi Arabia, Somalia, Syria, Sudan, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, United Arab Emirates, and Uzbekistan, Yemen.

Filipino nationals filed nine I-90s (3.7%), ranking the Philippines as the fourth highest in overall BFA filings.

The majority of the Filipino nationals had not filed for a replacement card in more than 10-years, indicating that the I-90 should have technically been filed to replace an expired card or outdated version of the Form I-551. An application filed within the last 3-years was due to poor biometrics submitted with the I-90 to replace an expired/outdated I-551. Finally, it appears that one I-90 was filed in error by a Filipino nonimmigrant wishing to apply for an Employment Authorization Document.

Two Jordanian nationals (.008%) filed an I-90. The first national was granted conditional permanent resident status in 1996 as the spouse of a U.S. citizen, and issued an I-551. The conditional resident status was removed and a second I-551 issued in 2001. He filed an I-90 and was issued a replacement I-551 in 2004. The second Jordanian national, a 55-year old female, filed an I-90 which is still pending. The Egyptian, and Lebanese nationals have only filed one replacement application each. The first I-551 created for the Lebanese female after immigrating to the U.S. had been return undeliverable, prompting the filing of the BFA I-90. She was issued the replacement I-551 in 2004. The Egyptian female was granted permanent residence 1997 and was issued a replacement I-551 pursuant to the I-90 application in 2004. The Sudanese national was granted permanent residence in 1998 and was issued an I-551. She filed an I-90 and was issued a replacement I-551 in 2004. Both I-90s were deemed to be legitimate.

Based upon these results, it does not appear that the I-90 application process is being used as a vehicle by terrorists or others intending to do this Country harm.

Mailing Address: Various data systems were queried to validate the information provided on the I-90.

In general, the FDNS IOs were able to link the address provided on the BFA I-90 to the LPR or an immediate relative. Furthermore, the BFA did not establish any substantial evidence of a specific mailing address being used for multiple filings of benefit applications or any suspicious activity.

Outside the scope of the BFA, a series of record checks did reveal a possible marriage fraud case, where the spouse had established a separate residence soon after immigrating to the United States. This was not considered fraud for the I-90 BFA since it was determined that the I-90 was filed by the legitimate LPR. However, it could be I-130 petition based fraud. A lead was forwarded to the appropriate FDNS IO at the local office per normal processing procedures.

Criminal History: General BFA guidelines did not require a criminal history search on each BFA case. However, if evidence of criminal activity was revealed during the course of the case review, a criminal background query was completed. Nine (3.7%) cases revealed criminal histories that may result in removal proceedings, if convicted. Cases

with convictions are under review by ICE. An LPR, however, is entitled to evidence of status until ordered removed by the Immigration Judge (IJ). Two of the nine LPRs have already been granted relief by an IJ.

Nationality	Charges	Status
Argentina	Conviction for trafficking and possession of cocaine.	RFI generated
Brazil	Controlled substance conviction. Deferred Inspection to New York City	Case pending General Counsel review
Cuba	Sexual misconduct in addition to a history of minor arrests.	Pending
Jamaica	Aggravated assault with a deadly weapon (Felony). Disposition- Nolle Prossed, Plea- No Plea Entered	Decided not to prosecute.
Mexico	Detained at U.S. Border for smuggling 65 pounds of marijuana. Arrest occurred after new card was issued.	Presently in ICE Custody
Mexico	Marijuana smuggling at U.S. border	Disposition pending
Philippines	Two 2 CIMTs, charges filed after replacement card was issued.	Presently under deportation proceedings

BFA Findings Based on A-Number: The BFA random sample was based on receipts filed between May and October 2004. As part of the assessment, FDNS IOs reviewed any additional I-90s that were tied to the A-number corresponding to the randomly selected receipt numbers included in BFA. This resulted in two previously filed I-90s being reviewed where imposters were identified. They are not considered fraud for this BFA because the related application does not pertain to an I-90 included in the random sampling. It is also not known whether the true LPR was involved in the suspect filings. Fraud could not be validated for a third case due to the poor quality of the fingerprint in the A-file.

Patterns

Multiple I-90 Filings: Beginning in 1989, I-551s were issued with a limited, ten-year validity. Instituting a defined validity period provides the ability to reissue cards with enhanced security features, as well as allow for the periodic updating of the photograph to more accurately portray the maturing alien. The majority of the BFA applicants complied with the requirements to file an I-90 to renew an expiring or expired I-551.

- 107 (44%) of the 245 LPRs randomly selected for the BFA were processed for an initial renewal, or replacement I-551 within the past five years.
- 85 (79%) of the 107 I-90s resulted in the production and delivery of an I-551. The remaining 22 (21%) did not result in the issuance or receipt of a Form I-551 because:
 - 12 (54%) had incomplete biometrics.

- 7 (32%) of the I-551s were returned as undeliverable.
- 3 (14%) were deemed abandoned due to the applicant's failing to respond to a request for additional evidence.

As stated previously, only one of the 245 I-90 BFA cases reviewed resulted in a preliminary finding of fraud. In addition, the BFA did not produce conclusive evidence that multiple filings in a limited time period was used as a mechanism to obtain genuine cards for future use by an imposter. However, one questionable scenario suggested that a legitimate LPR maybe abusing the replacement program. Initial record checks indicated that the LPR had presented an expired I-551 when applying for admission at a port-of-entry (POE). Further checks revealed that the LPR had filed for and had already been issued an I-551 to replace the document he had claimed to have lost or had stolen when at the POE. FDNS has updated the appropriate records to alert officials of the LPR's suspicious behavior.

Process Overview

Standard Operating Procedure (SOP): In 2003, USCIS created new Standard Operating Procedures (SOPs) for the purpose of standardizing operational policies and procedures between local offices and service centers in the processing of the I-90 replacement card requests. The SOP was developed in response to the processing differences that had developed between local offices and between service centers over time. To support the goal of standardizing procedures, the SOP sought to improve the production efficiencies through the application of best practices from the local offices and service centers. The SOP established minimum standard requirements for the operational procedures that all district/sub-offices and service centers follow, which included ISRS and Interagency Border Information System (IBIS) checks. Prior to 2003, ISRS was an available tool, but not required for all I-90 adjudications.

Future Process: In August 2005, USCIS implemented new I-90 procedures designed to enhance the integrity of the application process by streamlining procedures and enhancing quality. The filing of the I-90 was centralized to one specific mailbox. Once the application is received and properly vetted, the LPR is scheduled to appear at an USCIS Application Support Centers (ASC) nationwide to have their identification checked and biometrics taken. ISRS will also be checked when the alien appears at the ASC. The process enhancements highlighted below will further improve the integrity of the I-90 process.

Electronic capture of fingerprint and photograph. The right-index print and photograph used to create the I-551 will be captured and submitted electronically to the card production facility. The old-style manual press print and photograph procedures, which were reported as the source of many of the rejected I-90s, will be eliminated. However, it should be noted that biometrics continue to be captured manually when the immigrant is first admitted to the United States.

Performing 10-print criminal background checks. New I-90 procedures require the capture and retention of the applicant's 10-prints. The 10-prints will be submitted for criminal history checks. Prior to granting or extending an I-90 benefit, USCIS will confirm that the benefit applicant is a legal alien with no record of criminal activities. Various U.S. government databases will be checked to confirm no derogatory information exists for the applicant. Once a cleared record has been determined (or resolved), the I-90 benefit can be granted. However, if derogatory information exists, and the ASC Manager cannot resolve it, the entire I-90 package will be forwarded to the local field office for resolution.

10-Print Retention. The Benefit-Biometrics Support System (BBSS), an enhancement to the ISRS, will store the 10-prints taken during the biometrics capture of an I-90 applicant. The prints can be retrieved at a later date for additional background checks, if the LPR files for additional benefits or identity needs to be verified.

Summary: The I-90 BFA, which was based on a randomly selected snapshot of applications filed between May and October 2004, produced an extremely low rate of fraud {less than 1% } for a process that has historically been perceived as being riddled with imposters. This extremely low fraud rate is likely due to procedure improvements made in 2003; those changes requiring adjudicators to conduct IBIS and ISRS checks on all I-90 applications prior to adjudication. USCIS made further enhancements this fiscal year by requiring a full set of fingerprints on all applicants and centralizing the filing process at Application Support Centers, where identity is checked and biographic information and biometrics collected.