

Hearing Transcript

Senate Judiciary Committee Hearing on Investigating K-1 Fiancé Fraud

March 15, 2017

GRASSLEY:

Normally I don't start a meeting until the Ranking Democrat gets here, but there's a vote going on. So this is the way for handle the meeting.

I'm going call and Senator Durbin because he has another important meeting he has to go to, and so I want him to make his statement, then I'll make my statement, and then I'll introduce the first panel and then we won't do anything until Mrs. Feinstein gets here.

So proceed, Senator Durbin.

DURBIN:

Mr. Chairman, thank you for doing this.

This is kind of out of order, and for those who are new, I appreciate the courtesy extended to me by my friend from Iowa. I have a -- I'm a ranking member of the defense appropriations subcommittee; we have closed-door hearing in just a few minutes. But I wanted to be here today because this is the committee's first immigration hearing, and I made a conscious choice to ask to be the ranking Democratic member on the immigration subcommittee of the Senate Judiciary Committee.

I did that for several reasons. First, I am the son of an immigrant. My mother came to this country at the age of two. I am honored to be a first-generation American, and if you'll come to my Capitol Hill office, you'll see probably on my credenza, my mother's naturalization certificate as a reminder of who I am and what America is.

It was 116 years since her boat landed in Baltimore, and I have made this journey to Washington to represent the great state of Illinois. I'm sure when my mother's ship landed, there were people who said not more of those people and they came down the steps and became part of America, and that's why I'm here today.

Now we've seen in the last few weeks and absolute upheaval in the immigration policy of the United States of America. We have seen things done, which many of us never expected, from executive orders stricken by federal courts, to proposals to redefine criminal conduct, so that people can be deported. You know what I found Friday when I went back to Chicago? What one of the largest law firms in our city Sidley Austin, there was pro bono awards for the attorneys at

that firm who have really gone above and beyond their professional called duty to help the less fortunate and not get paid for it. They've done some amazing things.

And when I asked him what are you working on now, they said 50 attorneys were leaving for a meeting at Immaculate Conception Church in Brighton Park on Sunday in Chicago. They were hoping to find another 50 to join them. Do you know why they're going? They're going to prepare guardianship papers for the families of those who fear deportation. Mothers and fathers are meeting with these volunteer lawyers to draw papers so if they're snatched away from work, put on the plane and deported, someone will take care of their children.

Imagine the mind of that parent facing the prospect, imagine how you would feel, and that is what immigration is at this moment. The anxiety, the stress and the fear across America is palpable. I am sure that fiancé visa fraud is an important issue, I'm opposed to any visa fraud, but for goodness sakes, isn't it time that this committee and this immigration subcommittee take up some of the fundamentals of immigration?

Just a few years ago we passed a comprehensive immigration reform bill. A bipartisan bill in the Senate, and I was proud to be one of its authors. I thought it was a step forward. I agreed to an obscene amount of money for border protection, I choked on it, but voted for it because I knew what the rest of the bill said and how important it was. Wouldn't it be good if we could return to that moment, take that bill and move it forward?

Mr. Chairman, thank you for allowing me an opening statement.

GRASSLEY:

To the subject of today. Over the last several years this committee has heard testimony about the various ways that individuals scam our immigration laws using visa categories offered by other -- by our federal immigration system.

Today we -- oversight one category of immigration fraud that often -- often goes unreported and forgotten, marriage fraud. Recent reports have shown that the number of foreign nationals, who defraud American citizens to enter our country and receive a green card, is increasing very rapidly. In fact, petitions for the K-1 Fiancé Visa have been increasing every single year.

The State Department issued 44,000 in fiscal year 2016, a 27 percent increase since 2012. Eighty-nine percent of the K-1 Visa petitions are approved by citizenship and immigration services. Marriage provides one of the quickest paths to citizenships. That's why abuse of the K-1 Visa category is concerning. It provides foreign nationals almost immediate access to the United States and the benefits of U.S. citizenship.

GRASSLEY:

Petitions for K-1 fiancés are quickly processed and approved in about eight to 12 months, compared to very much longer wait times and restrictions in other visa categories. Immigration and Customs Enforcement pursued more than 13,000 document and benefit fraud investigation

reports from 2012 to 2015. That includes hundreds of arrests for married fraud, but the government cannot provide detailed statistics of the exact numbers.

This type of visa requires citizenship and immigration services in the State Department to play a role that can be categorized as immigration marriage police. The government has to determine whether the intent to marry is genuine or just for immigration purposes.

Today we will hear about their efforts to identify and prevent marriage fraud. Of course, U.S. citizens should be free to marry foreign nationals. Nobody questions that. But for argument engagements and marriages that harm U.S. citizens who are manipulated and used for an immigration benefit as well as foreign nationals who legitimately want to marry an American. This kind of fraud can also pose risks to our economy, public safety, and national security.

There are many different ways that a con artist can commit marriage fraud. The most heartbreaking is when a foreign national dupes a U.S. citizen into believing that they're, in fact, in love. Upon entry, the foreign national often drags out the engagement or abandons the U.S. sponsor, then becoming a visa overstay. Or the foreign national will leave the marriage as soon as they obtain a green card.

Today, we will hear from victims of this type of marriage fraud. Jamal Hussain is a naturalized citizen, a cardiologists in California, who's lived in the U.S. for 20 years. He petitioned for K-1 visa for his fiancé was a Pakistani national that he met while visiting his family in that country. Instead of marrying Mr. Hussain as planned, his ex-fiancé abandoned him; fleeing their home around time -- around the time the 90 day visa expired.

The next victim is Ms. Elena Lopez, who met her ex-husband while he was traveling in the United States. He was a Dutch national who proposed to Elena, telling her that he wanted to grow old with her. However, shortly before their second anniversary, he told Elena they were getting a divorce and that he married her only for the green card. When Elena refused to continue sponsoring for a green card he abused her and threatened to kill her.

However, not all cases are one-sided. Sometimes all parties, including the U.S. citizen, knowingly enter into relationships with the intent of getting a visa and making a profit. For example, recently three individuals pled guilty to a large marry frauds -- marriage fraud scheme, in which they posed as attorneys and charge Chinese nationals up to \$50,000 to set up sham marriages. These shams led to 70 fraudulent marriages.

In another case, a woman in the Bronx married 10 men from 1999 to 2010, charging them \$5,000-\$10,000 each. At one point she was married to eight of them at the same time. Among them was an alleged terrorist who was departed -- deported in 2006 for making threats against the United States.

Tashfeen Malik, one of the San Bernardino shooters, came to the United States on a K-1 visa. Not only are these cases full of fraud and deceit, they're a serious threat to national security. K-1 visas are also commonly used by human traffickers to lure innocent women and also innocent men, into

their underground industries. A 2016 inspector general report found that 274 subjects of ISIS human trafficking investigations had successfully petitioned to bring fiancés to the United States.

More, then, needs to be done to close the vulnerabilities in our system, identify nefarious individuals who fraudulently say "I do," and pursue action against fiancés who overstayed their welcome and disregard of the 90 day visa program requirements. So I've talked about our witnesses. I want to thank our witnesses for coming to testify, especially those who are here today to discuss details of their private personal experiences.

I now call on Senator Feinstein.

FEINSTEIN:

Thanks very much, Mr. Chairman. I'm sorry to be late. I raced down to vote and got delayed on the way. You can probably figure out how.

I want to thank you for holding this hearing and I want to particularly thank Dr. Jamal Hussain for being here. He is a Californian from Lakewood and I very much look forward to your testimony.

Doctor, abuses of that fiancé visa are really startling. According to a January 4, 2016, Department of Homeland Security office of the inspector general, the report states this, and I quote "Work and fiancé visas were the primary means by which non-traffickers brought victims to the United States, specifically the IG discovered 32 known human traffickers. And let me just emphasize that these are people who are confirmed to be human traffickers who use the immigration system to bring victims to the country in the past 12 years.

Out of these 32 known traffickers, the IG identified 17 instances where these known human traffickers use the fiancé visa or a work visa to bring victims to the United States. According to the IG, these victims were later then forced into involuntary servitude and/or prostitution. In order to perpetrate their trafficking scheme, the inspector general stated that traffickers would often confiscate the victim's passport and subject them to involuntary servitude and for sex.

Further, the report states that 11 of the 18 suspects they reviewed had been arrested and/or convicted for sex trafficking children. Another seven had been arrested and/or convicted for labor trafficking or involuntary servitude; so this is a big broad area.

Lastly, the IG noted that an additional 274 individuals subject to human trafficking investigations successfully petitioned the Department of Homeland Security to bring in 425 family members and fiancé, but the IG was not able to determine if these 425 individuals were also subject to prostitution and slavery, meaning there could be an additional 200 -- excuse me 425 victims unknown to the government.

Mr. Chairman, with your permission, and hopefully without objection, I'd like to enter the IG's January 4, 2016 report into the record.

GRASSLEY:

Without objection, it will be so introduced.

FEINSTEIN:

Thank you.

The numbers are startling. I hope the department is prepared to discuss the steps it's taken to address these concerns raised by the IG. I also believes that this report is just another reason why the visa U&T visa -- these are the visas for victims of crimes, including domestic violence and rape, and for the victims of human trafficking are vital to the integrity of our immigration system. And quite frankly as instances like the IG's report demonstrate, our nation is morally obligated to provide.

So I look forward to testimony from the witnesses and I thank you for holding this hearing. Thank you.

GRASSLEY:

Thank you. I am going to introduce the witnesses even though some of them I've already referred to.

I mentioned Ms. Lopez in my statement. She was married to a Dutch national who used her, solely, to get a green card. After leaving her, Ms. Lopez learned that her husband was very behind on his child support of a previous marriage and had extensive criminal history. She now works to help others in similar situations. Thank you for your humanitarian work.

Grace Huang is from the Asian Pacific Institute on Gender -- Gender-Based Violence. This organization is focused on gender-based violence in the Asian and Pacific Islands and works to improve the information that foreign fiancés receive about their perspective spouse. It also seeks to strengthen accountability for international marriage brokers that match perspective couples overseas.

I also talked about Mr. Hussain in my opening statement. He is a naturalized citizen from Pakistan and a cardiologist in California. His fiancé left him before the marriage and claimed her abused -- that he abused her to seek an immigration visa. His story is another example of how innocent Americans are being victimized in regard to K- 1 Visa fraud.

I'm going to ask you to stand and I'd like to give you an oath at this point. If you would raise your right hand -- I would -- do you swear and affirm to tell the truth, the whole truth and nothing but the truth so help you god? Please be seated and we'll go in the order in which I introduced you.

So would you start out Ms. Lopez.

LOPEZ:

Thank you. Mr. Chairman, Madam Ranking Member and for the other members of the Senate -- esteemed Senate Judiciary Committee, my name is Elana Maria Lopez and I was tricked by the love of my life.

In 1998 I met a Dutch man doing business in the United States. We immediately hit it off and we started dating long-distance. He was romantic, kind and generous. During one of our many visits he proposed and pledged his love, saying he wanted to grow old with me. Neither of us had much money I had just put myself through college and I was a freelance political reporter. He said his limited income would need to expand the new import export business.

He suggested we get married in a civil ceremony giving us time to save up for a full formal wedding and honeymoon on our first anniversary. When my stepmother objected Eric, assured everyone that we have a church wedding the following year. I took a higher-paying job out of my field to afford the sponsorship requirement -- obligation required for K-1 fiancé visa. I borrowed money from my mother to furnish our new apartment and to get him a computer so that he wouldn't feel so isolated in his new homeland.

LOPEZ:

When his K-1 was approved he came to the states for good and we were married. Once married, I thought we were happy.

I conscientiously paid the bills, set up retirement accounts and started paying back my mother. When I asked about child-support he said he paid through a Dutch account. He also put off saving for that promised wedding and honeymoon. Through my family's contacts, Eric eventually found work yet still kept putting off that promised wedding and honeymoon.

I became disturbed as he repeatedly broke promises then out of the blue, on the night before our second anniversary, he coldly announced we were divorcing. I assume we were just having marriage problems, suggested counseling. He flat out refused. And then came the cruelest words I've ever heard in my entire life. He said our marriage was nothing, but a practicality, so he could get a green card. And he mocked me for working so hard to save the marriage.

I was stunned and immediately filed for separation. Within days Eric's own parents confirmed this. When Eric caught wind of my legal proceedings and knew I was withdrawing my immigration sponsorship, he became violent. He tried to strangle me and threatened to kill me if I ever contacted immigration officials. When the police arrived, he had already calmed down and I was told to brush off. And I had to flee my own home.

A couple of days later, Eric came home I was packing. He insisted that no one would believe me about his violence or his admissions and a few minutes later I was looking down the barrel of a rifle. And he started shooting blanks me while laughing. When he left the room for a phone call, I grabbed my keys and fled the house; this time for good. Pennsylvania police again refused to take action, they were more worried about when I was paid to marry my husband than is my husband was trying to kill me.

Eric's behavior had changed so abruptly that I wondered if I ever really knew who he was. So I started trying to find out. I tracked down an ex-wife in Europe who hadn't received child-support in years. And by then Eric was making \$148,000. During their divorce, Eric stole her car for insurance, refused to pay child-support and intimidated her into writing a large-scale illegal drug operation so she could stave off welfare. She was terrified of Eric, but she was even more afraid of Dutch Child Services taking her new -- her toddler away.

She eventually fled the country to escape Eric's nefarious network. I tracked down Eric's former business partner who had confirmed all this. Then I found Eric's former boss who had suspected him of embezzling kind company funds, but could never quite catch red-handed. I starting digging through my own files.

I discovered the loan on my car changed. He applied for credit in my name and he lied on immigration forms. When I contacted immigration investigators, they said they get cases like mine all the time. But we -- we were married for two years, so he was pretty much guaranteed citizenship. I was running out of options and Eric was still threatening me.

So I hired a retired FBI special agent as a private investigator. If the Department of Homeland Security wasn't going to do its job, we were going to do it for them. I figured if we clearly documented that Eric was inadmissible to get a green card in the first place, involved in criminal activities, lied on immigration forms, tried to kill me, repeatedly threatened me and committed marriage fraud; the feds would have to do something. And I was wrong.

Immigration officials refused to take our sworn statements or accept our evidence. I was, however, able to get a reserved protected address for domestic violence victims. I'll never know the extent of the fraud or criminal activities that Eric committed, but I did my best to warn our country once I found out.

My life is forever changed, I am now in hiding. I am putting myself in danger by even coming to this committee today. I've been financially cleaned out and, with the help of the government, I've been made a victim of a one-sided sham marriage. And although it's difficult to relive the trauma that I've been through, I wanna speak up in the hopes of helping other people to prevent this from happening to them.

Thank you very much.

GRASSLEY:

Thank you for that outstanding testimony and I'm sorry that you do what -- we would thank you for what you've come forward to tell us even under the dangers you say you might face. I hope you don't face that.

LOPEZ:

Thank you

GRASSLEY:

Ms. Huang?

HUANG:

Thank you, Chairman Grassley and distinguishing members of the committee.

As the policy director at Asian-Pacific Institute on Gender-Based Violence, I'm deeply honored to be able to comment on the impact of the GBV's system on immigrant survivors of domestic and sexual violence and human trafficking.

The API Institute on Gender-Based Violence is a national resource center on domestic violence, sexual violence, in human trafficking and other forms of gender-based violence in the Asian-Pacific Islander community, serving a national network of advocates and community-based programs that work with the Asian and Pacific Islander victims as well as other immigrant victims of violence.

In collaboration with the national task force to end sexual and domestic violence, API-GBV has successfully worked to educate society about addressing victim blaming attitudes, making systems of victim's face more accessible, and advocating for policies that support justice for victims of domestic and sexual violence. As an organization that works to support healthy, strong families, we firmly believe in the importance of family-based immigration.

The U.S. was founded by individuals seeking better opportunities and freedom for themselves and their families. Families are crucial to economic and social integration of new immigrants and have positive impacts on the economic development and stability of our communities. In our work in the API community and immigrant communities, we work to help support healthy strong family relationships.

We appreciate the attention this committee is giving to this -- to improving our immigration system and reducing the possibility of fraud or abuse in this context. We know that when there's fraud and abuse, those system resources are drains, meaning fewer resources are available for those who need the most help.

In examining changes to immigration process however, we urge you to be careful that the remedies don't undermine current protections which have proven time and again to be a lifeline for the most vulnerable and isolated immigrant victims with the least access to help in -- in the systems designed to protect them. We applaud the work of this committee in consistently expanding the rights and protections for survivors of domestic and sexual violence, including the work that you've done to protect immigrant victims.

Too often these victims fear reaching out to police or seeking medical even social services assistance. There is obviously much more that needs to be done and I want you for your attention to this matter. The institute's constituent local anti-domestic and sexual violence programs have

reported challenges faced by victims, both by U.S. citizen victims as well immigrant victims in the context of fiancé visas.

Let me lay out a few examples of concern and some recommendations for ways to improving the screening process for K-1 visas that we believe would reduce the risk of abuse while also maintaining a K-1 visa as an important avenue for allowing loved ones to stay together and begin families. One issue we've identified have been in the context of an engagement or marriage that an individual has been pressured or threatened to enter by either their family or an abusive partner.

In these situations, victims are particularly vulnerable to domestic violence and other forms of coercion, intimidation abuse, not only to force them into an unwanted marriage, but also to prevent them from being able to leave the marriage after it takes place. Either a U.S. citizen sponsor a foreign beneficiary may be the victim of this kind of coercive pressure, and minors in particular are vulnerable because they are unable to assert their own rights in terms of seeking protections.

While the U.S. citizen sponsor must be at least 18 -- at least age 18, because they have to execute an affidavit of support, there is no minimum age requirement for the foreign beneficiary. In addition, exemptions -- exceptions currently exist that allow a waiver of the otherwise standard requirement that the parties be married -- that the parties to be married must have been -- have met previously, which can potentially mask a marriage that is not bonafide, not entered with sufficient information about the intended spouse or that it's being forced by an individual's family.

Finally, the limited timeframe of the K-1 visa, 90 days for a fiancé to marry or lose status can compel either sponsor or a foreign beneficiary to proceed in the face of misgivings. That is, to potentially discount abusive treatment by the fiancé as a pre-wedding outlier. In this way the K-1 visa process fails to allow meaningful mechanism to determine whether the applicant is submitting fiancé application with their full and free consent to permit them time to recognize and react to warning signs of abuse.

Some recommendations we have including requiring foreign beneficiaries of the K-1 visa to be 18 or older or applying heightened scrutiny in those cases where either party is under age 21. To strike or narrow the exception that allows a waiver of the in-person meeting requirement for K-1 visa petitions and to extend the length of the K-1 visa from 90 days to 120 days.

A more common situation our programs face -- are face with is where the K-1 applicant, after the fiancé arrives in the U.S. the foreign fiancé is abused or exploited. And as both of you have identified in the report about human trafficking, the fiancé visa is an avenue that -- that individuals use to bring in -- victims in -- victims in Recently we've heard of cases where even young women are sponsored on a fiancé visa, enter the U.S. and learn that they were actually brought to be the paramour for the sponsor's married father or an uncle or a friend.

So the fiancé that came in was actually was -- went into the relationship fully intending to get married but was duped by the actual sponsor. In these cases, those individuals face a significant gap in the law that is, if they enter on a K-1 and they're able to identify that this sponsor is abusive and does not marry -- and they end up not getting married they'll be ineligible to adjust to permanent -- adjust status to permanent residency based on another family based petition.

So we recommend a humanitarian waiver for these cases, where there's the finding of bonafide intent to enter into the marriage with a sponsor but where the marriage doesn't take place. In these types of cases immigrant victims frequently face significant barriers in accessing help and legal protections -- afforded them under both state law, such as assistance from the police or protective order, and under immigration law, due to fear, language barriers, isolation and lack of knowledge of U.S. laws.

There's a considerable body of research that demonstrates that immigrant victims are at particularly at high risk of serious domestic violence. They tend to have fewer resources, sustain more -- more severe physical injury and emotional consequences of the abuse and the duration of the abuse than other domestic violence victims in the United States.

GRASSLEY:

Are you about done with your statement?

HUANG:

Yeah. Let me just finish with -- with a set of recommendations about the...

GRASSLEY:

OK.

HUANG:

... international marriage...

GRASSLEY:

Sure.

HUANG:

... broker regulation act. We -- in 2005 Congress did pass IMBRA as part of AWA to try to get more information and protections for foreign finances and we've identified a few suggestions in making sure that there's increased information for fiancés that are attending interviews in consulates abroad and also, we would recommend that there be more information provided at the adjustment of status stage.

We would also recommend that there be a report and more evaluation and to -- to Congress and to the public about what happens in the fiancé petitions. Especially in the context of individuals that have prior criminal histories as well as prior marriages and/or prior visa petitions. Because we know that applicants can apply for a fiancé, but we don't actually know how often and there's fraud happening in terms of what is needed is K-1 applications.

And so I -- I've -- I will provide further recommendations in my written testimony. Thank you.

GRASSLEY:

Thank you very much for your testimony.

Now, Dr. Hussain.

HUSSAIN:

Senator Grassley and other members of the committee, good morning and thank you for giving me the opportunity to tell my story.

My name is Jamal Hussain and I am both a physician and naturalized U.S. citizen. I'm currently a cardiologist who practices in Lakewood, California.

Nearly 20 years ago I came to the United States as the young medical doctor. I subsequently converted to a J-1 training result after I was offered a residency in internal medicine and then subsequently in cardiology. Next, I worked for about three years in medically under-served areas helping incident and vulnerable patients who otherwise would have difficulty getting decent medical care. I also worked at a V.A. hospital in order to serve American veterans.

My immigration to the United States was a part of a complex process, but worth while. Because I was seeking permanent residency, I had to show why my immigration would be useful to the United States. I applied for a national interest waiver based upon prospective benefit of my medical research. And then it took me about 12 long years in green card and 17 years to be a citizen of this great country.

Since then, I have saved many lives, provided medical services to those who cannot afford, all while remembering the rural village I came from and what I did for -- for all this. Once a citizen, I was able to sponsor family members such as my elderly mother, someone who raised me almost single-handedly. I could also seek a fiancé visa then.

I come from a culture where marriages are arranged and it is crucial that my family be on board with my marriage. I realize this is not a custom for most of the people in this country, but it's important for me and my family. My family was introduced to my ex- fiancé's family in Pakistan towards the end of 2013. After numerous visits between the families, they felt this might be a good match.

In the spring of 2014, I visited Pakistan -- I visited twice with her family. Along with my family, I met my fiancé at her home. In mid-2014 we were engaged. We -- we would talk to each other on the phone, text and Skype. My fiancé insisted that she wanted come to United States as soon as possible. So I filed for a K-1 fiancé petition.

In January 2015 The UCIS approved that petition. She had an interview in -- in March of 2015 in Islamabad for K-1 visa, which was approved. And then in April she came to United States. During her stay with me she appeared cheerful, excited at her new surroundings. We had lots of -- of fun exploring together. She even traveled with me to Las Vegas, to Santa Barbara, North Dakota, and -- because I looking at that time to relocate jobs.

We were happy and I was looking forward to getting married and start a family. Then things started to change. And she started threatening to leave back to Pakistan, especially after she spoke to her family back home on the phone. By June 2015, she still had not wanted to plan a wedding, saying things like, "What is the rush?" We had arguments, but they never changed my mind of whether I wanted to marry her.

HUSSAIN:

After one particular argument, she indicated that she wanted to go back to Pakistan. So I bought her a ticket. However, the next morning she said that she didn't mean it and she wanted to stay. So I began wondering what was going on.

Our relationship never resulted in legal marriage in the United States. At times, my fiancé indicated that she does not need me anymore to get her green card and boasted that she could get it in other quicker ways. I thought she was joking. Then on August 7, 2015, while I was at work, she left my apartment and never came back. I frantically searched for her in all the usual spots we would visit, but I could not find her. So I went to the local police station to report her missing.

The police officer on duty told me that she is safe and I could go home and she will contact me if she wishes so. I was confused and scared, so I called our families back in Pakistan. Her family was not willing to tell me of what was going on. I felt they knew something that I did not. So a couple of weeks later, she called me twice when I was at work, she told me where she was and told me to meet her at the shelter she was staying at. She indicated that she wanted to reconcile and the shelter stuff was supporting her.

However, she wanted me to respond by the next day. The next morning I was called by the shelter staff that she has in her mind as she -- after she spoke to her in Pakistan. I was dumbfounded. Three months later -- three months later after she left my apartment, I still had very little answers and nothing made sense to me.

She then filed a restraining order on September 30, 2015 after two days of evidentiary hearing, the judge was patient and took extensive testimony. The judge dismissed her case, declared her non-credible and found no evidence of domestic violence. The judge also ruled -- I'm hoping that she wasn't fabricating this to be able to create a business to stay in this country. I was sad and hurt and also had many questions about my fiancé's quotes of affection.

My family attempted to intervene to dissolve this misunderstanding with her family in Pakistan, however, her family refused to reciprocate any good attempt -- good filled attempt. Instead the father said nobody can expel my daughter from America and she does not need to model any more

to live there. This time -- during this time my family has been harassed in Pakistan and their relative even threatened to kidnap my little niece. I had notified UCIS video centers (ph) in writing and sent them all the relevant information including the court findings and never heard back from the USCIS. I also notified ICE over the phone.

She also had lied to USCIS under penalty of perjury in form G- 325A, that she was never married. She concealed the truth, which we discovered only recently the prior to engagement to me, she was married and divorced in Pakistan. She put me through much more than I ever could have dreamed. I now understand more completely that me and my ex-fiancé had two different reasons for getting engaged.

I wanted to get married and started a family, and she wanted to come to the United States and stay here. She just needed an easy way. Thank you.

GRASSLEY:

Thank you all three for your testimony. We won't have any questions of the first panel, so thank you very much for coming. And I will call the second panel now and I'll introduce you as your coming.

Greg Nevano is deputy assistant director for Illicit Trade, Travel, and Finance division of Immigration and Customs. Mr. Nevano has held a number of key management positions within ICE headquarters, including associate deputy assistant director, investigative services division, unit chief of asset forfeiture unit. Mr. Nevano was assigned to FBI joint terrorism task force to investigate and prosecute terror suspects for immigration fraud.

Matthew Emrich, associate director of fraud detection and national security directorship, directorate of U.S. citizenship and immigration. Mr. Emrich has 21 years of immigration, law enforcement and intelligence experience starting with immigration and naturals -- naturalization services, Chicago. Mr. Emrich was assigned to the 9/11 response detail at INS headquarters and served on the Chicago Joint Terrorism Task Force and is acting Section Chief for National Security Investigation Division.

Mr. Nuefeld, Donald Nuefeld, is associate director of Service Center Operations. In his position, Mr. Nuefeld, oversees all activities of the five USCIS Service Centers located Texas, California, Nebraska, Vermont, Virginia. He has 27 years experience of immigration services and has held leadership positions at headquarters, Washington, Los Angeles, Miami, Nebraska and California Service Centers.

Daniel Renaud, in Iowa we say Reno -- is associate director of Field Operations, director U.S. Customs and Immigration. He has been a federal immigration professional since 1988, joined Vermont Service Center as an adjudicator and promoted to supervisor. He was selected as a Branch Chief, Headquarters Field Service Operation Division, where he provided guidance to field offices. He served as the acting chief of immigration investor program and transition to the role of Deputy Associate Director, Field Operations Director.

David Donahue is acting principal deputy assistant secretary consular affair, Department of State. Mr. Donahue has been a senior advisor to the bureau since 2014 and Deputy Assistant Secretary Consular Affairs since 2015. He also, from 2012 to 2013, served as coordinator of interagency principle -- provincial affairs at the embassy in Afghanistan.

I'd like to ask you if you'd rise so I could swear. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth, so help you God? Thanks to all of you.

We'll start with Mr. Neufeld and go left to -- my left to my right.

NEUFELD:

Good morning. Chairman Grassley, Ranking Member Feinstein and distinguished members of the committee, thank you for your -- the opportunity to testify at today's hearing.

My name is Donald Neufeld and I am the Associate Director for the Service Center Operations Director of U.S. Citizenship and Immigration Services. Having served under every administration since President Ronald Reagan, I appreciate and value the role USCIS plays in protecting the homeland, supporting the economy, providing humanitarian relief and ensuring the orderly and expeditious flow of legal immigration.

I very much appreciate the opportunity to appear before you today to testify regarding the important work of the Service Center Operations Directorate of USCIS. The Service Center Operations Directorate is comprised of a headquarters component in Washington D.C. and five service centers located in Dallas Texas, Laguna Niguel California, Lincoln Nebraska, Arlington Virginia and Saint Albans Vermont.

Our current authorized staffing level is 3,681 federal employees and contract support provided by approximately 1,800 contractors. The service centers are designed to adjudicate cases that do not require face to face interactions with the public. Our case load -- case loads are generally high volume including family and employment based non-immigrant visa petitions such as K-1s and H-1Bs. Employment based applications for adjustment of status an multiple forms of humanitarian protection.

In fiscal year 2016, service center employees processed a total of nearly 5 million of these applications, petitions and request. With respect to K-1 visa petitions, a U.S. citizen who wishes to bring his or her fiancé to the United States begins the process by filing form I-120F, the petition for alien fiancé, with USCIS.

An immigration services officer at one of our service centers will review the form I-1209F (ph) and documents submitted in support of the petition. The evidence must show that both parties are free to marry, that they intend to enter into a bona fide and legal marriage within 90 days of the fiancé's admission as a K-1 non-immigrant, and generally that they have met in person within two years before filing the petition.

USCIS conducts a background and security check for national security concerns, public safety risks, and other information on both the petitioner and foreign national beneficiary. Officers also review security and background check results for potential applicability of the Adam Walsh Child Protection and Safety Act and the International Marriage Broker Regulation Act.

Together, these provisions restrict eligibility based on the petitioner's criminal history and provide for disclosure previous filings and criminal history of the petitioner at the time of the beneficiary's interview with Department of State. If eligibility is demonstrated by a preponderance of the evidence, the petition will be approved and forwarded to the Department of State.

Approval of the K-1 visa petition means only that USCIS recognizes the claimed relationship between the petitioner and beneficiary, allowing Department of State to -- consider issuance of a K-1 visa. An approved petition in and of itself does not grant an immigration benefit. The approval does not permit the fiancé to travel to the United States, nor does it grant any immigration status or guarantee that Department of State will issue a K-1 visa.

Similarly, having a K-1 visa does not guarantee that U.S. customs and border protection will admit the visa holder to the United States. Recognizing the importance of providing immigration services that support humanitarian, family reunification and economic goals; we strive to do our work with the greatest integrity and efficiency. We rely on USCIS's fraud detection and national security directorate to assist us in closely monitoring fraud trends and to provide training and assistance to adjudicators in ferreting out fraud.

To identify and address national security and public safety threats, we conduct biographic and biometric background checks and closely coordinate with law enforcement agencies as appropriate. We are steadfastly committed to ensuring immigration benefits are not granted to individuals who pose a threat to national security or public safety or seek to defraud the U.S. immigration system.

In closing, on behalf of USCIS acting director, Lori Scialabba, and my colleagues; I thank you, Chairman Grassley, ranking member Feinstein and members of the committee for your interest in our service center operations programs. And for the opportunity to share this information with you today. I will be happy to address any questions or concerns you may have.

GRASSLEY:

Not only thank you for your testimony, but thank you for finishing within the five minutes. Or...

(CROSSTALK)

FEINSTEIN:

Yes, very good.

GRASSELY:

But I should've said to all of you that to if you have a longer statement that obviously will be put in the record. Because we want all the information you can give us, not just what you can give us within the five minutes.

Mr. Donahue.

DONAHUE:

Chairman Grassley, Ranking Member Feinstein, thank you for inviting me here today to discuss the Department of State's efforts to detect and prevent marriage fraud for immigration benefits. I'm pleased to be on a panel with USCIS and ICE.

As my colleagues are testifying and as you will hear from me, we use a whole of government approach to tackle this issue. The department has no higher priority than the safety of our fellow citizens at home and abroad, and the protection of our borders. We are the first line of defense in border security and our embassies and consulates around the world play an important role in that mission. Marriage-based immigrant visas are an -- are important to many U.S. citizens who find a spouse or fiancé overseas.

In a small percentage of cases, however, we find evidence that a foreign national is trying to gain permanent resident status by marrying a U.S. citizen with no intention to honor the marriage. My written statement lists robust measures the department has in place to detect and prevent fraud in these categories, which I will summarize for you today. The department's role in marriage-based visa application process begins when our National Visa Center or NVC receives an approved petition directly from USCIS.

For every K-1 fiancé petition, NVC's fraud prevention unit or FPU reviews the case for potential fraud indicators. Should fraud indicators be found, The FPU will collect further in-depth review of the publicly available information, department estate records and commercial databases. NVC provides results of this research to our overseas consular adjudicators who ultimately determine whether or not the applicant is qualified for visa.

Once NVC has reviewed the case, the applicant interviews with the consular officer overseas, consular adjudicators are trained to detect fraud. They receive ongoing training on local fraud trends, cultural norms, particularly regarding marriage and relationships, and the social and economic conditions in their host country. Many of our adjudicators also come to post with extensive knowledge of the local language.

During the interview, consular officers assess the applicant's identity, evaluate qualifications for the visa category, identify any fraud energy indicators and review information pertaining to possible ineligibilities. That includes any information provided by our partners USCIS or by the National Visa Center. If an adjudicator determines that the relationship used as a basis for the visa petition is fraudulent, the adjudicator will return the petition to USCIS for reconsideration and possible revocation. Most U.S. embassies and consulates also have a dedicated fraud prevention unit.

If fraud is suspected, the visa application is sent to the FPU at post for further assessment. Many consular sections also integrate diplomatic security agents into their teams. These teams improve our ability to prevent and detect fraud, at post by visa liaising, with local law enforcement, conducting investigations and preparing cases for the prosecution in court.

In fiscal year 2016, for example, integrated diplomatic security agents worked with consular officers and local law enforcement to disrupt human smuggling networks in China, the Dominican Republic and Romania. These safeguards work. In 2016, the Department of State partnered with USCIS to conduct a review of five years of data on K-1 visa recipients to determine if visa holders complied with the terms of their visas and properly adjusted to lawful permanent resident status or depart of the United States at the end of the initial period of admission.

Results showed the vast majority of K-1 recipients, about 98 percent, use their visas appropriately. We are committed to preventing individuals who intend to do our nation harm from exploiting any visa category to enter the country. Every visa decision is a national security decision. Our fraud prevention officer's efforts complement the multifaceted security process we and our partner agencies have built to screen all visa applicants. This includes a sophisticated global information technology network that shares data among the department and federal law enforcement and intelligence agencies. No visa can be issued unless all relevant concerns are fully resolved.

Mr. Chairman, Senator Feinstein, and I want to thank the panel members we spoke earlier; I thought they provided some moving testimony that will certainly inspire us to do more. Our efforts to detect and prevent fraud marriage continue. We strive to increase our effectiveness to seek more opportunities to collaborate with our partners, including you, to address this important and urgent issue.

I appreciate your feedback and suggestions and look forward to your suggestions.

GRASSLEY:

Thank you very much.

Now Mr. Renaud.

RENAUD:

Chairman Grassley, Ranking Member Feinstein and distinguished members of the committee, thank you for the opportunity to testify at today's hearing.

My name is Daniel Renaud, I'm the Associate Director for the Field Operations Directorate at United States Citizenship and...

GRASSLEY:

Sorry I pronounced your name wrong.

(LAUGHTER)

RENAUD:

That's quite all right sir. I learned at an early age the importance of public service. Both my parents served the federal government and I too chose it as a career path. For over 28 years I've dedicated my career to serving this country by balancing the importance of immigration with the need to ensure that those who are not entitled to a benefit under the law do not receive one. For me these two missions are not incongruent.

I am honored and privileged to lead the Field Operations Directorate and its team of 6,000 federal employees who are hard at -- at work as we speak, operating the largest immigration service in the world while upholding the USCIS core values of integrity, respect, innovation and vigilance. The dedicated employees of the Field Operations Directorate understand and appreciate the significance of the work we do and its importance in upholding the tenants of this country and its impact on the lives of the applicants we serve. These are not benefits we grant lightly.

National security and public safety are always at the forefront of everything we do. Let me be clear, for as long as I have been in this line of business there have always been individuals trying to obtain immigration benefits through fraud.

Today, we will explain how USCIS is aligning its workforce, its technology and its processes to identify fraud understanding that, as one avenue of fraud is shut down, perpetrators of fraud will seek alternate avenues to exploit. We train immigration officers early on and throughout their careers on fraud indicators and how to detect and deter fraud. In every field office across the nation, today and every day, the primary concern of immigration officers is ensuring that the wrong person does not obtain an immigration benefit.

USCIS continues to provide current and effective training to our workforce in issues related to fraud. For example, we recently completed credibility training in each of our district offices to better prepare officers to take and evaluate oral testimony. In field operations, face to face interviews are a tool we regularly use to assess eligibility and evaluate fraud risk.

Recently, additional questions, aimed at preserving the integrity of the immigration system have been added to our forms to better determine risk and assist with vetting. We continue to evaluate our processes to ensure that we are collecting the most critical information and that we are conducting our interviews in the most effective manner. From a systems perspective, USCIS performs a number of security checks when an individual files for an application for permanent residency.

These security checks include screening against biographic and biometric holdings of the U.S. Department of Homeland Security and other U.S. government partners. These checks include text checks on both the applicant and petitioner. FBI name checks, fingerprint checks against FBI criminal holdings, DHS ident (ph) checks at the time of interview and checks against text (ph) and DHS ident (ph) are repeated again, just before final decisions. Protecting the integrity of the U.S.

immigration system is not a topic I take lightly and instill this importance to all the employees who serve in this directorate.

When there are questions about the accuracy of background checked information, I do not hesitate to take immediate action to ensure that no benefit is provided until those questions are resolved and decisions can be made with confidence in the integrity of the immigration system. When I learned that certain naturalization cases proceeded to adjudication without the benefit of historical fingerprint record information, I created a special adjudications unit with -- dedicated exclusively to reviewing these cases and preparing them for civil denaturalization.

The highlight of my career at USCIS has been administering the oath of allegiance to new citizens at some of the hundreds of naturalization ceremonies conducted each year throughout the country. I am proud to welcome new citizens to this country knowing that the uniform rule of naturalization, envisioned by the framers of the Constitution, has been applied to detect and deter fraud and protect the security of this nation.

In closing, on behalf of Acting-Director Scialabba and my colleagues; I thank the chairman, the ranking member for the opportunity to share this information concerning the field operations directorate with you. I appreciate you -- you holding this ceremony -- this -- sorry, I appreciate you holding this hearing today, as I believe we share the desire to ensure the integrity of the immigration system and to finding improved ways to preventing and detecting abuses to the system.

I look forward to answering your questions.

GRASSLEY:

Thank you, Mr. Renaud.

Now Mr. Emrich.

EMRICH:

Chairman Grassley, Ranking Member Feinstein, and distinguished members of the committee; thank you for your interest in the subject of immigration fraud. And I also thank you for the opportunity to testify.

My name is Matthew Emrich, I'm the associate director of the fraud detection national security directorate within U.S. Citizenship and Immigration Services. As the associate director of FDNS, I have oversight responsibility for USCIS's fraud detection and national security efforts. USCIS created the fraud detection national security office in 2004 and office began with a handful of employees.

In 2010, former director Mayorkas promoted FDNS to a directorate to reflect and implement his prioritization of our agency's mission to help safeguard our nation's security and protect the integrity of the lawful immigration system. A further illustration of this prioritization is the growth

of the FDNS corps (ph), which now near -- numbers nearly 1,000 onboard employees located in USCIS field offices, service centers, asylum offices and other locations worldwide.

In addition to serving as the primary conduit for information sharing and collaboration with our law enforcement and intelligence community partners, FDNS officers also conducted administrative investigations -- administrative investigations focused on the detection of immigration benefit fraud.

I'll begin with a summary of the authorities and a general overview of the type of work FDNS immigration officers conduct. As the secretary of Homeland Security has broad authority to administer and enforce the Immigration and Nationality Act and other laws pertaining to the naturalization and immigration of aliens; USCIS officers have authorities delegated to them by the secretary. Including the authority to investigate alleged civil and criminal violations of the immigration laws, interview aliens, administer oaths, take and consider evidence, and fingerprint and photograph aliens.

USCIS verifies information applicants and petitioner submit to USCIS to ensure compliance with applicable laws and regulations before USCIS makes a decision in a case. FDNS officers conduct administrative investigations that establish and document findings that USCIS adjudicative staff may use to determine an individual's eligibility for an immigration benefit.

These investigations are aimed at verifying circumstances and relationships that support -- that purport to form the basis of an immigration benefit. The findings identify violations of relevant sections of Immigration and Nationality Act, and/or other grounds of inadmissibility or removability. Administrative investigations into suspected immigration benefit fraud are generally initiated in the form of a referral from an adjudications officer, the public or another government agency.

All referrals are processed similarly, despite the source of the referral. FDNS typically begins by having an officer review the referral to ensure that it articulates immigrant benefit fraud and contains enough information to be actionable. If the referral meets those criteria, the officer opens a case in our system of record, known as the FDNS data system.

An administrative investigation may include searches of government and commercial databases, file reviews, domestic or overseas site visits, domestic or overseas verification of documents, witness interviews, and/or one or more additional interviews of the applicant or petitioner. Upon conclusion of an administrative investigation, the FDNS officer documents the results in our system of record and completes a written statement of findings.

The written statement of finding is provided to the adjudicator who has a responsibility for adjudicating the case. The adjudicator will use these findings to inform their decision on the immigration application or petition. When -- when evidence of fraud is been verified by FDNS in an individual case, USCIS adjudicators generally will deny the case, or if the benefit is already been granted issue a notice of intent to rescind or revoke the benefit.

In either case, the USCIS will then issue a notice to appear, subjecting the applicant to removal proceedings. FDNS will refer cases to immigration and customs enforcement, homeland security investigations for criminal investigation. USCIS officers may assist in presenting cases, the U.S. attorney's office for possible prosecution in coordination with immigration and customs enforcement. And USCIS routinely assists in investigations involving marriage fraud.

Mr. Chairman and ranking member and members of the committee, thank you for the opportunity to provide you information on USCIS's anti-fraud efforts and I look forward to answering your questions.

GRASSLEY:

Thank you, Mr. Emrich.

Now Mr. Nevano.

NEVANO:

Chairman Grassley, Ranking Member Feinstein and distinguish members, thank you for the opportunity to appear before you today to discuss the issue of marriage fraud and the efforts of U.S. immigration and customs enforcement to identify, investigate and bring to justice individuals and organizations who engage in this crime.

As the largest investigative agency within the U.S. Department of Homeland Security, ICE Homeland security investigations has broad legal authority to enforce a diverse array of federal statutes to include the Immigration and Nationality Act in general federal crimes. ICE HSI uses its authority to investigate a wide variety of immigration benefit fraud crimes.

HSI works in close coordination with our sister agency, U.S. citizenship and immigration services, and other agency partners to target individuals and organizations will arrange share marriages, as well as those who participate in marriages for the sole purpose of obtaining or conveying immigration benefit. The crime of marriage fraud has been used by both individuals and organizations to unlawfully obtain immigration benefits and to generate large amounts of illicit income.

Typically, a broker or facilitator recruits a U.S. citizen to marry an alien who may or may not already be in the United States. While the alien may be outside the United States and entering using a K-1 fiancé visa obtained through fraud, many aliens who enter without inspection or through the use of other non-immigrant related visa classifications participate in marriage fraud to attempt to remain in the United States.

NEVANO:

One of HSI's primary tools in the successful detection, dismantling and prosecution of organizations that facilitate benefit fraud, including marriage fraud are the HSI document and

benefit fraud task forces. The task forces build upon existing partnerships to bring together investigators from a wide variety of agencies with expertise in different aspect of investigations -
- investigating document and benefit fraud.

Partners include USCIS Fraud Detection and National Security, the Department of State Diplomatic Security Service and several other federal, state and local law enforcement personnel.

The task force maximize resources, eliminate duplication of efforts and produce a strong law enforcement presence. They combine ICE's unique criminal and administrative authorities with a variety of other law enforcement agency tools and authorities to achieve focused, high impact criminal prosecutions and financial seizures. The task force is focused on criminal organizations that orchestrate these crimes, resulting in a more efficient use of resources and increases the likelihood that these cases will be accepting for prosecution by the United States Attorney's Office.

HSI considers USCIS to be a close partner in the investigation of benefit fraud, including marriage fraud. In certain instances, when suspicious marriages are encountered during the adjudication of application and petition for benefits, they are referred from USCIS to HSI for criminal investigation. USCIS FDNS officers work closely with HSI Special Agents during these investigations, providing in -- providing invaluable subject matter expertise and information.

Our relationship with FDNS officers is a key element in our ability to take these investigations from initial lead development to successful prosecution. In an effort to streamline the lead referral process between USCIS and ICE, HIS has begun the process of implementing a national lead development center for the intake, vetting, developing and forwarding of benefit fraud lead to HSI field offices for investigation. The center will standardize all benefit fraud leads to include those involving marriage fraud.

Recognizing the value of fostering relationships with stakeholders outside of the federal government to prevent and detect marriage fraud we conduct outreach to raise public awareness, educate partner organizations and deter individuals from entering into fraudulent marriages. The outreach program seeks to counter the common perception that entering into a sham marriage for the purpose of assisting a foreign national would (ph) gaining U.S. immigration status is a harmless transgression without consequences.

This program highlights not only the adverse personal, financial and legal ramifications for individuals participating in the fraudulent marriages but the damaging impact on public safety, national security and the integrity of the immigration system. Through this imitative, HSI partners with recorders and officiants of marriage throughout the United States in order to encourage the reporting of suspected marriage fraud to HSI and to seek cooperation in educating the general public on the fact that marriage fraud is a federal crime with serious consequences.

In closing, thank you again for your opportunity to appear before you today and your continued support for ICE and its law enforcement mission. ICE is committed to working closely with you and I appreciate your interest in this important issue and I am pleased to answer any of your questions you may have.

GRASSLEY:

We'll have five minute round questions and I think I have so many questions that I'm going to have to submit some for answer in writing so if you don't get -- you'll get some questions from me even if I don't state them.

I'd like to start with Administer Nevano. Does ICE still consider marriage fraud to be a national security threat?

NEVANO:

Absolutely Senator. We -- we definitely consider it a national security threat. That's why we have 24 document benefit fraud task forces that are located across the country that particularly partake in -- in the vetting and working closely with USCIS on ensuring that individuals who are committing marriage fraud are brought to justice.

GRASSLEY:

I think you just answered my next question. But I'm gonna ask it anyway, so if you wanna fill in; what policies and procedures has ICE implemented to address marriage fraud and mitigate these threats? I -- you've already talked about the task forces.

NEVANO:

So our -- our, definitely -- our document and benefit fraud task forces are -- are definitely a key element to -- to the detecting and deterring and prosecuting marriage fraud. As I mention in my oral testimony too, we've also done public outreach to go out to officiants of marriages. We provide training to them in indicators of potential fraud to ensure that the public and the local -- state and local government officials are aware of certain marriage fraud indicators.

GRASSLEY:

Yes. Also for you, sir, ICE has a responsibility of investigating cases of marriage fraud. To be effective, ICE would need to open communications with the USCIS and State Department. What process does ICE, USCIS and State have in place to ensure that each agency is coordinating the sharing of information on a potential marriage fraud case?

NEVANO:

Senator, as my colleague from the State Department mentioned, we take a whole of government approach these type of cases. I'm gonna refer back to our document and benefit fraud task forces, which both USCIS, FDNS and State Department are members of those task forces. And within that environment as, Senator, they -- we share resources, databases. They have access to our databases, we have access to their databases.

Taking that whole of government approach, sir, we can tackle the problem by working in unison. And we work very closely with our partner agencies.

GRASSLEY:

Also for you, does USCIS and State provide you with their review of K-1 visa petitions and evidences that they received when making a adjudication of the K-1 visa petition and applications? And if not, why would they not do that?

NEVANO:

Senator, we at our -- currently we have benefit fraud units located in five locations across the country. And we regularly receive leads of not only marriage fraud, but all types of document benefit fraud from USCIS fraud, FDNS. So that -- that flow of information is currently coming to U.S. Immigration and Customs Enforcement on a regular basis.

GRASSLEY:

OK, the national -- for Mr. Neufeld, Renaud, and Emrich; the national security implications of marriage fraud are great. The 9/11 commission reported that several top Al Qaida operatives viewed marriage fraud as, quote, "A fantastic mechanism for operatives to acquire valid documents," end quote.

In fact, a K-1 visa was acquired, as I said in my statement, by one of the San Bernardino terrorist attackers. What -- I've got four questions, I don't think I'll have time to ask all of them, but each of you can hit on what background checks do both the U.S. citizen in the foreign national undergo during the initial filing of an I-129F petition? And if all of you don't have to respond to that, that's OK. But I'd like to have whatever you've got to contribute.

EMRICH:

Yes, sir. For the I-129F, that -- those -- both the petitioner and beneficiary receive a check through the tech system which contains records from 26 other government agencies pertaining to national security threats, public safety threats, as well as sex offender administration.

If there is a lookout in there concerning a potential sex offender, then we do a fingerprint check to see -- to determine if that person is going to be a threat to a child and additionally...

EMRICH:

Sorry, I didn't mean to interrupt you. USCIS recognizes that the individuals who will try to -- who want to come into the United States and do us harm will take advantage of any immigrant -- any immigration vehicle, including marriage fraud. That's why we've built multi layered checks into the system.

And just to give some indication of how seriously USCIS treats marriage fraud, in F.Y. 2016, approximately 45 percent of the hours that FDNS employee spent on immigration fraud was spent on marriage fraud, so it's a big part of our work.

GRASSLEY:

Do either of you have anything you want to add to that? OK. Then I'll go to -- I'll -- if I have a second round, I'll get back to you of the (inaudible).

FEINSTEIN:

Thanks very much, Mr. Chairman.

I have four questions I'm going to try to do it in five minutes. The IG's report found that known human traffickers used work and fiancé visas to bring victims to the United States legally, and that specifically 274 individuals who were subject of ICE's, human trafficking investigation, petitioned the government to bring in a total of 425 additional family members and fiancés into the United States.

How is it that an additional 425 individuals were permitted to enter the United States by traffickers and this was not detected during the in-person interview? Mr. Emrich?

EMRICH:

We -- so as I mentioned, the -- the battery of checks that we -- we do at different stages of the process, we also -- FDNS, if the adjudicators are trained to see things that are indications of fraud or trafficking. And if they see those indicators, they refer those to FDNS for further -- for further investigation, and we also may consult ICE on that.

In those particular -- particular cases -- I can't speak to the particular cases; I can say that we take that report very seriously. We are working with ICE...

FEINSTEIN:

You cannot say you take the Homeland security report serious?

EMRICH:

No, I said -- I said we do take that report very serious.

FEINSTEIN:

I beg your pardon, thank you.

EMRICH:

And right now, we're working with ICE through the human smuggling and trafficking center to develop a better mechanism of going through and revert -- reviewing the files for information on traffickers, and making sure that that gets to ICE. So we're very -- we're very concerned about that and --and we-- again we take that report very seriously.

FEINSTEIN:

Well, I appreciate that. I think you know that this is a huge industry. It's the second largest criminal industry in the world today, and so we are very concerned by it.

Mr. Neufeld, if I may, following the shootings at San Bernardino in which one of the perpetrators enter the U.S. on a fiancé visa, President Obama asked the Departments of State and Homeland security to undertake a review of the K-1 fiancé visa process. Is the review complete?

NEUFELD:

I believe so, but I would like to defer to my colleague to answer the question -- Matt Emrich for that review.

FEINSTEIN:

Mr. Emrich, you've got the hot seat.

EMRICH:

So to my knowledge, that review has -- has been conducted. Additionally, USCIS conducted two different reviews of -- of screening procedures along with our intelligence community partners. Those : reviews have informed some proposed actions within our screening -- within the realm of screening that we could brief you on in a non-public setting -- additionally...

FEINSTEIN:

Let me press the chairman. I think this is really important that this committee -- and it can be in a classified basis if you want Mr. Chairman, but have an opportunity to look at these reviews. Fourteen were killed here in this terrorist attack.

GRASSLEY:

Well I'll have my staff discuss that with your staff and see what we can set up.

FEINSTEIN:

OK. All right.

EMRICH:

May I add some other actions that we've taken as well?

FEINSTEIN:

Yes. Certainly.

EMRICH:

So we -- one of the things that we've done is revised our forms so that our forms capture more information -- captures more information and that information's of use in two different ways.

Number one, it improves our screening process. Additionally it provides additional information so then when cases are referred to either FDNS for administrative or criminal investigation there -- there's more information to provide leads and to give our investigators to go on.

Additionally, there has been training developed to better aid the officers -- the adjudicators who are doing interviews and assessing credibility and, I believe, that all of the officers who conduct interviews have received that training.

FEINSTEIN:

All -- all right. Thank you very much. But I just want you to know that I'm very interested in the follow up of this and I'm not going to forget it so would really appreciate it if there are ways of making thing available to the committee to see what was found, is what I'm interested in. Thank you.

EMRICH:

We will certainly do our best to answer those questions.

FEINSTEIN:

And for Mr. Renaud. In an effort to deter marriage fraud, foreigners deriving their status based on marriage of less -- there you are -- of less than two years are only given a conditional permanent resident status, as I understand it.

In other words, they're not full green card holders and so once a marriage has lasted two years, the petitioner and the beneficiary requests that the government remove the condition, giving the government another chance to determine if there was fraud involved in the marriage. Since the enactment of this provision in 1986 how effect has it been?

RENAUD:

Well, I don't -- I don't specifically on how effective that is -- that -- in terms of percentages...

(CROSSTALK)

FEINSTEIN:

Could you provide that data to the committee or does it -- has anybody looked back to see if it is effective?

RENAUD:

I think that -- you know we certainly can provide data on -- on what percentage of the form is an I-751 -- petition to remove conditions. On what percentage of those are approved or denied or the percentage of individuals who -- who's status is terminated for failure to file. So if that's the degree of success certainly we can provide that.

FEINSTEIN:

OK. That would be appreciated.

RENAUD:

You're welcome.

FEINSTEIN:

And so we'll count -- we'll count on receiving it. According to your website, and this is for Mr. Nevano, in addition to the type of marriage fraud that the chairman is trying to highlight today, there are two other types of fraud and they involve a situation where a United States citizen accepts some money or benefit in exchange for marrying a foreign national and a mail order type of situation. How prevalent are these two types of marriage fraud?

NEVANO:

Senator, I don't have statistics with me, I'm not sure that we capture the use of mail order brides or web based, you know, people seeking to obtain marriage. But, you know, I would answer your question by stating that all types of marriage fraud are certainly concerning to us.

As -- as I believe we've testified already, is that marriage fraud allows it in individual quicker access to U.S. citizenship. Rather than waiting, you know, five years which is the normal wait time, it -- it allows an individual to obtain their U.S. citizenship within three years. So it's certainly something that we take very seriously and look into regularly.

FEINSTEIN:

Good. Let me ask you this, do you know what role websites like Craigslist or Backpage play in perpetuating this type of fraud? It seems to me to be a good medium to do so.

NEVANO:

Senator, I can -- I can say that we have several units within Homeland Security investigations like our -- our -- our cybercrime center that actively looks. And we have undercover operations that certainly look at targeting these websites to try to deterred, disrupt and dismantle these, sometimes individuals, who were seeking advertisements on Backpage and other -- other media outlets such as Craigslist. So we take it very seriously and we do have active investigations that we look at for these type of of websites.

FEINSTEIN:

Good, thank you. I mean, we found this, in terms of child trafficking, a very big deal. So thank you very much for that...

NEVANO:

You're welcome.

FEINSTEIN:

Appreciate it.

Thanks, Mr. Chairman.

GRASSLEY:

Senator Klobuchar.

KLOBUCHAR:

Thank you very much, Mr. Chairman. Thank you all of you.

I wanted to follow up on something Senator Feinstein was asking about. Led with Senator Cornyn in the Sex Trafficking Bill that passed the Senate. And have been very active in a number of efforts in that regard. And I know she asked you about another report from the Department of Homeland Security, and I wondered if you could just elaborate a bit and tell me about any measures that USCIS has taken in response to the findings in the report.

To Mr. Emrich, Renaud and Mr. Neufeld.

EMRICH:

So, as I mentioned, we are working -- we -- we do have a full-time employee at the human smuggled -- smuggling and trafficking center that is working on developing ways of -- of sharing information with ICE. When any of our personnel become aware or suspect that some -- that some criminal activity is going on that's beyond the scope of what we can investigate, we routinely refer cases to other agencies that have responsibility for that. So in this case would be ICE.

So when we do become -- when we do see something that we think may involve trafficking, we refer those matters to -- to ICE. And we also work very closely with ICE on a local level to share information. So, to give an example, in -- in F.Y. 2016 we completed -- completed at least 2,113 request for assistance from ICE. So those are situations where ICE came to us asking for information on an investigation and where we provided ICE the -- the information that they need.

So I think we'd be happy to update the committee at some point once the work is done with the human smuggling and trafficking center. I'm not sure if Mr. Nevano would have anything to add to that work.

NEVANO:

Senator, as my colleague stated, after the report came out we worked collaboratively with USCIS and actually added a FDNS/USCIS officer to our human smuggling and trafficking center.

Additionally, some of the measures that we -- we -- we took was that alleged human traffickers are that -- that we were aware of, we entered lookouts in the system and when USCIS runs their - their checks, they would now be able to -- to enter it and hit on a lookout of the potential edge human trafficker and they would refer that case over -- over to us for any type of deconfliction and/or investigation.

As well as our human smuggling and trafficking center, also used utilizes the USCIS databases, when we have alleged traffickers to query whether or not these individuals have petitioned for anybody to come into United States. And if we did find information, we coordinate regularly with USCIS.

KLOBUCHAR:

OK, thank you. Anyone -- I -- maybe just the time remaining, I'll move on to one other question and maybe we could have our -- Mr. Renaud and Mr. Neufeld focus on that, and I in your experience do you believe that the existing measures are sufficient to detect potential fraud in the K-1 visa program. You note that the president's executive order on interior immigration enforcement along with related implementation guidance updated policies for when cases with fraud indicator should be referred to as immigration and customs to ICE.

Can you elaborate on how these recent updates are expected to affect efforts to address marriage fraud in the K-1 visa program? Anyone?

RENAUD:

So I can start I guess. Thanks for the question.

I think that are -- are -- are we satisfied? I think it's our job not to be satisfied. I think that as Mr. Donahue mentioned in his opening remarks, you know, this is an ongoing battle that we continue to try and -- and -- and increase our effectiveness to -- to deter, detect and --and stamp of fraud

where we can see it, where we can find it. I think we do that through training, through -- and through -- through intelligence obtained through -- through FDNS and our federal partners.

So it is an ongoing -- it is an ongoing battle and we continue to -- to see it as a critical part of -- of why we come to work every day, to make sure that the -- that the wrong person doesn't get benefit. And Don, I don't know if you had...

NEUFELD:

I'll just say the same thing. It's a -- wherever vigilant, the schemes are changing daily and we rely pretty heavily on the FDNS officers that are embedded at our service centers to try to keep us abreast of the latest trends that they are seeing, and -- and then we work -- the government as a whole to make sure that we have access to the tools that we need to -- to ferret out the fraud.

KLOBUCHAR:

OK, thank you very much.

GRASSLEY:

I got a request for some information that I think we sent a letter for, and that would be for you to follow up with the victims concerns. You heard of the victims from the first panel pointing out to fraud in their cases, and the committee has asked for the foreign national A-Files, so you -- could you please get those files to my staff?

NEVANO:

Absolutely, I will look into it, senator.

GRASSLEY:

Thank you. I have one question for Mr. Neufeld and/or Mr. Renaud, and it comes from mentioning that the USCIS reviews evidence to ensure that both parties are free to marry in this country.

Free to marry means that one is not already currently married to someone else. What process does USCIS use? to determine the marital status of both parties is the process effective and, lastly, what steps could USCIS take to improve this process to catch multiple K-1 Visa petitioners?

NEUFELD:

So we -- excuse me -- we principally rely on the information provided to us, to the answers to the question on the form and on the documentation that is submitted along with -- with the petition. We will issue requests for additional evidence if we have any factors that cause us some concern.

We -- in the area of where things could be improved in the future, to the extent that we could gain access to -- you know, information in other databases regarding marital status that would be

helpful, we typically don't have -- have access to that and it pretty much is a paper based adjudication or review of the evidence that they -- they provide to us.

GRASSLEY:

OK.

NEUFELD:

At present.

GRASSLEY:

Yeah. Do you have anything to add Mr. Renaud? If you don't that's OK.

RENAUD:

I would just -- I rarely pass up the opportunity to add something so I will say something. I think that one of the -- one of the challenges that we've seen in certain -- recent media stories, one -- one that you referenced in your opening statement, is that we need to find a better -- a better way to lockdown identities early on in the system so people cannot come to us multiple times and -- and with the assumption that we don't know we've seen them before.

I think that those are some of the things that we have been increasingly successful at but, obviously, we're not done yet. So the -- the story of the Bronx woman, you know, that is a -- that is a problem, frankly, that we need to address and that is -- those are some the things that we're working on now so I think that we need to continue our efforts with -- again with our federal partners to do what we can but I don't think there's an end to our efforts.

I don't think we'll ever get to a point where we can say, there is no risk of marriage fraud. I just think we need to continue to narrow the gap and reduce the risk.

GRASSLEY:

Just one short follow up and it'll be my last question. To either one of you, do you interview the foreign filer as well as the U.S. citizen?

NEUFELD:

We don't during the process of our adjudication of the fiancé petition but they would be interviewed by my colleagues in the Field Operations Directorate when they apply for adjustment of status.

RENAUD:

So we do have the opportunity to interview anyone at anytime who has an immigration benefit pending in front of us. We do know, and I won't speak for state, but I know that the -- the fiancé is interviewed as part of the K-1 immigrant visa process. We -- we do not routinely interview at the time of adjustment of status but we certainly have -- certainly have that option if there are indicators that an interview would be helpful to the proper adjudication.

GRASSLEY:

Could I ask my colleagues -- it'll be Senator Cruz and then Senator Tillis -- would it be possible for one of you to finish this meeting so that I can go to another appointment that I have right now?

CRUZ:

(OFF MIKE)

GRASSLEY:

OK, so then, I would like to just thank, as Chairman of the Committee, and I'll turn it over to Senator Cruz and Senator Tillis at this point. Thank you.

CRUZ:

Thank you Mr. Chairman. And I'd like to thank the chairman for holding this hearing, this is an important topic it is one that is easy to be overlooked. And particularly the Supreme Court confirmation hearing coming up next week, no one -- no one would be surprised if the chairman were focused on that instead of this important topic, and then I appreciate the diligence you bring every day to chairing this committee, and -- and highlighting issues that -- that have a significant impact.

Immigration fraud is always a serious concern, especially when it impacts national security. and although the number of K-1 visas issued annually are not particularly large compared to other immigrant and non-immigration numbers, there is the potential for fraud that -- that exposes us to national security risks.

Now, of course, addressing this topic is sensitive because we don't want immigration policy to be discouraging marriage and family units and legitimate unification of families, but according to ICE, and I quote "Terrorists and other criminals can use marriage fraud as a vehicle to enter the United States," and as all of us know, one of the two perpetrators of the 2015 terror attack in San Bernardino originally entered the United States on a K-1 visa, and 14 people were murdered that day by Tashfeen Malik, a Pakistan native who had spent significant amount of time in Saudi Arabia, and her fiancé, Syed Farook, a native born U.S. citizen.

According to press reports in -- in applying for a visa, Malik lied about her residential address in Pakistan and the couple also apparently did not submit sufficient evidence to show that they had met in person, as is typically required for K-1 visa. The visa was granted, and tragically, the results was the murder of 14 innocent souls in San Bernardino.

My question to the panel is what went wrong in that instance and what have we done to fix it so that it doesn't go wrong again?

EMRICH:

If I might start. So, in that instance, although the two individuals had obviously had very serious and evil intent, there were no indications upon them filing their I-129F that the qualifications for that particular former met in that they were free to marry. They had met at some point in the past -- in the past two years and that they intended to marry when they came into the United States.

That being said, the incident and -- was reviewed by both USCIS internally and the interagency. As a result, CIS has made several improvements to its process. Additionally, USCIS and our screening partners did both retrospective and prospective reviews of the screening process and those reviews will inform processes going ahead that -- which we discussed earlier, would be happy to discuss with the committee in a non-public setting.

Some of the measures that USCIS is taken are to adding additional -- adding additional questions to forms that give us increased biographic information that we can use both to better improve our screening efforts with the intelligence community as well as give our FDNS and ICE investigators more information to work with when they're working and administrative or criminal investigation respect, respectively. Additionally, we've developed training for officers who give interviews for adjudications to better help them determine credibility, and to flesh out various issues.

CRUZ:

Do we know why the fake address in Pakistan was not found?

EMRICH:

We do not have -- as Mr. Neufeld mentioned earlier in regards to -- to marriages, we do not have of robust infrastructure overseas that -- that -- that is in place to verify addresses. We do use a process through both our -- we have for officers overseas, both through them, and through Department of State.

We can request overseas verifications in locations where we don't have personal; the Department of State will go out and verify addresses. When there are indications of fraud, but the infrastructure is not in place to do that on a -- on a -- on a mass scale.

CRUZ:

So if Malik were applying for a new K-1 visa and put down the same fake address, we don't have in place vetting procedures to catch that?

EMRICH:

We do -- the -- our vetting partners do have information such as addresses, so that's -- that -- that's something that they check. That -- that's -- that would be pick up things where there was a national security -- there was a national security flag on the address or -- or other information, which in this case.

I'm not sure if there was one, but in regards to verifying addresses that applicants are providing on the forms in the absence of any national security flag or indicator, the -- the infrastructure is not there to -- to verify addresses.

CRUZ:

OK. And one -- one final question. From what I understand it, in --in 2014, DHS began a pilot program to incorporate social media screening into the vetting of applicants for immigration visas, including K-1 fiancé visas.

What is the current state of affairs in terms of our use of social media, examining the postings of individuals, particularly from regions of the world that pose significant threats of terrorism? To what extent are we examining their -- their social media postings?

EMRICH:

Yes sir. So since F.Y. '15, we've been piloting a variety of -- of social media screening efforts. The -- the current -- the current effort has dedicated personnel, so we have staff were devoted to doing this full time on selected populations right now as a -- as a result of the Executive Order.

We're reviewing all of our screening procedures at the department to develop unified screening, and this is one of the things that's being reviewed. But I can tell you that to date, USCIS has conducted social media checks on publicly available social media on approximately 19,000 persons to date.

We do this in conjunction with the DHS office of intelligence and analysis, and the DHS office of science and technology, which is helping us to better refine our methods, but this is work that we fully anticipate will continue and our capabilities will improve as we go forward.

CRUZ:

And you have the adequate -- adequate resources for the task?

EMRICH:

We are -- that's under review right now. That -- that will -- part of the uniform vetting efforts will inform our resource needs, but as of -- as of right now, to -- to -- we feel that we're doing a high volume of checks and I think that however the uniform screening review comes our we'll -- we'll find the resources.

CRUZ:

Very good. Thank you.

Senator Tillis.

TILLIS:

Thank you Senator Cruz. Thank you all for being here, I'm sorry I wasn't here for the majority of the meeting we had a competing committee meeting in banking.

Just one quick question, is there anybody here on this panel who thinks we should just end the K-1 program entirely? All right. So we think that there's a place for it, it's more a matter of getting it right and dealing with the abuses and possibly prosecuting those who are abusing it.

The reason I wanted to make it to this committee, I think that the same could be said for virtually every visa program that we have. There are some people that would like to eliminate them, I think we do -- we do it at the -- at the cost of meaningful immigration, orderly immigration in this nation, whether it's H-1, H-2A, H-2B, the various visa programs that we have.

And a part of what we have to do is make them work so that it's less likely somebody transcends into an illegal status as we go forward. Then we can solve immigration after 40 years of failure, in my opinion. But back on the K-1. The -- the first question I had, I wasn't here for the first panel, but I know none of you are from the DOJ, but do you have an ideas about what we should do to step up prosecution and possibly penalties with respect to creating a deterrent for anybody who would engage in the kinds of abusive that have been covered?

We can just start -- anyone who wants to speak.

NEVANO:

Senator that's a very good question, thank you for asking that question. As you're probably aware, the sentencing guidelines on single scheme marriage fraud range from potentially like zero to six months on single scheme marriage fraud.

So certainly increasing those penalties would act as a deterrent for individuals to enter in this type of -- of visa fraud, so I would agree with you there.

TILLIS:

And -- and maybe as your asking the question one thing -- I mean this has also become a criminal enterprise so -- I don't know, I'm not an attorney but what more could we do to define elements of the crime to cast a wider net? I don't know how these cases get prosecuted today but how could we make it one where anybody involved in the chain would potentially be subject to prosecution, as you answer the questions, if -- if any of you wish to speak on it.

Mr. Donahue.

DONAHUE:

One thing that we do a lot more is data mining. We look for connections, links between people around the world and we're involved in -- in our own fraud prevention efforts in the State Department, but also it's something that's used by ICE and by Diplomatic Security and -- as -- as a way to look at common terms, common addresses, common -- anything that's common and find other people that may be similar. We recently found a case like that where we saw this commonality and we were able to, working with our partners, begin picking these people up and removing them from the United States.

TILLIS:

Thank you. I did have another question for you Mr. Donahue. I do want to tap onto something that Senator Cruz discussed, we're talking about San Bernardino, I'm reading a commentary here and in one of passages it says that marriage fraud is not necessarily a matter of national security, I think we have at least one example where it may be a matter of homeland security so I do believe that stepping up our vetting processes are critically important.

That relates to a question I want to ask you Mr. Donahue. USCIS, I know, has certain latitude to permit waivers on certain requirements like income requirements for a sponsoring fiancés (sic). What other areas, beyond that one, does the department have an to what extent are they used as a matter of general practice?

DONAHUE:

As -- as I said in my opening statement that we consider every visa adjudication to be a national security decision. And so we take it very seriously that every visa -- every time we issue a visa the first thing we think about is national security. And what we are set up to do so to try to get to the bottom of each case in -- through the interview, through the information that's provided by our partners here, through our a partnership with the visa security units that are hosted by -- that ICE provides to many of our posts.

Through our diplomatic security and to go through. And get to the know; what is this -- what is this application about? And will the person use the visa appropriately and are they using it for some nefarious means?

TILLIS:

And just on a broader question that -- that relates to either national or Homeland security, has there been any more exhaustive research done on -- I know San Bernardino was a -- an example that everybody would point to. But do we know to what extent anyone who's come over on a K-1 visa have been involved or been the target of any FBI investigations or local law enforcement investigations?

Do we have any idea of the base who have come through on K-1 that may have been involved in some nefarious activity after they entered of the country?

DONAHUE:

We don't have. I don't know if you have more from ICE. But let me talk -- talking about the San Bernardino, I -- I did want to mention that we did, along with our partners, a very thorough review of things. And -- and some of things we've done is we provide a very standard questions.

Some of the things that been mentioned during our earlier hearings and discussions on this subject to people who are interviewing clients overseas. We're working in partnership with everyone on the social media. That's a -- that's a real hard nut to crack in the kind of volumes we're dealing with immigration. But technology I -- we -- we used to think that facial recognition or fingerprint collection was a hard nut to crack. And we've cracked those.

So I think we will eventually -- but it's not to be a one agency solution to that problem. So where we've -- we've -- we did a test on social media, about 17 countries that have the most K-1 visas. And we didn't get any real resolution from that.

TILLIS:

Mr. Nevano.

NEVANO:

I'd like to add to my colleague, Senator, that we have special agents assigned at -- as visa posts abroad; 30 visa posts in 25 countries that are actually present during the screening of visas. That we actually have a live HIS special agent that sits in -- in these 30 countries and 25 posts.

I'd also like to mention what you stated, sir, is that marriage fraud is not necessarily just a K-1 issue. K-1 in -- in my estimation, sir, is something that they go through extra scrutiny. There is at least three layers of -- of review and vetting from the time the 129F petition is filed to the time they're interviewed over seas at Department of State and then the time they enter the United States and are admitted by customer and border protection.

Whereas, you know, marriage fraud, you know, is any non-immigrant visa classification. You could have a visitor for pleasure that comes into the United States that engages in visa fraud. So the K-1, there are extra layers of defense, in my opinion, that would make it a -- more difficult for a K-1 to enter into the -- into the marriage fraud.

TILLIS:

Well, thank you for that. Just -- just going back to what I -- I said in the beginning of my comments; if you take a look at -- there may be a -- what I would guess is a minor proportion -- proportion of people for the reasons you've just said, Mr. Nevano, that would use this as a vehicle to come into the United States and do harm to us.

But I believe there are other people who may do it because they think that it's the only way to legally enter this country. And that's because we have a failed visa program, a visa system here that we need to fix. And I for one will look forward to you all providing us with feedback on things that we can do. Prosecute the abusers, make examples out of them.

Not only in the K-1 program, but every other program that we have. So that we can start having an intelligent discussion around visa reform, giving you the tools that you need to provide the right clearances. And then, after granting a visa, tracking so that we really get to a -- I think a more effective, more efficient, fair visa program in general.

I thank you all for being here today. I -- I see no other members present so we'll -- we'll hold the committee open for a week for additional comments and responses to questions. Thank you all for being here, thank those from the previous panel.

This meeting is adjourned.