

# United States Senate

WASHINGTON, DC 20510

October 14, 2010

## **Via Electronic Transmission**

The Honorable Richard L. Skinner  
Inspector General  
Office of the Inspector General  
U.S. Department of Homeland Security  
245 Murray Drive, SW  
Washington, DC 20528

Dear Inspector General Skinner:

The purpose of this letter is to request that you conduct an independent examination of a number of matters relating to the activities and operation of one or more offices of the US Citizenship and Immigration Services (USCIS). More specifically, I am requesting that you evaluate, among other things, the visa approval policies and procedures used by the USCIS.

My staff has engaged with several field officers within USCIS who have provided me with evidence suggesting that USCIS leadership is pressuring USCIS employees to approve immigration benefits despite ineligibility or indication of fraud. According to these USCIS employees, approval rates for receiving immigration benefits are extremely high (around 98 percent) despite estimates that fraudulent applications stand at about 25 percent.

In the course of your review, please gather and analyze information sufficient to address the following specific questions and concerns:

### **Status of Previous Recommendations**

1. In a December 15, 2009 OIG Memorandum Report to USCIS Chief Mary Thomas, the DHS OIG listed four previous recommendations for USCIS that had yet to be adequately addressed by USCIS. Has USCIS provided a status update to these requests? If so, please provide details. If not, why not? The four outstanding recommendations were:
  - a) Establish performance measures for fraud detection in the USCIS immigration benefit caseload.
  - b) Require adjudicators to identify petitions with articulable fraud in an electronic system accessible to FDNS, to begin establishing fraud trends.
  - c) Establish a quarterly reporting requirement from USCIS Adjudications to the USCIS Director on adjudicator participation in identifying articulable fraud.

- d) Restructure FDNS-DS to improve case tracking and management reports. Case tracking should be streamlined, and FDNS program measures should be developed to be incorporated into the database structure, along with an interface to extract management reports at both the headquarters and field level.

### **Employee Performance Evaluation Criteria**

2. To what extent do performance evaluation criteria for USCIS employees encourage and reward appropriately denying ineligible or potentially fraudulent applications?
3. To what extent are performance evaluation criteria appropriately applied to ensure that employees have the proper incentives to deny ineligible or potentially fraudulent applications?
4. What are employee perceptions about the value that management places on denying ineligible or potentially fraudulent applications?
5. What policies and practices are in place which might discourage appropriate denials? For example, USCIS employees have reported that 100% of denials or requests for evidence must be reviewed by senior officials while approvals need not be reviewed. Employees have also reported that senior officials set a goal of zero “customer” complaints.

### **Fraud Estimates versus Approval Rates**

6. What are the best available estimates of the level of fraud or ineligibility among the applications for immigration benefits, and what do those estimates suggest that an appropriate approval rate ought to be?
7. Over the previous five years, what have **monthly** approval rates been in various USCIS service centers, and how have those rates changed over time?
8. When USCIS denies applications, what reasons are cited with what frequency? Please provide data for each reason for denial for the previous five years.
9. Please review records with the Administrative Appeals Office (AAO) to determine whether the application denials from the California Service Center (CSC) over the previous three (3) years held to the applicable statutory and regulatory requirements. If CSC management decisions were meeting the legal ruling of the appellate body, why were the CSC managers removed and transferred? Was there pressure on the CSC to approve ineligible applications despite the results of AAO review?

10. An employee advised my staff that adjudication officers have been pressured to approve applications and ignore established policy for processing. In some cases, the officers complied with the demands of their supervisors and approved visa applications containing suspect information. Reportedly, the pressured officers wrote “per supervisor” on the approved application. Please evaluate these claims along with the policy and procedure.

### **Alleged Adverse Personnel Actions/Retaliation by USCIS Upper Management**

Given the issues raised by field staff about involuntary transfers, I am concerned that retaliatory efforts by high level USCIS management may have occurred or are occurring, and request that DHS OIG evaluate the following questions, providing all related documentation:

11. What is the informal Relocation Policy, in contrast to the formal policy, for Senior Executive Service (SES) Level employees in USCIS?
12. How many SES employees have been transferred involuntarily within the past three years? How many SES employees have been forced to transfer to locations in which they did not request? Do SES grade employees commonly experience involuntary transfers in USCIS? If so, for what reasons are the SES employees transferred? Please provide details of each transfer.
13. The California Service Center (CSC) and Vermont Service Center (VSC) have come to the forefront of my attention due to information surrounding the offices’ processing of large volumes of visa applications and alleged fraud levels. Please evaluate the CSC and VSC to determine whether there was pressure to approve ineligible and/or fraudulent visa applications. Please specifically review whether the leadership changes and internal managerial rotations made at the California Service Center in July/August 2010 led to pressure to approve more cases. Please review communication between Service Center Operations leadership and California Service Center leadership to determine if there was support, or lack of support, for addressing fraud and what, if anything, changed in July/August 2010. In the interest of national security and in light of the fraudulent application rates in relation to the levels of approval in the CSC and VSC, is there any cause for my concern?

Please take whatever action you deem appropriate in these matters and thank you in advance for your attention to this subject impacting national security. Should you have any questions regarding this letter, please contact Jason Foster at (202) 224-4515. All formal correspondence should be sent electronically in PDF format to [Brian\\_Downey@finance-rep.senate.gov](mailto:Brian_Downey@finance-rep.senate.gov) or via facsimile to (202) 228-2131.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley  
United States Senator