

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#1)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Please clarify what information the memo submitted to a consular officer includes and whether the NVC ultimately makes the recommendations to grant or deny a visa.

- a. Please explain the training consular officers undergo to detect fraud and authenticate documents.

Answer:

The National Visa Center's (NVC) memos to post highlight discrepancies between information in the petition and State records, commercial databases, or publicly available records. NVC also includes information on where and with whom the petitioner resides and whether the petitioner has filed petitions for other fiancés or spouses in the past. In addition, NVC provides details regarding whether the visa applicant has been the beneficiary of a previous petition and whether the applicant has family in the United States. Finally, NVC's Fraud Prevention Unit (FPU) attempts to verify information in the petitioner's submitted statements and other supporting documents.

NVC's FPU conducts an initial review of approved petitions received from the United States Citizenship and Immigration Services (USCIS), providing support to adjudicating officers and fraud prevention units overseas by noting additional information that may be pertinent to the validity of the relationship or intent to marry. Given that the NVC does not have adjudicatory authority, the FPU does not recommend issuance or refusal of a visa.

a. Every consular officer receives fraud prevention training during the Basic Consular Course at the Foreign Service Institute (FSI). In addition, Fraud Prevention Managers (FPMs) assigned to post are encouraged to take the Fraud Prevention for Consular Managers training course at FSI. FPMs provide training to all new arrivals and provide regular updates to consular staff throughout their tenure at post. Locally developed materials on trends specific to the applicant pool are supplemented by regular updates from the Bureau of Consular Affairs' Office of Fraud Prevention Programs.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#2)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Does NVC coordinate with USCIS if they discover fraud in a K-1 petition? If not, why not? Please explain that process.

Answer:

A USCIS Fraud Detection and National Security (FDNS) liaison officer works on site at NVC, who coordinates closely with the NVC FPU and provides additional support and guidance to posts overseas. As needed, FPUs work with the FDNS liaison or directly with the adjudicating USCIS service center to share case information and highlight potential fraud findings. If warranted, USCIS may then recall the petition for further review.

Once a petition has been sent to the adjudicating post, final fraud determinations are conducted by the adjudicating officer as part of the interview process, with support from post's own FPU. If the adjudicating officer determines a case involves fraud, the officer writes a revocation memo to USCIS. The memo, petition, and supporting documents are then sent to USCIS via NVC's FPU, which tracks these cases and provides additional support, as needed.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#3)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Does State provide USCIS, ICE and/or FDNS, with their reviews of K-1 petitions and evidence reviewed during the adjudication of the K-1 visa petition and application? If not, why not? Please explain.

Answer:

If there are no concerns, fraud or otherwise, with a K-1 petition, then the Department of State does not provide information about its reviews of K-1 petitions and supporting evidence to USCIS, FDNS, or Immigration and Customs Enforcement (ICE). If derogatory information is uncovered that casts doubt on the legitimacy of the relationship and that might have led USCIS to deny the petition initially, the derogatory information is attached to a memo that is sent to USCIS for possible revocation of the petition (where it is shared with FDNS if there are fraud concerns, and can be shared with ICE, as appropriate). If information arises during the K-1 visa interview that suggests that the petitioner gained his or her status by fraud, the consular officer may send a memo through the legal division of the Department's Office of Visa Services to communicate concerns about the petitioner's status to the Department of Justice (DOJ) or the Department of Homeland Security (DHS) for action, as appropriate. If no response is received from ICE within 30 days, the visa application is to be adjudicated.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#4)
Senate Committee on the Judiciary
March 15, 2017**

Question:

From fiscal year 2011-2016, how many cases of K-1 visa fraud did State refer to USCIS? To what extent does USCIS follow-up with State to report the results of these referrals?

Answer:

State returned the following K-1 cases for fraudulent relationships from Fiscal Year 2011 to 2016. If the petition has expired, USCIS will generally not provide a response to the K-1 petition. In circumstances where the petitioner does not respond to USCIS' Request for Evidence, the petition remains expired and USCIS may not communicate that information back to State. If a petition is returned to USCIS and no response is received, the visa application remains refused.

Year	Fraud returns to USCIS	Revocation notices received	Reaffirmations received
FY 2011	3319	28	3
FY 2012	2907	16	2
FY 2013	1772	1	3
FY 2014	2367	0	1
FY 2015	1917	0	2
FY 2016	1751	0	1

USCIS provides limited information on K-1 cases returned for fraudulent relationships. NVC receives reaffirmed petitions and some notices of revoked petitions based on the Department of State's returns for K-1 fraudulent relationships.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#5)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Please explain the process by which documents, including identity documents and pictures, received by a consular officer are authenticated.

Answer:

Consular officers review documents every day and develop a level of expertise on standard documents in each country. Not every document needs authentication, as many are easy to determine as legitimate. Consular officers determine document legitimacy through training on fraud indicators and fraud document detection. If an identity document appears altered or out of the ordinary, consular officers may forward the document to the FPU for further investigation. When petitioners provide pictures in support of a relationship, officers are trained to look for signs that they might have been staged or altered, which might prompt more targeted interview questions. The FPU also provides training to the consular section about characteristics and common fraud trends that occur in that region, including those related to documents. Once a document is referred to the FPU, the FPU will authenticate suspect documents with contacts at local civil registries, schools, or by other means, as applicable. If the document in question is a U.S. document, the Department of State's Office of Fraud Prevention Programs maintains an internal webpage that provides a variety of exemplars. If necessary, the FPU will reach out to domestic passport agencies, the Office of Fraud Prevention Programs' Counterfeit Deterrence Laboratory, or DHS' forensic document laboratory for assistance in verifying documents.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#6)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Are these documents sent to the Fraud Prevention Manager for review? If not, why not?

Answer:

If consular officers suspect a falsified document, they may send it to the FPU for the Fraud Prevention Manager's (FPM) review. While reviews begin with FPMs' and their locally employed staff's expertise, if they cannot verify the document, FPMs will work with their contacts at local civil registries or within the United States as appropriate.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#7)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Does State maintain a database of documents from which they can authenticate evidentiary documents for repeat petitioners?

Answer:

While the Department of State does not maintain a master database of petitioners' submitted documents, consular officers may view previous adjudications related to the petitioner and beneficiary, including previous fraud concerns. The Department does maintain a collection of documents of applicants who have been implicated in fraud schemes or suspected of submitting fraudulent or falsified documents.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#8)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Will the consular officer inform USCIS of the basis for the denial? If not, why not?

Answer:

Consular officers draft a revocation request, or consular return memo, explaining the reasons for the request for revocation. In the consular return memo, consular officers report on factual fraud findings, such as the applicant's submission of fraudulent civil documents, conflicting statements from the petitioner and beneficiary, new information that was not available to USCIS at the time of the petition approval that might disqualify the relationship, such as a prior marriage that has not been terminated, and any other evidence that indicates that the relationship is not bona fide.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#9)
Senate Committee on the Judiciary
March 15, 2017**

Question:

What is the process for a petition if it is reaffirmed? Is the petition submitted to NVC for another review?

Answer:

USCIS returns reaffirmed petitions to NVC. NVC resumes processing the petition at the stage it reached before being sent to USCIS. For cases that proceeded to the visa interview stage prior to a return, NVC does not re-review the petition for fraud indicators; the petition is forwarded directly to the adjudicating embassy or consulate. If the petition was returned to USCIS for an administrative reason prior to NVC's review, NVC would conduct the review on the reaffirmed petition.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#10)
Senate Committee on the Judiciary
March 15, 2017**

Question:

Are consular officers required to grant visas if USCIS reaffirms them? When can a consular officer reject a reaffirmed petition?

Answer:

Consular officers are not required to issue a visa if USCIS reaffirms a petition. Beneficiaries of approved petitions must still demonstrate to the consular officer at the time of visa application that they qualify for the visa classification they seek and are not otherwise ineligible under U.S. immigration law. Consular officers must refuse applicants found ineligible for a visa under the relevant section of law, and inform applicants of such refusal. In the rare instance where USCIS reaffirms a previously returned I-129F petition, the consular officer is generally advised to process the case to conclusion *unless new factual evidence is uncovered supporting* a finding that the applicant is not entitled to K-1 status or otherwise ineligible for a visa. If new factual information is uncovered, the Department's Foreign Affairs Manual (FAM) instructs consular officers to return the petition to USCIS for reconsideration (See 9 FAM 504.2-8(C) (1)). The FAM instructs consular officers who disagree with a reaffirmation, but have no new evidence, to raise the case with the Office of Legal Affairs in State's Office of Visa Services, which will review the case and consult with USCIS's Office of Chief Counsel, as appropriate. Following such consultation, the Office of Legal Affairs will provide guidance to

post to either continue processing the case to conclusion or send the case back to USCIS for possible revocation.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#11)
Senate Committee on the Judiciary
March 15, 2017**

Question:

From fiscal year 2011-2016, how many K-1 visas were granted by the NVC?

Answer:

The NVC does not adjudicate or issue visas; only consular officers at embassies and consulates overseas may perform adjudication. State issued 183,864 K-1 visas from FY 2011-2016.

Worldwide K1 Visa Issuances						
All Posts	FY 2011 Issuances	FY 2012 Issuances	FY 2013 Issuances	FY 2014 Issuances	FY 2015 Issuances	FY 2016 Issuances
Grand Totals	24,585	27,684	26,321	35,925	30,946	38,403

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#12)
Senate Committee on the Judiciary
March 15, 2017**

Question:

How does State verify information included in a K-1 application? Under what circumstances will State conduct on-site verification of an address or any other information listed on the I-129F and K-1 visa application? Please explain.

Answer:

Most information provided on a K-1 visa application is discussed during the visa interview. The visa interview is used to verify the relationship between the applicant and the petitioner, and to ensure the K-1 visa applicant is applying with his or her true identity and is eligible for a visa under section 212 of the Immigration and National Act. If there are concerns about the K-1 applicant maintaining a relationship with a prior partner that cannot be resolved another way, the FPU may conduct a site visit of the applicant's home. This resource is not always used for K-1 cases because the brief validity period of I-129F petitions when there are doubts about eligibility means they have usually expired before a site visit can be conducted. This resource is more commonly utilized with spousal relationships, though there are many restrictions globally due to safety and security concerns, host government restrictions on U.S. mission travel, as well as financial resources in the consular section.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#13)
Senate Committee on the Judiciary
March 15, 2017**

Question:

What changes have been made to improve the verification of information submitted on the applications, including addresses, date of birth, employment history, and other critical information about the foreign national?

Answer:

For every K-1 petition, NVC's FPU conducts a review of potential fraud indicators. Should the FPU find fraud indicators, it will conduct a further, in-depth review using the Department of State records, commercial database checks, and internet checks of publically-available information, which is provided to post for review and consideration during the interview with an applicant. The Department also started incorporating social media checks when fraud concerns are present to determine if information can be uncovered that contradicts information provided on the petition. Consular sections with large K-1 applicant pools generally have FPUs that can accommodate the workload, with officers and locally employed staff that are well-trained in the fraud trends that arise for this visa category. In addition, many posts have an Assistant Regional Security Officer –Investigator (ARSO-I), a Diplomatic Security agent who will investigate fraudulent visa applications or documents when a criminal aspect is present.

**Questions for the Record Submitted to
Acting Assistant Secretary David T. Donahue by
Senator Grassley (#14)
Senate Committee on the Judiciary
March 15, 2017**

Question:

What additional resources are needed to expand State's capacity to verify foreign addresses and other information included on the visa application?

Answer:

When consular officers have doubts about the address or other information on a visa application, they may forward the case to the FPU for further investigation. The Department of State would like to expand the use of H&L visa fraud-prevention fees for all fraud prevention efforts. This would help to provide consular sections with the necessary resources to increase the site visit frequency and expanded fraud prevention with family-based visa applications. Such an expansion would require Congressional action. In order to verify addresses for most or all of our visa applicants, the Department would require significant staffing increases.