



# U.S. Immigration and Customs Enforcement

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STATEMENT

OF

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REGARDING A HEARING ON

*“Vows for Visas: Investigating K-1 Fiancé Fraud”*

BEFORE THE

U.S. SENATE  
COMMITTEE ON THE JUDICIARY

Wednesday, March 15, 2017  
226 Dirksen Senate Office Building

Chairman Grassley, Ranking Member Feinstein, and distinguished 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 (ICE) 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 (DHS), ICE Homeland Security Investigations (HSI) has broad legal authority to enforce a diverse array of federal statutes encompassing offenses under the Immigration and Nationality Act and other federal crimes. ICE HSI uses this authority to investigate a wide variety of immigration benefit fraud crimes. We work in close coordination with our sister agency, U.S. Citizenship and Immigration Services (USCIS), and other agency partners to target individuals and organizations who arrange fraudulent marriages as well as those who participate in those marriages for the sole purpose of obtaining or conveying an immigration benefit.

I would like to provide you with a brief overview of the crime of marriage fraud and highlight ICE's efforts to combat this crime.

### **Introduction to Marriage Fraud**

Under the Immigration and Nationality Act, an individual commits marriage fraud if he or she “knowingly enters into a marriage for the purpose of evading any provision of the immigration laws.” Marriage to a U.S. citizen can afford a person the ability to enter, reside in, and work in the United States, and therefore it is a popular means for otherwise unauthorized individuals to seek lawful permanent resident status. Individuals who engage in marriage fraud are willing to pay substantial fees in exchange for the marriage and subsequent filing of immigration petitions with USCIS. As a result, an industry exists whereby criminal organizations recruit U.S. citizens willing to enter into fraudulent marriages and file the required applications and petitions on behalf of their alien spouses.

Like other forms of immigration benefit fraud, marriage fraud is a threat to our national security and public safety. It may also allow ineligible individuals to obtain employment at critical infrastructure sites, gain access to government buildings, and board airplanes. Marriage fraud puts U.S. citizen petitioners at risk by allowing unknown persons access to their personal and financial information. Marriage fraud is commonly used as a direct and expedited path to U.S. citizenship. While most individuals must wait five years after obtaining lawful permanent resident status to naturalize, the alien spouse of a U.S. citizen may be eligible for naturalization after only three years.

Marriage fraud also has a negative impact on the integrity of the lawful immigration system. An individual who obtains his or her lawful permanent residence or citizenship through a “sham” marriage may go on to petition for numerous other family members to enter the United States. Thus a single instance of fraud can have a ripple effect throughout the immigration system.

The crime of marriage fraud has been used by both individuals and organizations to unlawfully obtain immigration benefits and to generate 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 enter using a K-1 fiancé visa obtained through fraud, many aliens who enter without inspection or through the use of other nonimmigrant visa classifications participate in marriage fraud in order to remain in the United States.

In a typical marriage fraud scenario, a person may pay thousands of dollars to the facilitator, with the U.S. citizen spouse receiving a percentage of that payment. The U.S. citizen spouse then files materially false paperwork with USCIS. The “sham” couple typically appears before USCIS for an interview, during which they provide false statements about their “marriage” and life together.

## **ICE Efforts to Detect, Deter, and Disrupt Marriage Fraud**

### **Document and Benefit Fraud Task Forces**

One of ICE’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 (DBFTFs). The DBFTFs achieve their successes through comprehensive investigations and prosecutions, asset forfeiture, and public education.

Led by ICE, and initially created in 2006, the DBFTFs build upon existing partnerships to bring together investigators from a variety of agencies with expertise in different aspects of investigating document and benefit fraud. Partners include the USCIS Fraud Detection and National Security Directorate (FDNS), Department of State Diplomatic Security Service, Department of Labor Office of Inspector General, U.S. Postal Inspection Service, and many different state and local law enforcement personnel. The DBFTFs maximize resources, eliminate duplication of efforts, and produce a strong law enforcement presence. The task forces combine ICE’s unique criminal and administrative authorities with a variety of other law enforcement agencies’ tools and authorities to achieve focused, high-impact criminal prosecutions and financial seizures. Although prosecutions of single perpetrators of marriage fraud do occur, the DBFTFs allow ICE to use resources more efficiently and focus on the larger criminal organizations that orchestrate these crimes.

The number of DBFTFs has continued to grow since their establishment in 2006. Currently, there are 24 DBFTFs, located in cities across the United States. Under HSI direction, and with the support of U.S. Attorneys in each district in which they are located, these task forces are dramatically improving coordination and information sharing among the law enforcement personnel investigating cases of immigration document and benefit fraud. HSI has recently shifted more resources to the current DBFTFs, and we are in the process of identifying additional field offices where new DBFTFs can be established.

### **Collaboration with USCIS**

ICE 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 applications and petitions 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 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. ICE is working with USCIS to review and modify case referral policies, as appropriate, to implement the President's January 25, 2017 Executive Order, "Enhancing Public Safety in the Interior of the United States," and the Secretary's guidance on that order, which identifies aliens who have engaged in fraud as a priority for immigration enforcement.

### **Establishment of a National Lead Development Center**

In an effort to streamline the lead referral process between USCIS and ICE, HSI has begun the process of implementing a National Lead Development Center (NLDC) for the intake, vetting, developing, and forwarding of benefit fraud leads to HSI field offices for investigation. By consolidating five existing HSI Benefit Fraud Units (BFUs) into a single location staffed by subject matter experts, the NLDC will centralize as well as standardize all benefit fraud leads, including those involving marriage fraud. The NLDC will support HSI's mission of protecting the integrity of the immigration benefit system by producing robust and well developed criminal referrals to ICE HSI field offices.

### **Marriage Fraud Outreach Efforts**

Recognizing the value of fostering relationships with stakeholders outside the federal government to prevent and detect marriage fraud, in 2013, ICE launched a marriage fraud outreach initiative to raise public awareness, educate partner organizations, and deter individuals from entering into fraudulent marriages. The marriage fraud outreach program seeks to counter the common perception that entering into a "sham" marriage, for the purpose of assisting a foreign national with gaining U.S. immigration status is a harmless transgression without consequences. The program highlights not only the adverse personal, financial and legal ramifications for individuals participating in fraudulent marriages, but the damaging impact on public safety, national security and the integrity of the immigration system.

Through this initiative, ICE seeks out partnerships with recorders and officiants of marriages 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. As a result of this outreach, ICE posters and brochures explaining the negative impact of marriage fraud have been distributed to municipal and county clerks, recorders, and registrars across the country, for the education of their customers and constituents.

### **CONCLUSION**

Thank you again for the opportunity to appear before you today, and for your continued support of ICE and its law enforcement mission. ICE is committed to continuing its work in

combatting marriage fraud through the various efforts I have discussed today. I appreciate your interest in this important issue.

I would be pleased to answer any questions you may have.