



United States Department of State

Washington, D.C. 20520

DEC 15 2017

The Honorable
Charles E. Grassley, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Thank you for November 20 letter regarding the Diversity Visa (DV) Program. The Department of State shares the Committee's concerns in this matter and the Committee's conviction that an assessment of the DV Program is needed. We are fully prepared to provide the Committee with the information you have requested to complete the anticipated assessment. Some of the statistical information sought by the Committee is not readily available in our databases in the form specified in your letter. While we prepare reports on those statistics, we wish to provide you with the other information you have requested.

Each year, U.S. Citizenship and Immigration Services (USCIS) counts the family and employment immigrant admission and adjustment of status numbers for the previous five years to identify the countries that are considered "high admission" and whose nationals will therefore be ineligible for the annual Diversity Visa program. Since USCIS makes this calculation annually, the list of countries whose nationals are eligible or not eligible may change from one year to the next. During the minimum 30 day registration period, applicants worldwide submit entries to the program through the Department's electronic DV website.

After the conclusion of the DV registration period, the Department's Kentucky Consular Center (KCC) eliminates entries found to be incomplete. An outside contractor then administers the random lottery that selects the entries eligible to apply for a diversity visa and certifies the results. More entries are initially selected than visas are available so that the Department may meet the 50,000 visa target and statutory limit after accounting for cases that may be disqualified at later stages and selectees who do not pursue a visa application. Please note that any diversity visa issued to a family member of a selectee counts against the 50,000 statutory limit. KCC screens the selected entries and eliminates duplicate and non-qualifying entries before the announcement of selectees, which normally occurs in May. Selectees then submit completed DS-260 electronic visa applications to KCC, where they are checked for completeness and screened for potential fraud indicators. KCC schedules visa interviews to begin on October 1 of the program fiscal year for DV selectees with complete DS-260s to occur at overseas U.S. embassies and consulates. These interviews are scheduled in lottery rank number order, and in accordance with regional and country limits, and cannot be expedited.

The Department schedules DV interviews throughout the fiscal year in order to minimize peaks in demand and ensure our overseas embassies and consulates are able to process DV cases without disadvantaging applicants for other visa types. KCC works with posts facing temporary DV workload increases to schedule interviews in a way that does not interfere with the post's ability to provide other consular services.

Per-country DV applications are relatively consistent from year to year. The Department takes into account DV workload when determining post staffing levels, ensuring that there are enough adjudicators and fraud prevention personnel to provide consistent screening of all visa applicants, including DV applicants.

On the day of a DV interview, the selected applicant and any derivative spouse and children appear at the designated embassy or consulate with complete documentation. During the interview, the consular officer confirms that the primary applicant meets educational and/or work requirements and that neither the applicant nor any derivative has any immigration ineligibilities, including those related to security, crime, and public charge concerns. If the applicant does not meet the qualifications for a DV or if the applicant or a derivative is otherwise ineligible for a visa, the application is refused under the applicable section of the Immigration and Nationality Act (INA), and the refusal is uploaded into interagency databases. If the consular officer is satisfied that the applicant qualifies for the visa, and no adverse information is uncovered in the screening process, the visa is printed and placed in the passport. The applicant is given the visa and a sealed packet of documentation to present to DHS upon admission to the United States, typically to U.S. Customs and Border Protection at the port of entry.

Comparison of the time and effort required to process a petition-based immigrant visa (IV) case and a DV case would be difficult. The two are not directly comparable because they involve different processes. In general, the all-electronic DV process requires less pre-adjudication processing time than an IV case. However, at post, processing time for DVs may be higher since posts must confirm education/work experience qualifications.

The operations of the Department's Bureau of Consular Affairs, including the DV program, are almost exclusively fee-funded through the Consular and Border Security Program (CBSP), rather than through congressional appropriations. CBSP is funded through nine separate statutory fee authorities, one of which is the Diversity Visa Lottery Fee (Public Law 104-208, Div. C, Title VI, § 236, 8 U.S.C. 1153). Pursuant to Office of Management and Budget Circular A-25, the Department must recover the full cost to the U.S. government for any service, resource, or good provided to a customer. In order to recover the full cost of a consular service, such as a DV, the Department completes an annual Cost of Service Model (CoSM). The CoSM determines the cost for every consular service, and the Department makes fee recommendations based upon those costs.

Since fiscal year 2013, the costs of the DV program in its entirety have been funded from retained consular fee revenue. The current DV Lottery Fee is \$330. This fee has been in place since April 2012. The cost of the DV program varies from year to year, which is why the Department completes annual updates to the CoSM. While the total cost of administering the DV program may exceed the amount of revenue collected from the DV Lottery Fee in any particular year, due to the lag time between when a fee change is recommended and implemented, the cost of administering the program continues to be covered in its entirety by other consular fees due to the flexibility created by various statutory fee authorities.

The most significant fraud in the DV program is associated with the program entry process and is driven in many areas by networks of visa facilitators. While there are legitimate facilitators who, for a fee, assist individuals applying for the DV, there are also unscrupulous actors. Fraudulent facilitators may keep the confirmation codes needed to obtain selection notification and charge additional fees or induce entrants to commit relationship fraud to receive information about the case. Others obtain entrants' biographic data and enter them for a DV without their knowledge, charging exorbitant fees to selectees in exchange for the confirmation codes. The most common indicators of DV program entry fraud include multiple entries per entrant per program year, use of non-recent photographs, and omission of existing spouses or biological children from the entry.

The Department has implemented a number of technical enhancements to reduce program entry fraud, including: biographic and facial recognition checks to identify and eliminate duplicate entries, a 2016 requirement to submit a recent photograph, and technical enhancements to limit the ability of automated bots to manipulate the entry system.

Where fraud exists in the DV application process, it generally involves relationship fraud. Spouses or children may be omitted on the original entry or there are fraudulent relationships with spouses or children acquired since the original program entry. Fraud may also involve fraudulent documents submitted to satisfy the work and education requirements of the DV program.

From a practical standpoint, DNA testing would not address the majority of fraud concerns surrounding family relationships. Consular officers often see cases of 'pop-up spouses' and 'pop-up step-children' where a DV applicant marries and acquires a spouse or step-child after being selected for the DV program. Consular officers must determine the legitimacy of those relationships through the interview process, and through fraud investigations, if warranted. Fraud involving biological children is less of an issue as officers are normally able to verify those relationships through the interview and documentary evidence presented, but DNA testing is an available tool to resolve any concerns. Failure to include a biological child on the original entry application results in an automatic disqualification.

Technology and process enhancements have not been as successful in preventing visa-application fraud as the reliability of education, work, and civil documents depends on a wide variety of issuing authorities in host countries as well as the ability of posts to verify those documents. Fraud Prevention Units at posts overseas spend significant time on such verifications related to IV, NIV, and DV applications. Uncovering fraud may also require resource-intensive site visits or fraud interviews. As noted above, KCC helps target post efforts by identifying potential fraud indicators in DV applications prior to the interview.

KCC screens all selected DV entries for compliance with program rules and uses facial recognition and other means to eliminate duplicate entries. In addition, KCC prescreens each DV application for fraud indicators and flags any concerns for adjudicator review. Every DV applicant is subject to the same vetting requirements that apply to immigrant visa applicants. There is no mechanism to alert the Department of the activities of DV or other immigrant visa recipients after they have been admitted to the United States. Individuals who have been admitted to the United States as lawful permanent residents fall under the authority of DHS. Immigration and Customs Enforcement (ICE) has jurisdiction over enforcement matters in the United States.

We hope the above information is responsive to your concerns. The remaining statistical information you have requested will be forwarded to the Committee after we have completed pulling the information from existing databases. Please do not hesitate to contact us further if you require additional information.

Sincerely,



Charles S. Faulkner
Bureau of Legislative Affairs