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**U.S. CITIZENSHIP AND IMMIGRATION SERVICES  
Office of Fraud Detection and National Security  
Religious Worker Benefit Fraud Assessment Summary**



July 2006

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## **Introduction:**

This summary was prepared in response to recent public inquiries regarding the Religious Worker Benefit Fraud Assessment (BFA) completed by the Office of Fraud Detection and National Security (FDNS) in August 2005. The document is a public version of the Religious Worker BFA final report. Certain law enforcement sensitive information has been redacted.

## **Background:**

USCIS developed and implemented a Benefit Fraud Assessment (BFA) to measure the integrity of specific nonimmigrant and immigrant applications/petitions by conducting administrative inquiries on randomly selected cases.<sup>1</sup> This is referred to as an *assessment* because the cases are not attached to any suspicions of fraud; they are a combination of pending and completed cases filed over the preceding six months. The results will serve as a basis for proposed changes to existing regulations, policies, and procedures, and if warranted, legislative remedies.

As part of the BFA process, systems checks will be completed to verify claimed experience, education, and other qualifications, as well as the legitimacy of the petitioner. For employing petitioners, this includes, but is not necessarily limited to, verifying its existence, economic viability, and need for the prospective employee. A field inquiry will be conducted for most cases included in the BFA. Field inquiries are conducted in order to gather information to identify or verify fraud that cannot be collected during an interview, with systems checks (data mining, etc.), or with an administrative review of the file. In general, any material fact that cannot be verified through other information will require a field inquiry. Prior to conducting the field inquiry, USCIS' Office of Fraud Detection and National Security Immigration Officers (FDNS IOs) will contact Immigration and Customs Enforcement (ICE) to identify any conflict with ICE concerning the case.

For the purposes of the BFA, fraud is defined as a willful misrepresentation or falsification of a material fact. Fraud will entail any manifestations that amount to an assertion not in accordance with the facts, an untrue statement of fact, or an incorrect or false representation material to the adjudication of the application/petition, i.e., required by statute or regulation.

In keeping with the USCIS/ICE anti-fraud joint strategy, cases identified with preliminary findings of fraud are referred to ICE for further investigation and possible prosecution and removal. All information related to national security will be forwarded to ICE for investigation. If ICE declines to open a criminal investigation, FDNS will send a Fraud Verification Memorandum for Adjudications to initiate revocation/denial proceedings based upon FDNS' administrative inquiry and findings. All BFA cases will be entered into the FDNS Data System<sup>2</sup> so that the information can be tracked, and known fraud indicators

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<sup>1</sup> Using the random sampling formula provided by the DHS Office of Immigration Statistics, the BFA sampling consisted of a Rate of Occurrence not more than 20%, a Confidence Level of 95%, and a reliability factor of plus or minus 5%.

<sup>2</sup> Formerly known as the Fraud Tracking System (FTS).

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discerned from the cases in the FDNS Data System can be compared against incoming receipts.

**Benefit Fraud Assessment / Phase 1:**

The Form I-360 Special Immigrant / Religious Worker classification was selected as the first petition for the BFA as the religious worker classification was historically considered to have a high fraud rate. FDNS sought to document the extent and type of suspected fraud in this classification.

FDNS determined a statistically valid sample of I-360 (religious worker) petitions from a recent six-month period based upon receipts. These files originated from the four Service Centers that adjudicate these petitions. The files were copied and distributed to the FDNS IOs nationwide by geographic location of the petitioning entity. In addition to reviewing and conducting record checks for each file, field inquiries were also conducted.

**Summary of BFA I-360 Religious Worker Findings**

<b>Total Cases</b>	<b>No Fraud</b>		<b>Fraud</b>	<b>Total</b>
220	148	72	220	
	67.27%	32.73%	100.00%	

FDNS has completed the first phase of the BFA. 220 religious worker petitions (Form I-360) have been reviewed. Of that, 72 cases (32.73%) resulted in a finding of fraud. Many of the cases reviewed had multiple fraud indicators.

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**Overall Fraud Rate for the I-360 Religious Worker Assessment**



Results indicate that the administrative field inquiry is a valuable tool in assessing immigration benefit fraud. By conducting field inquiries, FDNS IOs were able to substantiate the bona fides of the petition and offer of employment. Field inquiries were particularly effective in identifying non-existent organizations. Three petitioners withdrew their petitions after being interviewed during a field inquiry, a testament to the effectiveness of the procedure.

The overall fraud rate (32.73%) for the BFA is a statistically valid number based upon a random selection from the total number of receipted cases. Possible fraud indicators were discerned based upon an analysis of traits common among the cases of proven fraud.

**EXAMPLES FRAUD CASES**

Beneficiary Age: 28 y/o Gender: M

Fraud: Non-existent facility

Note: The petitioner has filed additional petitions. The number is indeterminate at this time due to the different addresses used for filing.

Beneficiary Age: 44 y/o Gender: M

Fraud: "Paper" church; addresses were offices with no indication of religious functions. The petitioner appears to be an investment/financial organization.

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Beneficiary Age: 33 Gender: M

Fraud: the signer of the petition could not be located and cannot be connected to the petitioning group; religious group address is an apartment in an apartment complex.

Note: Record checks reveal that an individual suspected of membership with a terrorist organization has used the petitioner's address.

Beneficiary Age: 33 Gender: M

Fraud: Beneficiary no longer worked for the petitioner. He was a volunteer. The petitioner previously filed for the beneficiary and was denied for lack of evidence. The beneficiary had the requisite experience, so the petitioner was aware of the requirement. We were unable to locate beneficiary.

Beneficiary Age: 35 Gender: M

Fraud: Petitioner unaware of the petition/beneficiary

Beneficiary Age: 25 Gender: M

Fraud: Petitioner filed on 7/19/2004: The petitioner also admitted that the position was not full time (16 congregants) despite the assertion in the employment offer that it was.

Beneficiary Age: 36 Gender: M

Fraud: The principal and signer of the petition is no longer at the school and school board members interviewed were not aware of the petition; the beneficiary moved from Denver, CO., to San Diego, CA, after the petition was filed. Beneficiary's work was volunteer (beneficiary had a prior I-360 filing that was withdrawn). Beneficiary is currently in deportation proceedings and was so at the time of filing of the I-360, and failed to provide information concerning the proceeding as required on the form.

Beneficiary Age: 38 Gender: M

The petitioner has filed at least 82 petitions with many fraud indicators including the misrepresentation of qualifications and duties of the beneficiary and ability to pay for the number of petitions filed. The applications of the petitioner were all nearly identical.

Beneficiary Age: 35 Gender: M

The beneficiary could not be located, and the petitioner was unaware of the filing.

### CONCLUSION

The BFA substantiated the perception based upon experience that the immigrant religious worker classification has a high rate of fraud. This same perception exists for the nonimmigrant R-1 classification. The USCIS Office of Fraud Detection and National Security is combining resources with ICE and DOS to effectively combat fraud. The uncovering of fraud is an ongoing process that develops an effective methodology, while insuring that the right benefit gets to the right person at the right time and no benefit goes to the wrong person.