ASYLUM

Additional Actions Needed to Assess and Address Fraud Risks

Why GAO Did This Study

Each year, tens of thousands of aliens in the United States apply for asylum, which provides refuge to those who have been persecuted or fear persecution on protected grounds. Asylum officers in DHS's USCIS and immigration judges in DOJ's EOIR adjudicate asylum applications.

GAO was asked to review the status of the asylum system. This report addresses (1) what DHS and DOJ data indicate about trends in asylum claims, (2) the extent to which DHS and DOJ have designed mechanisms to prevent and detect asylum fraud, and (3) the extent to which DHS and DOJ designed and implemented processes to address any asylum fraud that has been identified. GAO analyzed DHS and DOJ data on asylum applications for fiscal years 2010 through 2014, reviewed DHS and DOJ policies and procedures related to asylum fraud, and interviewed DHS and DOJ officials in Washington, D.C., Falls Church, VA, and in asylum offices and immigration courts across the country selected on the basis of application data and other factors.

What GAO Recommends

GAO recommends that DHS and DOJ conduct regular fraud risk assessments and that DHS, among other things, implement tools for detecting fraud patterns, develop asylum-specific guidance for fraud detection roles and responsibilities, and implement timeliness goals for pending termination reviews. DHS and DOJ concurred with GAO's recommendations.

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What GAO Found

The total number of asylum applications, including both principal applicants and their eligible dependents, filed in fiscal year 2014 (108,152) is more than double the number filed in fiscal year 2010 (47,118). As of September 2015, the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) has a backlog of 106,121 principal applicants, of which 64,254 have exceeded required time frames for adjudication. USCIS plans to hire additional staff to address the backlog.

USCIS and the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR) have limited capabilities to detect asylum fraud. First, while both USCIS and EOIR have mechanisms to investigate fraud in individual applications, neither agency has assessed fraud risks across the asylum process, in accordance with leading practices for managing fraud risks. Various cases of fraud illustrate risks that may affect the integrity of the asylum system. For example, an investigation in New York resulted in charges against 30 defendants as of March 2014 for their alleged participation in immigration fraud schemes; 829 applicants associated with the attorneys and preparers charged in the case received asylum from USCIS, and 3,709 received asylum from EOIR. Without regular assessments of fraud risks, USCIS and EOIR lack reasonable assurance that they have implemented controls to mitigate those risks. Second, USCIS's capability to identify patterns of fraud across asylum applications is hindered because USCIS relies on a paper-based system for asylum applications and does not electronically capture some key information that could be used to detect fraud, such as the applicant's written statement. Asylum officers and USCIS Fraud Detection and National Security (FDNS) Directorate immigration officers told GAO that they can identify potential fraud by analyzing trends across asylum applications; however, they must rely on labor-intensive methods to do so. Identifying and implementing additional fraud detection tools could enable USCIS to detect fraud more effectively while using resources more efficiently. Third, FDNS has not established clear fraud detection responsibilities for its immigration officers in asylum offices; FDNS officers we spoke with at all eight asylum offices told GAO they have limited guidance with respect to fraud. FDNS standard operating procedures for fraud detection are intended to apply across USCIS, and therefore do not reflect the unique features of the asylum system. Developing asylum-specific guidance for fraud detection, in accordance with federal internal control standards, would better position FDNS officers to understand their roles and responsibilities in the asylum process.

To address identified instances of asylum fraud, USCIS can, in some cases, terminate an individual's asylum status. USCIS terminated the asylum status of 374 people from fiscal years 2010 through 2014 for fraud. In August 2015, USCIS adopted a target of 180 days for conducting initial reviews, in which the asylum office reviews evidence and decides whether to begin termination proceedings, when the asylee has applied for adjustment to lawful permanent resident status; however, this goal applies only to a subset of asylees and pertains to initial reviews. Further, asylees with pending termination reviews may be eligible to receive certain federal benefits. Developing timeliness goals for all pending termination reviews would help USCIS better identify the staffing resources needed to address the terminations workload.