U.S. House Committee on the Judiciary

"Restoring Immigration Enforcement in America"

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Thank you, Chairman McClintock and Ranking Member Jayapal, for the opportunity to appear at this hearing to discuss how Congress can help restore immigration enforcement, which is central to maintaining the integrity of our immigration system. The late, great lawmaker and civil rights leader Barbara Jordan famously distilled the definition of an effective immigration system – in testimony before this very Committee -- to a single sentence: "those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave." [1] It has been disheartening to witness the abandonment of those common sense principles over the last four years, as the Biden administration has worked to undermine our immigration laws rather than enforce them. While we can have high confidence that returning president Trump will be acting swiftly to reverse course, the experience of the last four years reveals that there are many parts of our immigration law that need to be updated and bolstered, so it is essential for Congress to act as well, and to reclaim its authority to establish immigration law for the nation.

This statement is intended to offer a list of recommendations for Congressional action to reform and reinforce immigration law that go beyond the critical improvements already contained in the Secure the Border Act of 2023 (H.R. 2), which the House recently debated and passed.

It includes recommendations for changes not only to enhance the work of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), but also calls for changes to visa and immigration benefits programs to address overstays, fraud and other problems that are also forms of illegal immigration.

Restoring Border Security

1. **State and Local Partnerships** - Clarify the authority found in Section 103(a)(10) of the Immigration and Nationality Act (INA), which gives the President and the Attorney General, and possibly the Secretary of the Department of Homeland Security (DHS), the ability to delegate immigration enforcement authority to state and local law enforcement officers in the event or possibility of a mass influx of illegal aliens over a land or sea border, upon agreement or request of those state and local officials.[2] In addition to clarifying the authority and means to activate this authority, Congress should make funds available to help state and local officials cover the costs involved of helping to enforce immigration laws.

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[1] Testimony before House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims February 24, 1995

[2] See Andrew R. Arthur, The Overlooked Power to Enlist Local Cops for Immigration Enforcement, Center for Immigration Studies, January 1, 2025, https://cis.org/Arthur/Overlooked-Power-Enlist-Local-Cops-Immigration-Enforcement.

Numerous state and local officials are eager to assist with immigration law enforcement, not only at the border, but also in the interior, because it supports their public safety mission, and because it protects the fiscal stability and quality of life of their communities. Federal authorities need their help. Congress should make sure that this tool is available to them.

2. **Entry-Exit Tracking and Border Crossing Card Compliance -** Direct DHS to complete implementation of a comprehensive biometric entry-exit system for land, sea and air ports of entry that enables all traveler identities to be authenticated, all traveler movements across our border to be tracked, and entries of visa and identity abusers to be prevented. After the swift implementation of US-VISIT in 2004, progress on completing this system, first mandated in 1996, has been very slow. The land ports of entry, some with high crossing volumes and travelers arriving by foot and by car, are still a significant vulnerability. In particular, Congress should direct DHS to work with the Department of State to boost security and compliance of Mexican travelers using Border Crossing Card, with a focus on addressing the problem of imposters and deterring use of the card for illegal employment in the United States. In addition, Congress should limit issuance of the BCCs to residents in the border area of Mexico (residents of the interior should be required to qualify for a regular visa), and restore limits on entry to within 25 miles of the border for a 72-hour period.

3. **Mandatory Visa Interviews and Shorter Stays -** Congress should require that all first-time visa applicants must be interviewed before receiving a non-immigrant visa (with a few very narrow exceptions). In addition, Congress should request a report on the average and median duration of stay for all visa categories and countries of citizenship, with the goal of assisting DHS in crafting a new policy to align the duration of stay authorized by port of entry officers with the length of time actually needed by most travelers, as a way of deterring overstays. For example, a regular B-1/B-2 visa entry should have a default duration of stay of 30 days, not 180 days, unless the traveler requests longer and receives additional vetting. In addition, Congress should require Customs and Border Protection (CBP) to report to the State Department all cases of individual visa-holding travelers who were denied entry, for use in evaluating visa issuance policies.

4. **Border Detention Capacity -** Congress should consider authorizing and funding dedicated detention facilities for CBP use at the border, to enable them to process, detain and return or remove aliens arrested by CBP officers who are held in custody for short periods of time. This will ensure that ICE detention capacity is not affected by the need to detain large numbers of aliens arrested by the Border Patrol.

Restoring Interior Enforcement

1. **Find the Kids -** One of the most disturbing results of the Biden open border policies has been the surge in arrivals of unaccompanied alien children (UACs) and the irresponsible policies for releasing these minors to unvetted sponsors, which has been well documented in hearings before this committee and in the Findings section of H.R. 2. I believe that the changes proposed in that bill would effectively address the problem at the border, before it creates problems within the country, but now the task of locating and returning these children to their families or their home country remains. First, Congress should clarify that the Health and Human Services (HHS) agency has the authority and the responsibility to look out for the welfare of the children who passed through their hands (something that the leadership of this agency has repeatedly denied), and Congress should direct HHS to make changes, including, for example, adopting the strictest version of the recommendations of the Office of the Inspector General last

year, and placement protocols that are comparable to state foster care placements.[3] In addition, Congress should direct HHS to create a multi-agency task force to locate all minors who were placed with sponsors by HHS (who are still minors), return them to their families to the extent possible, and initiate appropriate law enforcement action against sponsors, employers, smuggling organizations, and human traffickers. Those who were allowed to enter as UACs but who are now adults should be subject to immigration enforcement without special status or treatment. Further, Congress should lift all prohibitions on information-sharing among federal and local agencies about UACs and their sponsors, which have recently been inserted into appropriations bills.[4]

2. **Discourage Sanctuaries -** The proliferation of sanctuary policies is one of the biggest challenges for ICE today. They are adopted primarily for political reasons, or because political leaders misunderstand or disagree with immigration enforcement, or believe the false narrative that ICE is overzealous or that such policies encourage more crime reporting by immigrants. In fact, sanctuary policies protect criminal aliens, and undermine public safety as these criminals are released back into the community. Since 2021, more than 22,000 deportable criminal aliens have been released into the community after local jails refused to honor ICE detainers. My experience in working on this issue for more than 10 years is that the prospect of potentially losing access to federal funds to law enforcement agencies or other branches of local government can prompt some sanctuary leaders to change their policies. But the most egregious sanctuary jurisdictions, including California, Washington, Oregon, and Illinois, whose leaders are unmoved by the litany of tragedies that have occurred as a result of these irresponsible policies, are unlikely to change on their own. Congress needs to take several steps to address this problem: a) update 8 USC 1373 and 1644 to prohibit local jurisdictions from barring officers from communicating with ICE about suspects or inmates, or barring ICE access to jails and prisons; b) clarify the legal foundation of ICE detainers so that local law enforcement agencies can honor them without unreasonable liability; b) bar sanctuaries from eligibility for certain federal funding; c) create a private right of action for individuals (or state or local officials acting on their behalf) to enable those harmed by sanctuary policies to seek compensation. In addition, Congress should create penalties or other disincentives to states that issue driver's licenses or other public benefits to illegal aliens.

3. **Crack Down on Illegal Employment -** The main motivation for illegal immigration is employment. In addition to creating a universal mandate for employers to verify that all their employees are authorized to work, Congress should provide additional tools to enforce this mandate, including penalties for employers who egregiously or negligently use staffing companies that provide unauthorized workers. Congress should direct the Internal Revenue Service to share information with ICE on irregularities in payroll or wage filings, and specify actions to be taken by the IRS and ICE.

4. **Allow States to Assist in Enforcement -** Because the illegal immigration problem is currently too large for the federal government to address on its own, and because the costs of this problem are borne primarily at the state and local level, Congress should create mechanisms for state and local governments to assist with immigration enforcement. Congress should direct funding to create expanded opportunities for delegation of immigration enforcement, including increased funding for a greater variety of 287(g) programs, which are a critical force multiplier for ICE and have public safety value for participating

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[3]Department of Health and Human Services Office of Inspector General, "Gaps in Sponsor Screening and Followup Raise Safety Concerns for Unaccompanied Children," February 2024, https://www.borderreport.com/wp-content/uploads/sites/28/2024/02/OEI-07-21-00250.pdf.

[4] See Jon Feere, "NYT Reveals Child Labor Exploitation Corresponds to Actions Taken by Harris, Biden, and Mayorkas,"Center for Immigration Studies, April 19, 2023, https://cis.org/Feere/NYT-Reveals-Child-Labor-Exploitation-Corresponds-Actions-Taken-Harris-Biden-and-Mayorkas.

jurisdictions. In addition, Congress should authorize states to create diversion programs whereby state courts and authorities may offer and enforce repatriation as an alternative to incarceration for non-violent, low-level deportable alien offenders.

5. **Tighten Visa Issuance and Hold Overstayers and Sponsors Accountable -** Since a large share of illegal aliens arrived on temporary visas or visa waivers and then overstayed, the State Department and ICE should be required to dedicate more resources for preventing overstays and targeting more individual aliens who overstay. In 2023, more than 565,000 aliens overstayed their visa or visa waiver entry.[5] Reducing this number requires a multi-layered approach that includes improved visa issuance procedures, more enforcement to deter overstaying, and consequences for the sponsors in certain visa programs that result in a disproportionate number of overstays. Congress should mandate general visa issuance protocols that, in addition to requiring interviews, set thresholds for unacceptable overstay rates that result in the imposition of enhanced vetting procedures and reduced issuances in countries and/or categories with high rates of non-compliance. In addition, Congress should direct the State Department and DHS to create a task force or working group with the responsibility of identifying employers, universities, NGOs, and other sponsors of temporary visitors who have unacceptable or disproportionate rates of sponsored aliens who overstay, and establish penalties for these sponsors, to include fines and/or debarment from participation in these visa programs.

6. **Accelerated Due Process in Removals -** The removal process has become rife with loopholes and opportunities for removable aliens to appeal, contest, or drag out their proceedings. Congress should stitch these closed and either reinforce or create new forms of accelerated due process that allow very limited interference from the courts. For example, expedited removal should be allowed in the case of aliens who cannot show they have been here longer than five years. Congress should address the court-imposed limitations on stipulated removal, which is the equivalent of a plea bargain agreement in which the alien waives a hearing in immigration court, accepts removal, and thereby avoids prolonged detention. In addition, Congress should provide for expanded use of judicial orders of removal, so that federal and state judges can order aliens removed under certain circumstances. Both of these measures would help reduce the backlog in immigration courts.

7. **Alternatives to Detention –** This program has morphed from one designed to allow for the release of low-risk aliens (often families) who stand a reasonable chance of qualifying for relief from removal to a safety valve to enable ICE to release relatively low-risk aliens from detention to a resettlement support program for paroled aliens. In its most recent iterations, it has become expensive and ineffective in accomplishing removals. Congress should restore this program to one that supports ICE's enforcement mission by enabling ICE to monitor a limited number of aliens that meet strict criteria to be released while in proceedings, and promptly remove those who do not obtain relief, with penalties for violations of release conditions.

8. **Eliminate OIDO -** The Office of the Immigration Detention Ombudsman should be terminated or drastically scaled back, with its duplicative functions eliminated. Currently it serves as an advocate for detained criminal aliens and in some cases works to perform pseudo-oversight, often in the form of repetitive "jail inspections" aimed at deterring or shutting down cooperative agreements between local jails and ICE.

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[5] Department of Homeland Security, "Entry/Exit Overstay Report for 2023," https://www.dhs.gov/sites/default/files/2024-10/24_1011_CBP-Entry-Exit-Overstay-Report-FY23-Data.pdf.

9. **Target Gang Members and TCOs -** Gang members, cartel operatives, and those who work for transnational criminal organizations (TCO), and their family members, should be inadmissible and barred from receiving all immigration benefits. Congress should authorize and appropriate funds for a national database of gang members. All non-citizen gang members and TCO operatives should be subject to law enforcement watchlisting and alerts.

10. **Fight Identity Theft -** Congress should direct and fund the creation of an interagency task force or working group to address the rampant identity theft associated with illegal immigration, particularly identity theft of U.S. citizen Social Security Numbers (SSNs). It is possible to detect multiple and suspicious uses of SSNs through analysis of the FBI's criminal biometric database (Interstate Identification Index and National Fingerprint File), payroll and tax records, motor vehicle records, welfare and Medicaid records, U.S. Passport records, and records in Puerto Rico, which is a source of many SSN thefts.[6]

11. **Recalcitrant Countries -** Congress should provide a more robust process for dealing with countries that refuse to accept their citizens back after being ordered removed. Upon notification from ICE that a country is recalcitrant (as defined by Congress) the State Department should be required to impose an escalating series of visa sanctions for recalcitrant countries, and also be required to withhold certain forms of foreign assistance and other support.

12. **Remittances** – In order to help disrupt money laundering and human trafficking and smuggling networks, access to electronic money transfers to foreign countries should be limited to those providing evidence of U.S. citizenship or lawful permanent or temporary legal status. In addition, Congress should mandate that a modest fee should be imposed on all out-going remittance payments, and the proceeds from this fee should be used for immigration enforcement.

Combatting Fraud and Misuse of Temporary Visa Programs

Most non-immigrant visa category rules need updating to prevent further abuse. Among the most important changes needed:

1. **Treaty traders and investors** – Congress overturn the E visa regulations published in the Foreign Affairs Manual (FAM) in 2023[7], and instead write new rules that include specification of a minimum sum of investment and economic activity and also the minimum number of jobs created for U.S. workers in the visa applicant/holder's business. In addition, the eligibility of the visa holders should be evaluated every five years, to include interviews, site visits, and examination of tax records and financial statements.

2. Student visas – The F and M visa categories have highest overstay rates of any of the broad categories of temporary admission. Thirty-two countries have student/exchange visitor overstay rates of higher than 20 percent. Four countries (Brazil, China, Colombia and India) each had more than 2,000 of their citizens overstay student/exchange visas in 2023, with India having the highest number (7,000). Not only do visa issuance policies need to be adjusted and interior enforcement boosted, in addition Congress should

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[6] Jessica Vaughan and James Scott, "Has an Imposter Stolen Your Identity?," Center for Immigration Studies Podcast Episode 78, https://cis.org/Parsing-Immigration-Policy/Has-Imposter-Stolen-Your-Identity.

[7] Corona C. Wang, "State Department Releases Updated Guidance for E-Visa Processing," Ogletree Deakins, July 14, 2023, https://ogletree.com/insights-resources/blog-posts/state-department-releases-updated-guidance-for-e-visa-processing/.

amend the law in several important ways. First, the concept of dual intent should not apply to student visa applicants; instead, each applicant should be required to demonstrate an intent and likelihood to return to their home country after their studies.

Second, the **Optional Practical Training (OPT)** and Curricular Practical Training (CPT) programs, which were never authorized by Congress, and which have spawned an industry of diploma mills and fake schools give cover for bogus training programs and illegal employment, should be eliminated, or much, much more closely regulated. Currently OPT and CPT are the largest guest worker programs we have, with an estimated 540,000 former students employed here, without accountability, oversight, labor condition safeguards. In addition, Congress must impose stricter standards for credentialing schools before they are allowed to issue I-20 forms to visa applicants. Schools with high rates of overstays should lose their eligibility to issue I-20s.

3. **Temporary work visas** – The temporary work visa programs inevitably lead to distortions in the labor market and displacement of U.S. workers, and the immigration agencies should be required to devote more effort to enforcing the rules and combatting fraud. Not only do they contribute to more illegal immigration with high overstay rates, they can create security risks.

The United States does not have a shortage of labor, either in skilled or low-wage occupations. In fact, there are millions of Americans of working age who have dropped out of the labor market. Even in the STEM sector, there are more than two million U.S. STEM degree-holders who are unemployed or not working in STEM, which is about one-sixth of the total. Besides directing more agency action, Congress should overhaul these visa programs to increase opportunities for American workers.

First, no staffing companies should be permitted to sponsor foreign visa workers. These companies operate on a business model designed to replace U.S. workers with workers from abroad who will work for lower wages, and have been associated with illegal hiring practices, such as charging workers illegal recruitment fees and exploiting workers – in both skilled and low-wage occupations.

All employers should be held accountable for high overstay rates for sponsored workers.

Visas for workers specialty occupations **(H-1B)** should be limited to a period of two years with a possible extension to four years, and there should be no automatic extension based on a green card petition. The total number should be limited to 75,000 or less, including the non-profit and research sector, which is currently unlimited. If the category is oversubscribed, then the visas should be awarded to the highest-paying employers, as a proxy for the highest skilled workers. Federal government agencies should be permitted to seek approval for visa workers only in very limited circumstances.

As for temporary agriculture workers **(H-2A**), Congress should clarify the definition of agricultural work, to exclude food processing. Workers should be required to spend 180 days of each year in their home country to qualify to return, and no visas should be available to dependent family members. This will help ensure that the visa are temporary.

The **H-2B** visa program for seasonal or temporary unskilled labor should be eliminated, or significantly scaled back to allow a duration of stay of less than one year, with renewal available only after a 180-day return to the home country.

4. **Exchange Visitors** – The majority of the so-called cultural exchange (J) visas are in reality work programs that have little value for cultural diplomacy and are not true exchanges that offer opportunities for Americans to have experiences abroad. They have a higher overstay rate than the F- and H visa

programs, and they displace and undercut U.S. workers. Specifically, the Au Pair, Summer Work Travel, Intern, Teacher, Physician, and Trainee programs, which are all work programs, should be eliminated.

In addition, the 212(e) provision requiring certain exchange visitors return home for two years before becoming eligible for other immigration benefits, should be restored to all of the categories, to ensure that the programs are truly short-term exchanges and not a path to immigration or overstay.

Exchange program sponsors should face consequences for program abuses, including violations committed by their sub-contractors and third party sponsors, such as fines and debarment from the ability to bring in foreign nationals. Sponsors should not be allowed to let third parties host exchange visitors under their eligibility.

The State Department should be given additional resources to increase oversight of these programs – especially the high school exchange programs that involve minors.

5. **Visas for Crime Victims** – While well-intentioned, the visas for victims of serious crimes (U and T visas) are not achieving the intended purpose of helping to prosecute crimes against illegal aliens, including severe forms of human trafficking. Instead they have become opportunities for inadmissible aliens to game the system to obtain immigration status. According to an investigation by the DHS Office of the Inspector General,[8] a majority of law enforcement officers surveyed about the U visa stated that the program does not contribute to helping solve crimes and is widely considered to be a drain on their resources and invites crime reporting scams. Similarly, according to an academic study, more than two-thirds of law enforcement agencies surveyed rarely or never consent to sign certifications for T visas.

These two visa programs are massively oversubscribed and bogged down with frivolous and fraudulent applications. This has occurred because of loosely-written regulations and also significant policy changes under the Biden administration. For example, the U visa program, which Congress thought should cover no more than 10,000 foreign crime victims per year, now has a waiting list of more than 300,000 pending cases that could take 30 years to work through. The number applications for T visas (for victims of severe forms of human trafficking) more than quadrupled between 2021 and 2024. Government reports and independent research have documented rampant fraud in the U visa program especially, such as fictitious claims of victimization, staged crimes, altered law enforcement certifications, and more.[9]

There are several reasons for the huge spike in U and T visa applications, which can be corrected by Congress. First, the Biden administration adopted very lenient rule for establishing eligibility and, more importantly, has allowed applicants to receive work permits, protection from deportation, and benefits for family members upon mere filing of an application, before any meaningful review of admissibility, eligibility, or credibility. In addition, under Biden policies, USCIS adjudicators were not permitted to file Notices to Appear in the case of failed benefits applicants, meaning that even those who file frivolous applications will face no consequences upon denial, and so have nothing to lose and a lot to gain.

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[8] DHS Office of the Inspector General, "USCIS' U Visa Program is Not Managed Effectively and is Susceptible to Fraud," January 6, 2022, https://www.oig.dhs.gov/sites/default/files/assets/2022-01/OIG-22-10-Jan22-Redacted.pdf.

[9] Jessica M. Vaughan, "Visas For Victims: A Look At the U Visa Program," Center for Immigration Studies, March 30, 2020, https://cis.org/Report/Visas-Victims-Look-U-Visa-Program and "U Visas for Illegal-Alien Crime Victims: Yet Another Amnesty Ploy," Center for Immigration Studies Podcast *Parsing Immigration Policy*, Episode 92, February 16, 2023, https://cis.org/Parsing-Immigration-Policy/U-Visas-IllegalAlien-Crime-Victims-Yet-Another-Amnesty-Ploy.

Considering that the U and T visas do not contribute to the solving or prosecution of crimes in a meaningful way, Congress should eliminate these visa programs and replace them with a carefully regulated deferred action program. Requests for enrollment in a deferred action program must be initiated by a law enforcement agency on behalf of aliens who are victims of certain very serious crimes enumerated or defined in the law, and who are directly assisting or have directly assisted in the prosecution of the crimes. The crime must have occurred within the last six months in the jurisdiction of the requesting agency. No immigration benefits should be awarded to the alien until appropriate vetting has occurred and the request has been adjudicated, and the benefits will expire within six months of the conclusion of the prosecution or disposition of the case.

6. **TN visas** – Currently, no federal agency is responsible for keeping track of the total number of aliens admitted from Canada and Mexico as TN workers. The State Department reports on the number of TN visas issued to citizens of Mexico, but TN workers from Canada are processed and admitted at the ports of entry, and, to my knowledge, CBP does not report or track the number of workers admitted or the places of employment. No agency monitors compliance with the terms of the visa, to my knowledge. Congress should direct CBP to record and publish the number of TN admissions at ports of entry, and direct USCIS to report on the occupations, employers, salaries, locations, and other information necessary to evaluate the impact of the program on the labor market and on communities where TN workers are located.

7**. Birth Tourism** - Congress should direct all hospitals that receive Medicaid or other federal funding to collect data on births to non-citizens, along with information on mother's immigration status and form of payment for maternity care. This data can be used to inform investigations into birth tourism and potential violations of immigration law. In addition, Congress should create penalties for visa or other violations that occur in cases of birth tourism or international commercial surrogacy.

Combatting Fraud in Green Card Programs

Obtaining legal immigration benefits through fraud or misrepresentation is another form of illegal immigration that is as worthy of congressional attention as illegal border crossing and overstaying visas. Americans value immigration, but our current suffers from lax oversight and too many loopholes that allow large numbers of unqualified applicants to receive benefits and a path to citizenship. Examples abound: a marriage fraud ring run by a local official in Connecticut that facilitated hundreds of sham green card marriages, technology staffing companies exposed for filing fake petitions for foreign workers and for flagrant discrimination against U.S. workers in hiring, bogus office park "schools" that exist to facilitate unauthorized employment, staged convenience store robberies to obtain U visas, the proliferation of social media advertisements from immigration attorneys promising green cards through asylum or special immigrant juvenile applications, perpetrators of war crimes who entered as "vetted" refugees living quietly in small towns, "pop-up" marriages to visa lottery winners, apartment complexes full of expectant and post-partum mothers awaiting a U.S. passport for their newborns before returning to their home country. Our immigration system today lacks integrity and this has contributed greatly to waning public support for liberal immigration laws.

To correct this problem, Congress should direct and fund DHS, in conjunction with USCIS, the State Department, the Labor Department, and ICE, to conduct rigorous fraud assessments for each and every temporary and permanent visa program and for certain other long-term benefit programs, including OPT and Deferred Action for Childhood Arrivals. All immigration-involved agencies should be required to

report periodically to Congress on fraud trends and anti-fraud actions, and articulate any additional tools needed to fight fraud.

In general, Congress should require that no immigrant visas, non-immigrant visas, adjustment of status, or parole applications may be issued, nor marriage-based petitions approved, without an in-person interview of the applicant/s. Employment petitions should not be approved without a site visit. USCIS officers should be required to issue a Notice to Appear (Form I-862), which is the standard immigration violation charging document and first step in removal proceedings, in all cases of failed benefits applicants who are in the country illegally.

Congress should amend the INA to provide for the suspension of acceptance of immigrant visa petitions when the category of admission is oversubscribed and the priority dates for adjudication are more than five years earlier than the start of the fiscal year (meaning there is no chance of receiving a visa for more than five years). The will help avoid applicant frustration with long waiting times that can lead to the temptation to immigrate illegally.

A disproportionate share (more than half) of immigrant households are not fundamentally self-sufficient and accessing welfare programs.[10] This may indicate that the vetting of applicants is inadequate, or it may mean that some applicants are misrepresenting their financial situation, which is a form of immigration fraud, and burdensome to taxpayers. Applicants for family-based immigrant visas and green cards typically submit an affidavit of support to establish that they meet the self-sufficiency requirements, but these are rarely verified, and even more rarely enforced. Congress should demand a report from USCIS assessing the authenticity of these affidavits and amend the INA to provide authorities with a means to enforce them and/or impose consequences such as liens on petitioners who fail to provide support to certain immigrants who become dependent on public support.

Certain green card programs are reasonable in concept but require more stringent rules and oversight to eliminate fraud and abuse. Others, such as the visa lottery, OPT, and EB-5, should be eliminated entirely because they serve no legitimate national interest purpose in their current form and invite fraud.

The following programs need urgent attention from Congress:

1. Special Immigrant Juvenile (SIJ) program – This is a classic example of an immigration benefit that was sold to Congress and the public as a humanitarian-based program for "abused, neglected or abandoned" illegal alien minors, but which has evolved into a lawyer- and NGO-assisted pathway for inadmissible young (often adult) illegal aliens to launder their status, and under current rules, receive a work permit and protection from deportation while their application sits in the long backlog of pending unadjudicated cases.

To qualify, the alien must file a petition before turning 21, and obtain an order of protection from a state juvenile or family court, based on a claim of abuse, neglect, or abandonment by one parent. Contrary to standards for Americans seeking such protections, in the case of petitions from non-citizen youths, many state courts routinely approve these petitions on the basis of unverified statements and affidavits, even if the alien petitioner has no record of needing or receiving services from the state child welfare agency, and their representative expresses no intent to apply for such services for the youth. Many of the applicants

[10] Steven Camarota and Karen Zeigler, "Welfare Use by Immigrants and the U.S.-Born," Center for Immigration Studies, December 19, 2023, https://cis.org/Report/Welfare-Use-Immigrants-and-USBorn.

are living with one capable parent, or are living on their own as adults. Some applicants originally entered on student visas but wish to remain in the United States.

The number of SIJ green card adjustments fall under the umbrella of the Special Immigrant category, which is capped at 10,000 per year. Currently there are about 165,000 approved Special Immigrant petitions on the waiting list. Advocates have estimated that about 120,000 SIJ applications are contained in the backlog of cases awaiting adjudication. The total number of SIJ petitions filed with USCIS was only 1,600 in 2010, jumped to 11,528 in 2015, and reached a record 53,146 in 2023.

In addition to the changes proposed in H.R. 2, which would deny SIJ status to those who have or can be reunited with a responsible custodial parent here or abroad, Congress should make the following changes:

a) Limit eligibility for SIJ status to those who file by age 18, which is the federal age of majority;

b) Approve SIJ petitions only for those applicants who are under active custody or receiving services from a state child welfare agency, and encourage states to instruct their courts to deny orders of protection in cases of petitions filed for the main purpose of applying for this immigration benefit rather than to receive protective services.

c) Clarify that USCIS need not consent to all SIJ petitions when a state court has granted protection, or defer to state court findings, and may act based on its own findings of facts and eligibility.

2. Refugees – The Biden administration has undertaken an unprecedented privatization of the refugee program to allow individual citizens and aliens (even those without lawful permanent status) and non-governmental organizations to sponsor foreign nationals for entry in the refugee program. This scheme, known as the Welcome Corps, which started in June of 2024, not only dilutes the humanitarian impact of our refugee program, but also provides the opportunity for criminal actors to create another kind of smuggling or immigration fraud scheme that facilitates the entry of people who are not refugees.

Aliens sponsored by under the Welcome Corps program do not need to actually be refugees (as defined by the United Nations), let alone belong to the subset of refugees determined by the UN to be in "need of resettlement". Thee sponsors can themselves be earlier refugees or other newcomers.

The Welcome Corps has been expanded to include the Welcome Corps on Campus, bringing "refugees" straight to U.S. college campuses; Welcome Corps at Work", bringing them straight to U.S. jobs; Welcome Corps for Refugees in Latin America, for those of any nationality who are in Latin America;" and Welcome Corps for Afghans which allows U.S.-based non-citizens to sponsor Afghan nationals.[11]

Congress should shut down the Welcome Corps programs as well as other overseas programs, including the Safe Mobility and Labor Neighbor programs, that aim to increase entries of migrants in visa programs that already have high rates of overstay, fraud, and abuse.

3. Temporary Protected Status (TPS) – This is not an immigration program per se, but has evolved into a de facto permanent status, as TPS is seldom categorically terminated, and few beneficiaries leave the United States. Currently, there are an estimated 864,000 people with TPS. Congress should revise

[11] Nayla Rush, "The Welcome Corps: A 'Private' Sponsorship Program for Refugees," Center for Immigration Studies, March 16, 2023, https://cis.org/Report/Welcome-Corps-Private-Sponsorship-Program-Refugees.

the statute on TPS by limiting eligibility to those who were lawfully admitted to the United States and who have maintained lawful status.

4. Marriage Fraud – The marriage-based categories remain one of the most vulnerable to fraud in various forms, some of which can be difficult to prevent and detect, such as in the case of U.S. citizens who are duped by the alien. However, the federal government can take some steps to combat this form of fraud. Congress should amend the INA to require that both sponsor and applicant be at least 18 years old, and be independently self-sufficient (no affidavits of support from parents or others). In addition, Congress should demand that USCIS conduct a fraud assessment of marriage-based categories. In addition, Congress should direct DHS agencies to establish a training program for local officials that issue marriage certificates and to conduct an outreach program emphasizing the consequences of marriage fraud. Further, DHS should establish a tip line for fraud or scam referrals, require USCIS to maintain a dedicated marriage fraud investigative program within the FDNS and require officers issue NTAs in cases of denied petitions and applications on behalf of illegal aliens. Finally, USCIS should establish a program to assist U.S. citizens and lawful permanent residents who believe they are victims of marriage fraud, including when the alien is self-petitioning under VAWA.

Again, thank you for the opportunity to make recommendations for restoring immigration enforcement.

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