U.S. House Committee on the Judiciary

"Restoring Integrity and Security to the Visa Process"

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Thank you, Chairman McClintock and Ranking Member Jayapal, for the opportunity to discuss how Congress can help restore integrity and security to the visa process. Americans value legal immigration and welcome legitimate temporary visitors, but when applicants are able to obtain entry or benefits through fraud or abuse the privilege of entry by overstaying, then public support for immigration suffers. It has been disheartening to witness the degradation of our legal immigration system under the Biden administration policies. Besides the catch and release policies and improper mass parole programs, the Biden administration administered the temporary and permanent visa programs with excessive leniency, inadequate vetting, and insufficient attention to fraud vulnerabilities.

Even as the number of applications and issuances increased significantly overall and in the largest visa program (for short-term visitors), the refusal rates have declined under Biden. The combination of a greater volume of applications along with more lenient policies has created even more difficulties for vetting and greater opportunity for visa fraud. One of the most disturbing recent examples is the case of Mohamed Sabry Soliman, an Egyptian citizen who had resettled in Kuwait and then traveled to the United States with his family on visitor visas in August, 2022, with plans to stay, according to his family members[1]. Soliman has been arrested on charges of firebombing a group of pro-Israel protesters on June 1 in Boulder, Colorado, leaving 15 injured. My organization has identified and catalogued nearly 50 more cases of aliens who were admitted since 2008 as visitors or immigrants who were subsequently charged with or committed noteworthy acts of espionage, human rights violations, or terrorism.[2] More cases are coming to light on a regular basis as the Trump administration has escalated immigration enforcement and shared details of these individuals with the public.

While President Trump has taken important steps to begin to restore proper vetting and appropriate standards for admissions, still, many parts of our immigration law that need to be updated and bolstered by Congress. This statement is intended to offer a list of recommendations for Congressional action to restore integrity and security to the visa programs that go beyond the critical improvements already contained in the Secure the Border Act of 2023 (H.R. 2).

Biden Administration Actions Weakened Visa Programs

The Biden administration implemented hundreds of executive actions that created or worsened integrity and security vulnerabilities in our temporary and permanent visa programs. These include:

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[1] Michael Loria and Michael Collins, "Habiba Soliman wanted to be a doctor. Then, her father firebombed Jewish marchers in Boulder," USA Today, June 9, 2025, Habiba Soliman wanted to be a doctor. Then, her father firebombed Jewish marchers in Boulder.

[2] See Database of National Security Vetting Failures, Center for Immigration Studies, Database: National Security Vetting Failures.

- Mass grants of temporary deportation protections and work permits that incentivized people, such as the Soliman family, to gain entry.
- Dismantling interior immigration enforcement to remove consequences for overstaying or violating visa terms.
- Waiving interviews and fees for many categories of visa applicants.
- Adopting policies and practices that limited vetting of applicants.
- Prohibiting immigration adjudicators from issuing Notices to Appear to failed applicants, thus eliminating consequences for fraudulent or frivolous applications.
- Diluting "public charge" requirements designed to prevent approval of applicants who had been dependent on public assistance.
- Creating workarounds to enable applicants to evade or postpone denials, bypass numerical limitations, and obtain de facto lawful status and work permits prior to the actual review and adjudication of applications.

As a result, there has been a significant increase in visa applications in the last five years. The number of applications received by the State Department reached 14.2 million in 2024, up from 11.7 million in 2019. The number of visa issuances also has grown significantly, from 8.7 million in 2019 to 11 million in 2024 (more than 25 percent). The number of issuances in the largest category, for short-term visitors (B-1 and B-2), which produces the most visa overstays, has grown from 6.4 million in 2019 to 9.1 million in 2024 (more than 40 percent). See the appendix for tables illustrating the yearly growth in issuances.[3]

Measures to Restore Integrity and Security to Visa Programs

No machine or computer program exists, or ever will exist, that can read the mind of a visa applicant to reveal their motivations, intentions, or threat potential. The only option to minimize the vulnerabilities that are inherent in almost any visa system is to have the most routinely robust vetting possible, coupled with zero tolerance for fraud and active interior enforcement against those who violate the rules. Experience has proven that when immigration is controlled and the laws are routinely enforced, then the bad actors who are a threat to our nation and who try to hide within a huge flow of other visitors and immigrants will be snared, in addition to other illegal or unqualified migrants, who may not present a security threat, but whose presence disadvantages Americans and undermines the fairness of the visa programs.

Particular attention should be given to creating a culture of fidelity to the law and national interest in adjudicating applications. The law requires each applicant to convincingly show the adjudicator that they qualify for the visa or benefit; yet some adjudicators seem to work in the reverse, defaulting to unquestioning acceptance of applicant claims, or "what's the harm in approving" applications for all "hardworking, law-abiding, good people" who face hardships in their home country, or who seek a better life for themselves in the United States, or who tell a story that "could" be true, even if it is implausible and unsupported, and underestimate the incentives applicants have to embellish or lie about their intentions. There can be a temptation to waver from their obligation to apply the law and can succumb to a desire to "help" individual applicants who make emotional pleas.

In general, to achieve this, the following elements are necessary for all visa programs:

1. Messaging from agency leadership that adjudicating officers are part of the homeland security enterprise, and that the quality of decisions is prioritized over quantity or speed in completing cases.

[3] Source for the figures is the State Department's Visa Statistics page: Nonimmigrant Visa Statistics.

When career officers are trained and hear from leadership as well as mid-level managers that prevention of fraud generally, and prevention of the entry of aliens who are a national security or public safety threat is the number one priority, then they will do their job accordingly.

2. Modern tools and ongoing training for officers, including access to commercial or contracted database operators for the purpose of vetting applicants.

3. Fees for all visa applications and benefits that are set at a level sufficient to support robust vetting and anti-fraud activities. In addition, the existence of fees for visas and benefits can serve as a deterrent to frivolous applications.

4. Requirements for in-person interviews for all first-time applicants and certain renewal applicants (with very few, narrow exceptions) and mandatory site visits for employment-based, educational, and certain other visa categories. Much as a doctor needs to see and speak with a patient to provide the best diagnosis and care, similarly, visa adjudicators need to see and speak with visa applicants in order to assess their credibility and qualifications, and to ask questions about their intentions. Direct contact with applicants and entering aliens has been proven to thwart the entry of terrorists and to thwart terror attacks on numerous occasions, and there simply is no effective substitute for in-person interviews.

5. Periodic audits of visa and benefit programs to evaluate effectiveness in detecting fraud and ineligibilities, and to help detect trends and patterns in cases.

6. Conduct post-mortem reports on cases of vetting mistakes, like the Soliman case, to determine how the case slipped through the cracks, to counsel the official/s who may have made mistakes, and to improve the process to avoid future mistakes.

7. Accountability for officers who fail to maintain established standards of quality adjudications.

8. Consequences for institutions that sponsor aliens for visa programs that result in unacceptable numbers of overstays or fraud cases.

9. Expansion of visa security units at embassies and consulates abroad.

10. Amend immigration law to create grounds of inadmissibility, ineligibility and removal of aliens who are associated with certain designated gangs, cartels, and other criminal organizations that threaten public safety. Currently, agencies must rely on similar provisions that apply to terror groups, and on the designation of these terroristic criminal organizations as terror groups, to bar or expeditiously remove certain criminal aliens who are a severe threat to public safety. 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 and associates. All non-citizen gang members and TCO operatives should be subject to law enforcement watchlisting and alerts.

Remedies for Compliance with Non-Immigrant Visa Terms

1. **Entry-Exit Tracking -** Direct DHS to complete implementation of a comprehensive biometric entry-exit system for land, air, and sea 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.

2. **Shorter Duration of Stay -** Congress should request a report on the average and median duration of stay for all visa categories and countries of citizenship. Based on these findings, Congress should stipulate default durations of stay for all visa categories, to align the default duration of stay to the length of time actually needed or used by most legitimate travelers, with limited discretion for CBP for make exceptions. 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 undergoes additional vetting as part of the visa interview process or in a secondary inspection at the port of entry. 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.

5. **Tighten Visa Issuance and Hold Overstayers and Sponsors Accountable -** In 2023, more than 565,000 aliens overstayed their visa or visa waiver entry.[4] 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. Disproportionate overstay rates should 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. **Third Country Applicants** – Congress should seek information from the State Department on policies for handling third-country applicants; i.e. applications from people who are citizens of a country different from the location of the embassy or consulate in which they are applying, such as the Soliman family, who were citizens of Egypt but who had re-settled in Kuwait. In general, officers should view these applications with more caution, as applicants may not be able to show sufficient ties to this country to compel their return. Stricter policies on accepting third-country applications led to the denial of one, but unfortunately not all temporary visas issued to members of the Hamburg cell of al-Qaeda, which carried out the 9/11 attack.

7. **Recalcitrant Countries -** Congress should create a more effective 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.

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. **Border Crossing Card Compliance -** 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. Congress should limit issuance of the BCCs to residents of parts of Mexico that are

[4] 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.

close to the U.S. border (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.

2. **Treaty traders and investors** – Congress should update the rules for treaty traders and investors (E visas), to include specification of a minimum sum of investment and economic activity and also the minimum number of jobs that must be 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, with no required deference to prior approvals, to include interviews, site visits, and examination of tax records and financial statements.

3. 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 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, fake schools, 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, or 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.

4. **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.

5. **Exchange Visitors** – The majority of the so-called cultural exchange (J) visas are in reality work programs that provide little meaningful cultural diplomacy value. Most are not true exchanges that offer equal opportunities for Americans to have work or study experiences abroad. The exchange visa categories 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 visa programs but lack any semblance of wage protections, labor market tests, or other guardrails that exist for other work visa 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 J visa categories, so as to ensure that the programs are truly short-term exchanges and not a stepping stone 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 umbrella of eligibility.

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

6**. 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 for severe forms of human trafficking. They have instead become an easy opportunity for inadmissible aliens to game the system to obtain deportation protection, a work permit, and potentially a green card for themselves and their families. According to an investigation by the DHS Office of the Inspector General,[5] a majority of law enforcement officers surveyed about the U visa stated that the program does not contribute to helping solve crimes, 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, Congress originally established what were considered to be adequate annual numerical limits for both programs (10,000 for the U visas and 5,000 for the T visas).

[5] 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.

Yet now there is a waiting list of more than 300,000 pending U visas 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.[6]

There are several reasons for the huge spike in U and T visa applications. First, the Biden administration adopted very lenient rules 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 faced no consequences upon denial, and thus had nothing to lose and everything to gain for simply filing an application. As a result, fraud is rampant and frivolous applications have clogged the program. Government reports and independent research have documented fraud, such as fictitious claims of victimization, staged crimes, altered law enforcement certifications, and more.[7]

Considering that the U and T visas do not contribute in a meaningful way to the solving or prosecution of crimes, Congress should eliminate these visa programs and replace them with a more carefully regulated deferred action program, which has different rules and is set up to be subject to the needs of the law enforcement agencies investigating crimes. 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.

7. **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.

8**. 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, and direct federal agencies to devote resources to investigating and prosecuting such cases.

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[6] See USCIS Immigration and Citizenship Data page: Immigration and Citizenship Data | USCIS.

[7] 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.

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 legal immigration, but our current system suffers from many of the same problems as the non-immigrant programs: an overwhelming workload, inadequate vetting, emphasis on speed of approvals rather than correct adjudications, too much tolerance of fraud, lax oversight and 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, and apartment complexes full of expectant and post-partum mothers awaiting a U.S. passport for their newborns before returning to their home country. The legacy of these and other failures, including the continuing high rates of dependency of recent immigrants on social welfare programs, have undermined public support for continuing to have liberal immigration programs.

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.[8] 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

[8] 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.

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. For example, the EB-1A program, which allows aliens of "extraordinary ability" to self-petition for a green card without being sponsored by an employer or family member, based on evidence of achievements, reportedly is now tainted by fraudulent applications based on faked awards, scholarly articles, and other indicia of achievement.[9] 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 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

[9] *Financial Express*, "USCIS cracks down on EB-1A green card fraud; dozens of Indian applicants affected," June 13, 2025, USCIS cracks down on EB-1A green card fraud; dozens of Indian applicants affected - Investing Abroad News | The Financial Express.

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. Fraud in Marriage-based Categories – 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. Prior fraud assessments conducted by USCIS found high rates of marriage fraud, and some experts have estimated that as many as 25 percent of the cases are fraudulent.[10] While it can be difficult to detect and prove, there are some steps the federal government can take 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. Congress also 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 the Violence Against Women Act (VAWA).[11] At a minimum, in cases of abuse allegations connected to a VAWA petition, for the sake of fairness and to help address fraud concerns, the American citizen should have an opportunity to contest any allegations of domestic abuse, ideally in an adversarial proceeding before an immigration or administrative judge.

3. The Visa Lottery – This program, in which applicants for green cards are chosen by lottery and then asked to provide documentation of eligibility in order to claim the green card, has proven to be a magnet for fraud. The eligibility criteria are minimal and documents to demonstrate eligibility are easily fabricated. Applicants often acquire pop-up spouses and other family members after qualifying. Winning "tickets" have been sold, or controlled by organized crime groups. Several federal agencies have issued warnings to prospective applicants about the fraud. This committee has exposed the many conceptual and operational problems in prior hearings. Congress should end it.

Finally, it almost goes without saying that downsizing our immigration system by reducing green card categories and tightening eligibility requirements will shrink the workload and the pool of applicants that need to be vetted, resulting in far less opportunity for fraud and abuse.

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

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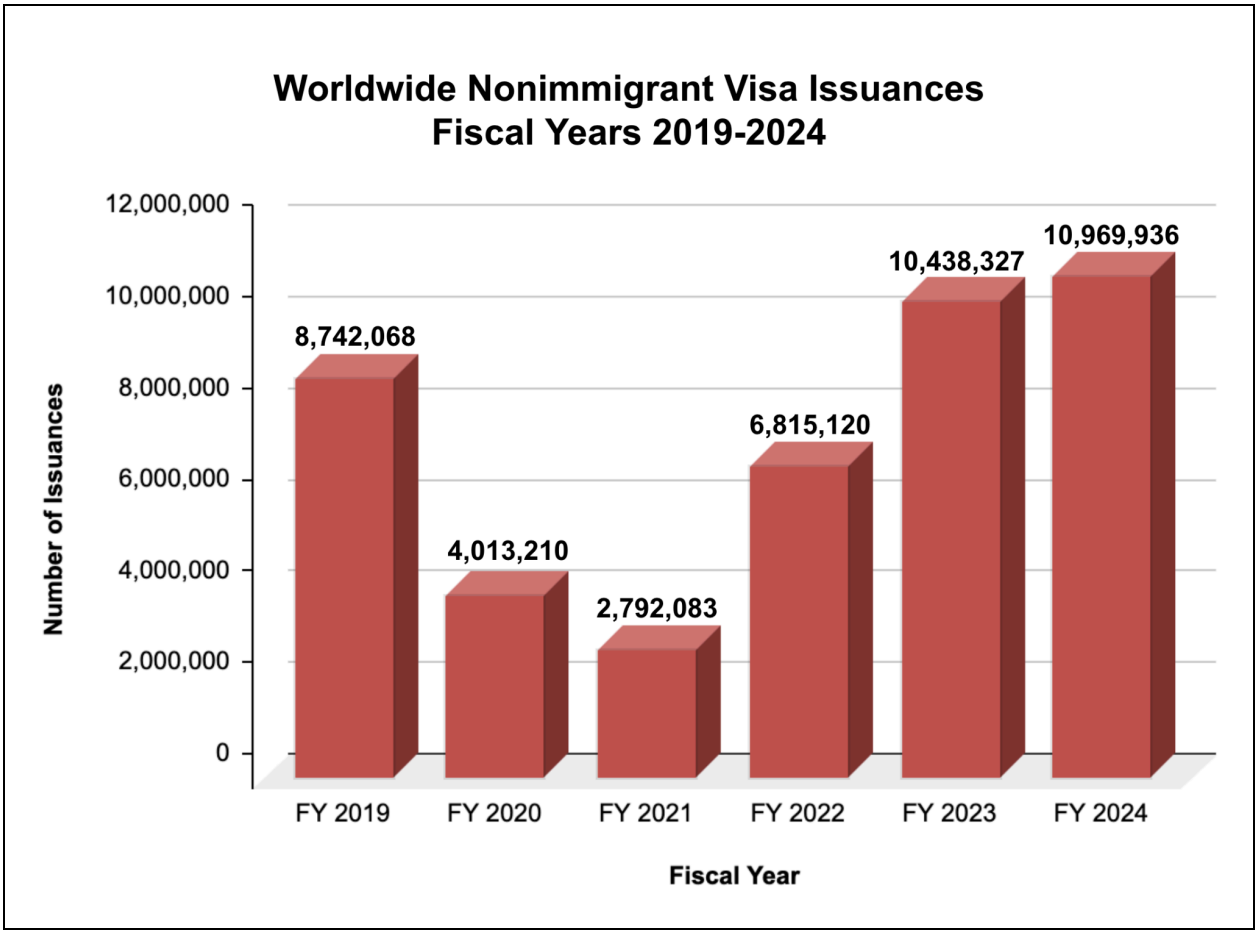
[10] See Jessica Vaughan and Bryan Griffith, "An Interview with FDNS Architect Don Crocetti," Center for Immigration Studies, May 20, 2013, An Interview with FDNS Architect Don Crocetti.

[11] See David North, "The Victims of Marriage-Related Immigration Fraud Tell Their Stories," Center for Immigration Studies, August 31, 2020, The Victims of Marriage-Related Immigration Fraud Tell Their Stories.

Worldwide Nonimmigrant Visa Issuances
Fiscal Years 2019-2024



Total Worldwide B1, B1/B2, B2 Visa Issuances Fiscal Years 2019-2024