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February 11, 2014

The Honorable Gene L. Dodaro
Comptroller General of the United States
United States Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Comptroller General Dodaro,

We are writing to you regarding our concerns about the cost to American taxpayers from what appears to be a largely unchecked epidemic of fraud in the Department of Homeland Security's asylum program. As you know, every year many people come to the United States seeking protection because they have suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group or political opinion. We strongly believe that the United States should continue its long and commendable history of providing refuge to those who legitimately fear persecution in their home countries.

Unfortunately, for years there have been reports of abuse in the asylum program; and we are troubled by a continued lack of appropriate oversight by U.S. Citizenship and Immigration Services ("USCIS"), the component of the Department of Homeland Security ("DHS") that administers the asylum program. Indeed, USCIS has evidence (that it has never seen fit to publicly release) that at least 70% of affirmative asylum applications contain indicia of fraud.¹ And it stands to reason that there is even a higher level of fraud in defensive applications, as aliens only file those when confronted with removal from the United States.

It appears that DHS is doing little to root out the fraudulent applications which often lead to grants of asylum to undeserving aliens. DHS's lack of concern about fraud was put in stark relief during a December 12, 2013 hearing held by the Judiciary Committee. That hearing sought to explore why the number of aliens who arrive at our southern border claiming a "credible fear" of persecution has exploded in recent years—rising over 600%

¹ See Fraud Detection and National Security Division, National Security and Records Verification Directorate, USCIS, I-589 Asylum Benefit Fraud and Compliance Assessment Report (2009)(draft document).

from 2008 to 2013.² Despite the focused questions of Committee Members, USCIS witnesses provided no reasonable explanation for this spike; nor did they describe a plan for investigating, or in any manner addressing, the evident fraud in the credible fear process (under which, in 2013, 92% of aliens claiming to have a “credible fear” were found to have a “credible fear” and thus received relief from expedited removal and most often release into the United States).³ Today, the Judiciary Committee held a hearing on asylum fraud more generally.

Notably, when DHS grants an asylum application, the alien becomes immediately eligible for major federal benefits programs that are not even available to most legal permanent residents, or not available to them for a substantial number of years. Among these programs are Supplemental Security Income, SNAP/Food Stamps, Temporary Assistance for Needy Families, and Medicaid.⁴ These programs can provide many thousands of dollars a year in benefits to eligible individuals.

We seek the assistance of the Government Accountability Office in fully investigating the cost to American taxpayers for all federal public benefits given to aliens who fabricate claims to asylum and succeed in their fraudulent schemes. In 2012, 29,484 aliens were granted asylum.⁵ If 70% of these grants were made based on fraudulent applications, American taxpayers are being defrauded out of hundreds of millions if not billions of dollars each year.⁶ The current asylum system places a heavy and totally unjustified burden on taxpayers when they are asked to pay for public benefits for aliens who fraudulently obtained asylum. We therefore ask GAO to determine the total cost per year to American taxpayers for federal public benefits provided to aliens who have fraudulently received asylum assuming a 70% fraud rate.

² Information provided by USCIS’s Asylum Division’s Asylum Pre-Screening System.

³ See Asylum Abuse: Is It Overwhelming Our Borders?: Hearing Before the House Comm. on the Judiciary, 113th Cong (2012); information provided by USCIS’s Asylum Division’s Asylum Pre-Screening System.

⁴ See 8 U.S.C. sec. 1612(a)(2)(A), (b)(2) and sec. 1613(b)(1).

⁵ See Office of Immigration Statistics, DHS, Refugees and Asylees: 2012 at 5. 17,506 of these were affirmative grants. See *id.* In addition, 13,049 aliens were allowed to come to the U.S. as follow-to-join-derivatives. See *id.*

⁶ Of course, not all fraudulent applicants eventually receive asylum. However, the vast majority of aliens who make affirmative claims to asylum do receive asylum. An alien who wants to make affirmative claims of asylum will first apply with a USCIS asylum officer. Approval rates by asylum officers have increased from 28% in 2007 to 46% in 2013. Information provided by USCIS’s Asylum Division’s Asylum Pre-Screening System. If an asylum officer does not approve the application, it is referred to an immigration judge. Approval rates by immigration judges have increased from 51% in 2007 to 72% in 2012. See Executive Office for Immigration Review, U.S. Department of Justice, FY2007 Statistical Year Book at K3; Executive Office for Immigration Review, U.S. Department of Justice, FY2012 Statistical Year Book at K2. Combining these two bites at the apple, the vast majority of aliens who affirmatively seek asylum are now successful in their claims. This does not even take into account appeals to the Board of Immigration Appeals and federal courts.

We look forward to working with you so that GAO can expeditiously complete this important task. Please contact George Fishman, Chief Counsel of the Subcommittee on Immigration and Border Security, with any questions (202-225-2127).

Sincerely,



Bob Goodlatte
Chairman

Trey Gowdy
Chairman
Subcommittee on
Immigration and
Border Security

Lamar Smith

Jason Chaffetz