

Testimony of Stephen A Edson  
Before the House Judiciary Committee,  
Subcommittee on Immigration Policy and Enforcement  
Hearing on the Diversity Visa Program

Chairman Gallegly, Ranking Member Lofgren, distinguished Members of the Committee: good afternoon and thank you for this opportunity to appear before you and share my experience with the Diversity Visa program.

All visa categories are subject to attempted fraud by applicants interested in entering the US illegally. Applicants misrepresent their identities, credentials and intentions everyday as they attempt to obtain visas for which they do not qualify. Most visa categories, particularly for immigrants to this country, have very specific requirements, which pose barriers to applicants wishing to commit fraud. Those wishing to obtain a visa fraudulently must convince first DHS through the petition process and then the interviewing consular officer that the requisite relationship or employment experience or work situation exists. For someone misrepresenting themselves as a business executive, parent of a US citizen or doctor, for example, a lot of documents and preparation for an interview would be required.

Contrast that to the Diversity Visa program, where the barriers for entry into the program are so low that we ask applicants to prove only that they have the equivalent of a high school education, some sort of financial support or job lined up in the United States and are otherwise eligible for a visa (in other words, don't have a criminal record, dangerous communicable disease and so forth). Because almost anyone can qualify for entry into the program, the cost of committing fraud in this category is low to the applicant. And the possibility of legal permanent resident status in the US makes it well worth the limited amount of time and money required to enter the program fraudulently.

The Diversity Visa program is subject to attempted fraud both by applicants themselves and by third party brokers or touts who abuse both the visa system and applicants.

Fraud by applicants includes:

- Multiple applications to increase the chances of winning
- Fraudulent claims to high school education
- Pop-up spouses. These are wives or husbands who appear on the case between the time of initial registration and the time of visa interview, usually because the successful lottery winner has sold the privilege of applying for a visa as spouse to the highest bidder. Sometimes the applicant is a victim of pressure from third party agents, who will use coercion to force the applicant to claim a fraudulent marriage so that the agent may sell the benefit of applying as spouse on the visa application.
- Add-on children. Like spouses, added on after registration, either by claiming new births, children of a former marriage now in custody of the

applicant or other excuse. As with spouses, sometimes applicants are forced to accept these add-on children against their will.

- False claims to employment or financial support in the US. Of course any immigrant may falsify their financial support documents, but this problem is particularly acute in the case of Diversity Visa applicants as they are not required to have relatives or established employers in the United States.

Fraud and abuse by third parties is just as prevalent.

- Consular officers have seen cases of collusion with post office officials so that notifications to winners of the lottery or either stolen and used by someone else or held hostage until the applicant pays for the release of the documentation.
- Just as commonly, unfortunately, the applicant may be extorted throughout the process. In other words, not just forced to pay for the release of their initial documents, but forced to pay criminal gangs in order to be allowed to complete their application. Again, this problem occurs to a limited extent with other visa categories as well, but because Diversity Visa applicants do not require relatives in the US and may be of relatively low education and employment status, they are particularly vulnerable.
- Nor is this sort of abuse limited to applicants who chose to enter the Diversity Visa program. Consular officers have also seen unscrupulous agents enroll groups of people without their knowledge. In Bangladesh, for example, one agent is reported to have enrolled an entire phone book so that he could then either extort money from winning applicants who had never entered the program to begin with or sell their winning slots to others.

The State Department's Bureau of Consular Affairs has done outstanding work over the years in fighting this fraud in the Diversity Visa program. I should be clear that just because the program is rife with fraud, that does not mean that scores of fraudulent applicants are entering the US. The refusal rate for Diversity Visa cases is quite high, and Consular Affairs has done groundbreaking work with facial recognition tools, electronic application processes and online data analysis to weed out fraudulent lottery entries. Consular officers in the field are similarly astute in interviewing these cases, probing for relationship fraud and working hard to validate the few legislative requirements for this program.

Despite the best efforts of consular officers and the State Department, however, the Diversity Visa program will continue to be a special target of attempted fraud. When anyone can play, and in this program they can because of the minimal requirements for registration, then everyone will. The cost of a fraudulent application is so low that fraud is and will remain pervasive. H.R. 704, the SAFE for America Act will solve the problem of fraud in the Diversity Visa program in the only way that is likely to work: by ending it.