

Hello, I Love You, Won't You Tell Me Your Name Inside the Green Card Marriage Phenomenon

By David Seminara

Anything worth having is a thing worth cheating for.
— W.C. Fields

After September 11th, the existential question of “Why do they [foreigners] hate us?” was hotly debated in the American media without any real conclusion ever being reached. This *Backgrounder* seeks to answer the opposite question: “Why do they love us?”

Key Points

- Marriage to an American citizen remains the most common path to U.S. residency and/or citizenship for foreign nationals, with more than 2.3 million foreign nationals gaining lawful permanent resident (LPR) status in this manner between 1998 and 2007.
- More than 25 percent of all green cards issued in 2007 were to the spouses of American citizens. In 2006 and 2007 there were nearly twice as many green cards issued to the spouses of American citizens than were issued for all employment-based immigration categories combined. The number of foreign nationals obtaining green cards based on marriage to an American has more than doubled since 1985, and has quintupled since 1970.
- Despite these statistics, marriage fraud for the purpose of immigration gets very little notice or debate in the public arena and the State Department and Department of Homeland Security have nowhere near the resources needed to combat the problem. Attention to fraud is not just for the integrity of the legal immigration system, but also for security reasons. If small-time con artists and Third-World gold-diggers can obtain green cards with so little resistance, then surely terrorists can do (and have done) the same.
- An overwhelming percentage of all petitions to bring foreign spouses or fiancés to the United States illegally (or to help them adjust visa status if they are already in the United States on non-immigrant visas) are approved — even in cases where the couple may only have met over the Internet, and may not even share a common language.
- Marriage to an American is the clearest pathway to citizenship for an illegal alien. A substantial number of illegal aliens ordered removed (many of whom have criminal records) later resurface as marriage-based green card applicants. Waivers granted to those marrying U.S. citizens can eliminate ineligibilities for green cards, including the 3/10-year bar on entry for those with long periods of illegal presence.
- The decision-making authority for green card applications lies with USCIS officials who rely almost exclusively on documents, records, and photographs, with little opportunity for interviews or investigations. Consular officers reviewing cases overseas do live interviews and can initiate local investigations, but may only approve petitions, not deny them.

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Introduction

Are Americans the most beautiful, charming, and seductive people on the planet or are we in demand as marriage partners by those in the developing world in part because marrying a U.S. citizen is the quickest and easiest path toward becoming an American lawful permanent resident (LPR, also called having a “green card”)? Over the last decade, marriage to American citizens, which entitles foreign spouses to “immediate” preference status for an immigrant visa, has been by far the most common path to American residency. Since 1998, more than 2.3 million foreign nationals have obtained green cards through marriage to American citizens. (See Tables 1 and 2.) Nearly a million more have obtained green cards through marriage to LPRs. The foreign spouse of a green card holder is subject to a wait of at least three years, however, making American citizens much more attractive targets.¹ Just over a quarter of all green cards issued in 2007 were to spouses of American citizens. In 2006 and 2007 nearly twice as many green cards were issued to spouses of American citizens than for all employment-based immigration categories combined.² (See Figure 1.)

Yet while there is endless debate about the quantity and type of workers we import, there is very little focus or discussion on the foreign spouses Americans bring to the country — either through genuine relationships or fraudulent ones. Any serious examination of legal immigration to the United States must include a close look at the most common path to American citizenship: marriage to an American citizen or LPR.

Marriage fraud for the purpose of immigration is not a new idea. More than 20 years ago the United States Senate held hearings on the topic and concluded that it was a significant and growing problem, but only a few of the recommendations proposed ever went anywhere. Meanwhile, the number of foreign nationals obtaining green cards through marriage to Americans has more than doubled since 1985 and has quintupled since 1970.³ Yet there have been few truly in-depth examinations of this topic, partly because the issue is difficult to discuss without offending legitimate international spouses.

Most relationships between Americans and foreign nationals *are* legitimate, but because of the prevalence of sham marriages, legitimate international couples can face longer wait times due to the huge number of bogus marriage petitions that bog down an already slow and cumbersome visa bureaucracy. Scam marriages also can cast a shadow of illegitimacy over real marriages, and many legitimate couples may be forced to endure invasive and sometimes harsh interviews with United States Citizenship and Immigration Service (USCIS) and State Department personnel who are trying in good faith to screen out fake couples.

I have dozens of American friends, and even two family members, who have married foreign nationals, so I know first-hand that not all foreigners who marry Americans are simply seeking a one-way ticket to the United States. Nonetheless, my experience as a consular officer and the experience of other officers interviewed for this *Backgrounder*; the numerous arrests of those involved in marriage fraud schemes; and the hundreds, if not thousands, of websites that exist solely for the purpose of arranging scam marriages all indicate that marriage fraud is a serious problem that needs to be addressed if we are to implement any kind of meaningful immigration reform in the United States.

One Way or Another

How Spouses Enter the U.S.

Before we delve into marriage fraud, we need to understand how American citizens and LPRs go about bringing their spouses or fiancés to the United States.

Common Types of Marriage Fraud

- Mail order bride arrangements.
- Phony “arranged” marriages in cultures where arranged marriage is still common.
- Cash-for-vows weddings, where Americans are paid to wed.
- Friends-and-family plans, where someone pitches in to help get someone else’s spouse to the United States.
- “I do, I don’t, I do” marriages, where foreign nationals divorce their spouses in their home countries, marry Americans, and get green cards two years later; then divorce the Americans, remarry their original spouses, and petition to bring them to the United States.
- Pop-up marriages for visa lottery winners. Green card winners can bring their spouses to the United States, so many suddenly find a financial incentive to marry shortly after winning the lottery.
- Exploitative relationships where Americans petition for persons they intend to traffic or exploit in some way.
- Heartbreakers, where foreigners dupe Americans into believing their intentions are true, when they actually just want a green card.

Step One: The American citizen or LPR files an I-130 petition form with USCIS if they live in the United States or, if they live abroad, at an American embassy or consulate. Prior to 2007, most overseas posts allowed American citizens to file petitions in any country, regardless of where their permanent residences were, and huge numbers of Americans chose to file overseas in the belief (usually correct) that the process would be quicker than waiting for USCIS to approve the petition stateside. Approval of the petition signifies that a consular officer or USCIS adjudicator has verified that a valid, qualifying relationship exists between an American petitioner and foreign applicant. The process is similar for Americans who petition for a fiancé, rather than a foreign-born spouse, but they must file the petition with USCIS regardless of where they reside and must wed within six month of the fiancé’s arrival in the United States. If they do not, the foreign national must return home, though many find ways to stay, either legally or illegally.

USCIS adjudicators essentially are flying blind in approving marriage and fiancé-based petitions because they only have documents to work with: typically the petition itself, marriage and birth certificates, passports, and supporting documents and photos meant to prove the validity of the relationship. While some couples are so grossly mismatched that officers don’t need see the couple in person, fraudulent cases are generally far easier to detect in person than they are on paper. Couples can claim on paper that they share a language, for example, but when they are in-

terviewed at the embassy, it will be obvious if they do not. This is a common characteristic of fraudulent marriages. For Americans paid to enter into fraudulent marriages, filing documents through the mail rather than having to appear at a consulate or embassy is more convenient and less stressful, particularly if they know that potential penalties for marriage fraud include large fines and jail time.

Step Two: If a petition is approved (petitions that aren’t “clearly approvable” will be covered later in this *Background*) and background checks have been completed, applicants are invited to the embassy for a visa interview. Only the local person — not the American — is required to appear at the embassy and interviews are typically conducted in the local language unless the applicant speaks English. The interviews give consular officers the opportunity to verify that American petitioners have the financial means to support their spouses so that they won’t become public charges in the United States. Applicants are subject to an FBI criminal background check and must provide a local police certificate verifying that they have no criminal background. FBI checks rarely reveal crimes committed overseas, however, and local police certificates are more or less a formality in many developing countries due to corruption or a lack of accurate record-keeping. Also, if an applicant has a criminal history, but hasn’t been *convicted* of a crime of moral turpitude, he or she is still eligible to immi-

Table 1. Foreign Nationals Gaining Permanent Resident Status Based on Marriage to an American Citizen

	New Arrivals	Adjustment of Status	Total
1998	44,550	106,039	150,589
1999	47,635	79,735	127,370
2000	53,168	143,237	196,405
2001	58,503	209,791	268,294
2002	54,852	238,367	293,219
2003	46,137	137,659	183,796
2004	42,835	209,358	252,193
2005	50,386	208,758	259,144
2006	64,167	275,676	339,843
2007	62,515	211,843	274,358

Source: Department of Homeland Security, Persons Obtaining Legal Permanent Resident Status by Class of Admission, Fiscal Years 1998-2007, <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/table06d.xls>

Table 2. Foreign Nationals Gaining Permanent Resident Status Based on Marriage to a Lawful Permanent Resident

	New Arrivals	Adjustment of Status	Total
1998	62,444	26,003	88,447
1999	87,059	20,886	107,945
2000	80,293	44,247	124,540
2001	57,918	54,097	112,015
2002	39,897	44,888	84,785
2003	35,229	17,966	53,195
2004	47,940	45,669	93,609
2005	44,777	55,362	100,139
2006	49,544	65,507	112,051
2007	49,105	37,046	86,151

Note: Figures also include the unmarried children of LPR’s and their spouses as per DHS calculations.

Source: Department of Homeland Security, Persons Obtaining Legal Permanent Resident Status by Class of Admission, Fiscal Years 1998-2007, <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/table06d.xls>

grate to the United States. This means that consular officers can't screen out obvious gang members, petty criminals, or thugs with numerous arrests, but no convictions.

Applicants also must undergo a medical examination by an embassy-approved local physician. This also is mostly a formality in most parts of the world, as only the most severe communicable diseases can derail one's chances of immigrating to the United States and doctors can falsify exam results, either because they want to help the immigrant or because they've been bribed to do so.

Americans must furnish a notarized affidavit of support (form I-864) in order to bring a spouse to the United States. The I-864 is supposed to be a legally binding contract obliging Americans to provide for their spouses while in the United States and requires petitioners to reimburse the relevant state or local authority if an immigrant becomes a public charge. But there is no effective enforcement once immigrants arrive in the United States. American sponsors need to provide their most recent tax returns showing income above the federal poverty guidelines (see Table 3) in order to sponsor an immigrant, but the law also allows for "co-sponsors."

At least half of the Americans seeking to marry I encountered (frequently recent immigrants themselves) provided tax returns showing income below the poverty guidelines. Sometimes they really were poor, and finessed the requirements with the help of a co-sponsor. The law allows anyone to be a co-sponsor. They can be found easily, as it's commonly known in immigrant enclaves that the affidavit is not enforced. Other applicants who were poor on paper claimed that they made far more money than their tax return indicated, sometimes brandishing lavish bank accounts to document their U.S. tax evasion. And tax returns provided aren't verified with the IRS, so sponsors can easily provide bogus 1040 forms.

While some immigrants move to rural areas, most reside in large metropolitan areas with a high cost of living. Yet the poverty threshold for a single American sponsoring a spouse to immigrate to the United States is only \$17,500.⁴ A sponsor who already

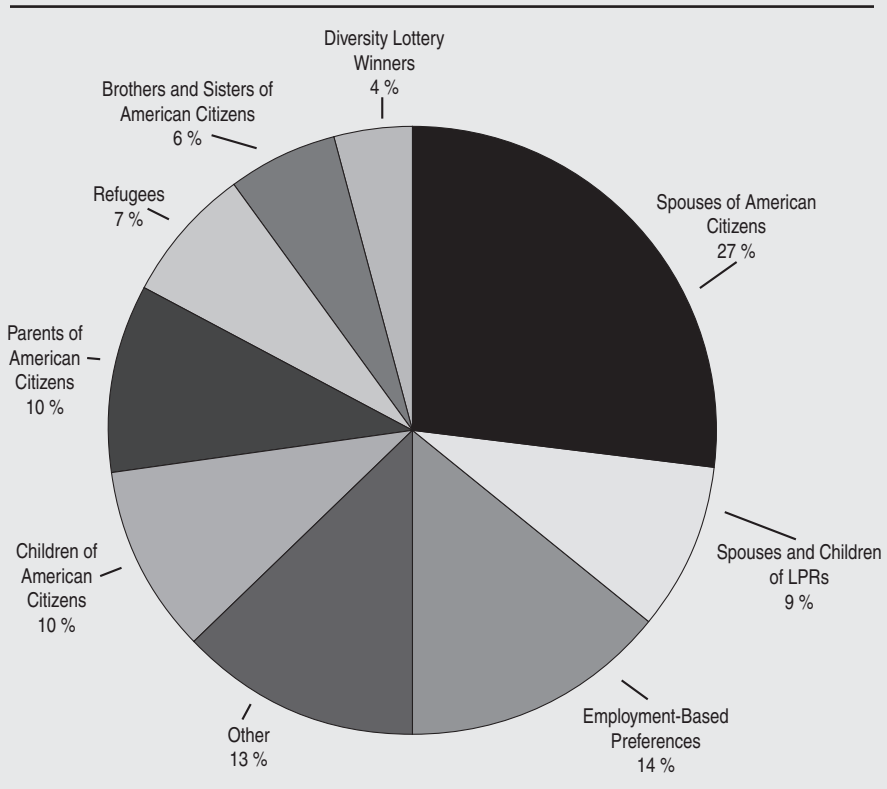
has six children to support need only show taxable income of \$44,500 to sponsor a spouse.

Given that many Americans are motivated to participate in fraudulent marriages by a desire to improve their own weak economic situations, it's safe to say that higher income standards (without co-sponsors) would create a serious hurdle for many would-be scam artists.

Ticket to Ride — Step Three: If applicants' have their documents in order at the visa interview, they often can obtain immigrant visas the same day. Typically, couples must remain legally married for two years before the conditional status on the immigrant spouse's green card is removed. Unlike in the film *Green Card*, immigration inspectors do not make unannounced visits to the homes of newlyweds. Couples generally need only appear for one interview when conditional status is removed, at which time they are supposed to produce documentary evidence that they still live together (joint tax returns, bank accounts, etc.).

Once immigrants' conditional status has been removed (typically after two years), they are free to divorce with no repercussions. Three years after removing the con-

Figure 1. Foreign Citizens Gaining LPR Status by Preference Category, 2006-2007



Source: Department of Homeland Security, Persons Obtaining Legal Permanent Resident Status by Class of Admission, Fiscal Years 1998-2007, <http://www.dhs.gov/xlibrary/assets/statistics/yearbook/2007/table06d.xls>

ditional status on their green cards, immigrants are eligible for American citizenship and at that time can petition to bring relatives to the United States — spouses, parents, and single, minor children can join them with no waiting period. Siblings can join them in the United States within 12-14 years, with the exception of Filipinos who often have to wait upwards of 20 years.

Adjustment of Status

For every immigrant spouse who obtains an immigrant visa (and ultimately a green card) at a U.S. consulate or embassy, at least three obtain permanent resident status while in the United States without having to return to their home countries. This is becoming increasingly common — in 2006 and 2007, a total of nearly half a million foreign nationals gained adjustment of status green cards through marriage to U.S. citizens, while in 1998 and 1999, the figure was less than 200,000.⁵

This illogical provision was enacted mainly for the convenience of applicants who have long abandoned their initial claim to be on a temporary visit. It's easy to understand how foreign students and workers in the United States might meet Americans and get married without wanting to return to their home countries to apply for immigrant visas. But it is unclear why USCIS allows foreign "tourists" who allegedly fall in love while on vacation in the United States to remain indefinitely via adjustment of status. But surely those who were honest about their original intentions would need to return home to settle affairs and collect belongings, as well as apply for the visa. In practice, adjustment of status is most convenient for tourists intent on fraudulent marriage. Most of them fear that if they return home, they'll be denied an immigrant visa due to their misrepresentation.

Table 3. 2008 Federal Poverty Guidelines for Sponsoring Immigrants

Family Size	Household Income Needed
2	\$17,500
3	\$22,000
4	\$26,500
5	\$31,000
6	\$35,500
7	\$40,000
8	\$44,500

Note: Members of the military can qualify with 25 percent less income; residents of Alaska and Hawaii must make slightly more. An American citizen with no children sponsoring a spouse would qualify as a family size of two.

Source: 2008 Federal Poverty Guidelines for Immigrant Affidavit of Support, State Department, http://travel.state.gov/visa/immigrants/info/info_1327.html

I interviewed hundreds of visa applicants who wanted to visit friends or relatives who had arrived in the United States on tourist visas and adjusted status via marriages, some real and some fake. One month, while I was a consular officer in Budapest, Hungary, I kept track of visitors' visa applications where applicants were applying to visit people who had adjusted status via marriage to Americans without having to return home from their "vacations." During that month, I estimated that 5 percent of the total applicant pool were visiting people who had taken advantage of our liberal adjustment of status procedures. And, while there was no way to tell during those interviews what percentage of the marriages involved were fraudulent, I would always ask, "and is your friend/relative still married to the American they obtained the green card through?" Most often the answer was "no."

Adjustment of status cases can be particularly galling to the consular officers who issued the visitors' visas — particularly in cases where applicants claimed they were traveling to the United States for a very short period of time and for a specific purpose. In one instance, a man claimed on his visitor's visa application that he was traveling to Ohio to participate in a four-day wrestling tournament. The consular officer who issued the visa must have been unsure of the applicant's intentions because he or she only issued him a single-entry, three-month validity visa. Meanwhile, the applicant lived in New Jersey for nearly 18 months thanks to tourist visa extensions and conveniently got married to an American citizen a week before his authorized stay was up, immediately filing for adjustment of status. It was all perfectly legal and his application was approved despite the clear fact that he misrepresented his purpose and length of travel during his interview with the consular officer.

The very notion of allowing foreign tourists to remain indefinitely in the United States without first returning home makes no sense. If a visitor arrived on a tourist visa and intended to return home as scheduled, he only would have some of his belongings with him. So wouldn't he *need* to return home to settle his affairs and collect his belongings? Adjustment of status is popular among tourists intending fraudulent marriage because most of them fear that, even if they are married to an American, they'll be denied an immigrant visa if they return home because they misrepresented their real purpose of travel during their initial visitors' visa interviews.

Can Buy Me Love Mail-Order Brides

Although the idea of importing foreign "catalog" spouses dates back to the 18th century, the concept of "mail-order brides" didn't really take off until after the end of the Cold War and then exploded in popularity after the advent of the Internet, which has done more to facilitate cross-cul-

tural relationships than any other event in human history. Cherry Blossoms (<http://www.blossoms.com/>), an international “picture personals business” whose home page features a photo of a dour, middle-aged Caucasian man in an outdated tuxedo embracing a cute, young Southeast Asian woman in a wedding dress, claims to be the first catalog bride operation and takes credit for more than 100,000 married or engaged couples since 1974. The site features a “testimonials” page featuring smiling, mostly older men either thanking Cherry Blossoms or offering their desire to meet “sincere, attractive” women. Cherry Blossoms also offers, for \$600, visa support and help with a new spouse’s adjustment of status if she is already in the United States, making it not only a matchmaking service, but also an immigration business.

Today, there are hundreds, possibly thousands, of international matchmaking businesses operating around the world — most for the express purpose of matching lonely men from the United States and other wealthy countries with women from developing countries who want to live in the United States, Canada, or Western Europe. The words “mail-order bride” generate more than two million hits in a Google search, with scores of companies offering brides from Russia, Poland, Thailand, the Philippines, China, and a host of other developing countries.

A random sampling of the various websites provides insight into the motivations of both the American grooms and the younger women they pursue. For example, the site Goodwife.com features illustrations of 1950s style pinups in provocative poses, while lamenting the perceived trend toward Western women becoming radical “feminazis” who are unhappy performing stereotypical roles as housekeepers and mothers. Goodwife.com claims that there may be some “good women” left in the West, but that they are hard to find and that such women are plentiful in other countries. The site features a choice of brides from Latin America, Asia, and Russia, with profiles from young women like “Ellen,” a flaxen-haired, 23-year-old Russian from Krasnodar. In addition to a provocative photo, “Ellen” reveals in her profile that her religion is “New Age,” her profession is “journalism,” her occupation is “idol-magazine,” and that she enjoys animals and philosophy. Goodwife.com induces men to women like “Ellen” on “individual romance tours” that start at \$500 and include “an electronic translator.” Scores of other websites offer similar inducements. Myforeignbride.com, for example, promises to “assist foreign ladies from around the world find suitable men for marriage,” while offering men a choice of “Russian and Euro,” “Latin,” “Asian,” or “Ebony.”

Although consular officers clearly are highly suspicious of American men who take part in mail-order marriages, the rule of thumb is that “if the American believes the relationship is real, then it is.” So consular officers only are responsible for trying to divine the motives of the

American, not to explain the poverty and desperation that drive women to participate in mail-order marriages.

While some consular officers don’t think what happens to mail-order couples after they arrive in the United States is any of their business, one officer told me that he would “sometimes take the more gullible American guys aside and more or less tell them that their new fiancés or spouses were just desperate to live in the States and would leave them once they got their green cards.” The officer said that one such American contacted him years later to tell him that he had been right, but by then it was “too late, she had already gotten her green card.”

The bottom line is that, while officers are uncomfortable issuing visas when it’s clear that the foreign brides are more interested in a ticket to the States than in love, most of the American men involved actually do want to live as man and wife. And while consular officers have no authority to tell Americans whom they can marry, USCIS does have the authority to deny visas if foreign nationals do not meet the legal requirements and there is a strong case for denying waivers of ineligibility in these cases.

This should include mail-order brides with histories of visa fraud. It’s one thing to have a mail-order bride who appears intent on marrying for a visa, but quite another to be dealing with someone who has a history of fraudulent attempts to immigrate to the United States or who previously has been deported. Most of these kinds of fraud make one ineligible for a visa, but the spouses of American citizens can often qualify for a waiver of ineligibility.

(It’s A) Family Affair **Arranged Marriage**

Consular officers’ difficulty evaluating the relationships of married or engaged couples is even more complex in societies where arranged marriages are common. Arranged marriages — where parents choose partners for their children — is still common in many developing countries, particularly in the Middle East, South Asia, and the Pacific Rim. An officer with experience at a busy post in South Asia, for example, told me that between 75 and 90 percent of the married couples applying for immigrant visas at his post were arranged marriages. As a consular officer in Skopje, I interviewed hundreds of ethnic Albanian newlyweds from Macedonia and Kosovo who had been fixed up by their parents and barely knew each other. Many of the American citizen petitioners were recent immigrants themselves and their parents wanted them to retain their Albanian culture by finding a spouse from the old country.

In Albanian-American enclaves in the United States such as Staten Island, one of the first things recent, single immigrants do when they receive green cards is begin to search for a spouse or have their parents find them one in their home country. In Skopje, I would frequently encoun-

ter recent immigrants who had been granted asylum and received green cards in the United States and then immediately returned home to Kosovo or Macedonia to search for spouses. (So much for having a credible fear of return to their home countries.) Many arranged marriages that take place in Kosovo and other parts of the world are perfectly legitimate in that the couple does intend to live together as man and wife in the United States. There are also plenty of fraudulent couples, however, who use the “arranged marriage” excuse as a ruse to explain the fact that they know little or nothing about each other and may not even have spent any time together in the same country. Typically, the parents of legitimate arranged couples know each other quite well, however, so some consular officers try to contact them to confirm that a relationship is bona fide, but this is time consuming and not always possible.

What's Love Got to Do With It?

Cash and Marry

Perhaps the most easily detectable type of marriage fraud is when a fee — typically between \$5,000 and \$10,000 — is paid to the American to marry a foreign national who wishes to live in the United States or already does, but needs to regulate his or her legal status. An officer with experience in an Andean country in South America told me that the going rate for a bogus marriage there is \$5,000, while officers with experience in the Pacific Rim report that many intending immigrants will pay up to \$20,000 to marry an American. There are undoubtedly some “fixers” able to find plausible American spouses for foreigners willing to pay cash, but it often is difficult for the fixers to make believable matches between foreigners willing to pay and Americans desperate enough for cash that they’ll sell their hand in marriage.

The main reasons for this are language and culture. Most Americans — particularly those on the lower end of the socioeconomic spectrum — only speak English and most determined immigrants do not. In Latin America, the language issue is less of a problem because there are millions of Spanish speakers in the United States to choose from, but in other parts of the world the language issue is a major obstacle for would-be sham marriage couples. Most overseas consular officers are immediately suspicious of married couples who cannot communicate with each other — even though there is no legal requirement for couples to share any common language — and many consular officers, especially in the busiest posts, will approve marriage petitions for couples that share no common language. For petitions filed in the United States, American petitioners can claim to speak their spouses’ language and at the world’s busiest posts in Mexico, China, and elsewhere, officers do not have time to track down petitioners to verify the claims.

The other primary obstacle is that most Americans desperate enough to engage in this illegal behavior have no significant overseas travel history or knowledge of other cultures. In Budapest, for example, I once interviewed a 36-year-old Nigerian woman who was the beneficiary of a fiancé petition filed for her by a 22-year-old American who worked in a bakery in the Bronx. Since the petition was filed in the United States (as is required for fiancé cases), the American wasn’t present and all I had to go by was his fiancé along with the petition, which contained photocopies of the American’s plane tickets and hotel reservations, along with a few clearly staged photos of the couple together in Budapest.

USCIS had approved the petition despite the fact that the petitioner had only been in Hungary for 72 hours, had no previous U.S. passport (and had thus never been out of the country before), and that the Nigerian had never been to the United States. The Nigerian claimed that they met in a chance encounter on the street and freely acknowledged that she had entered Hungary illegally and claimed asylum, supposedly based on a fear of circumcision in Nigeria (despite the fact that she was easily 20 years past the normal circumcision age). We later confirmed with the Hungarian authorities that her asylum claim had been rejected shortly before she claimed to have met her American fiancé. Curious to know how the American petitioner would explain making his first overseas trip to Hungary for just a weekend, I called the number listed on the petition. Our conversation went something like this:

“I went to Budapest because I heard it was a chill place,” he said, in response to my question.

“Where did you hear that?” I asked.

“Umm,” he said stalling for time, “from my landlord.”

“Is he Hungarian?”

“No, he’s Nigerian,” he said, inadvertently revealing the probable connection between himself and the supposed fiancé.

“I can see in the computer that this was your first passport,” I said. “Have you ever taken any vacations before?”

“I’ve been down to the Jersey Shore, Orlando.”

“So one day you just decided to jet off to Hungary for a long weekend by yourself? How soon did you fall in love with your fiancé after arriving?”

“Pretty much the first day,” he said.

“So what was the rush to get back to the Bronx, if you had just fallen in love?” I asked.

“Had to get back to work!” he exclaimed.

Center for Immigration Studies

I informed him of the penalties for filing a fraudulent marriage or fiancé petition — the Immigration Marriage Fraud Amendments Act of 1986 provides a maximum penalty of five years imprisonment and a \$250,000 fine for any “individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws,” but, like most con-artists, he tried to stick to his absurd story. Most fraud perpetrators know that marriage fraud is extremely difficult to prove and few are ever punished. Since this particular case was a fiancé petition I was able to simply allow it to expire after six months, thereby rendering it invalid, but this option doesn't exist for marriage based petitions and I have no doubt that the Nigerian in question (who finally admitted that her fiancé's landlord was her cousin while denying that he was compensated for his help in securing the fiancé visa) would continue trying to enter the United States, and eventually would most likely succeed.

Recent immigrants in the United States often play a pivotal role in smuggling in their friends and relatives via fraudulent marriages. Friends and family members of those lucky enough to make it into the States see and hear about the good life their contacts are supposedly leading and they want in on it. The immigrants feel a sense of responsibility to help those who want to follow them, and at the same time, want to have their family and social circle with them in the United States to help recreate the positive aspects of life in the mother country. The result of this dynamic is that if you dig deep enough into many seemingly mismatched couples, you'll find that the American petitioner is often a co-worker or acquaintance of a recent immigrant who wants to help bring friends or family into the United States.

An immigrant's workplace in the United States is often an ideal place for them to find someone desperate or greedy enough to marry foreigners for cash. I once interviewed a 30-year-old Macedonian man named Darko who married a 57-year-old woman named Elizabeth from a small town in South Carolina. Darko could only ludicrously claim that he had met his lover — with whom he shared no common language — while she was “on holiday” in Macedonia. An investigation revealed that Elizabeth worked the overnight shift at a bowling alley with Darko's cousin, who had entered the United States on a tourist visa and gained a green card through his own bogus marriage to an American citizen. Neither Darko's cousin nor Elizabeth would admit that any payment was made, but Elizabeth also could not provide any evidence that she paid for her “holiday” in Macedonia, nor could she provide any coherent explanation as to how she decided to travel to Macedonia for five days on her first trip out of the United States. All she eventually admitted to was accepting a “free trip to Europe” from Darko's cousin, whose motives she claimed not to have questioned. Elizabeth had filed the petition in

the United States, so I returned the petition to USCIS with a request for them to reconsider their approval of the petition, but I never heard back. This is not unusual. Consular officers often find that returning petitions to USCIS is like dropping a case into a black hole — most likely you'll never hear about it again.

Some who broker bogus marriages do so by exercising authority over those they employ or supervise. During my tenure in Skopje, I interviewed several native-born American waitresses who worked at restaurants owned by ethnic Albanian immigrants from Kosovo or Macedonia. The women were filing marriage-based immigration petitions for friends or relatives of the restaurant owners. The common threads in each case were that the Americans had no connection to the Balkans, had never traveled internationally, and claimed to have accepted free trips to Kosovo or Macedonia as bonuses from their bosses. Only one of the women — after a lengthy interview during which I informed her of the penalties for marriage fraud — admitted that her boss had strongly implied that she might lose her job if she didn't agree to take what the boss referred to as a “business trip to Kosovo” to marry his nephew.

Even diplomats themselves have been rumored to be involved in fake marriages for the purpose of immigration. Officers with consular experience in Russia told me about an American public affairs officer who entered into a highly suspicious marriage with a Russian national who turned out to be involved in a smuggling ring. The officer previously had come under suspicion for issuing hundreds of suspect visa referrals to poorly qualified or organized crime-related visa applicants.

Americans residing in the United States can no longer file marriage-based petitions at embassies or consulates due to the Adam Walsh Protection Act of 2006, which provides security checks to ensure that sex offenders aren't filing immigrant visa petitions. Several consular officers I spoke to felt as though posts had “gotten rid of a lot of problem cases” with this change in procedure as fly-in couples could no longer file petitions at the embassy. While I can understand why consular officers enjoy the reduced workload, the reality is that it is far easier for consular officers to prove that a case is fraudulent when they have both parties sitting in front of them. A couple that seems outrageously incongruous in person might not look so crazy on paper, and so the result is that USCIS rubber-stamps nearly all marriage petitions.

Further complicating matters, the State Department has, on numerous occasions, warned consular officers in the field against re-adjudicating petitions that USCIS has already approved. This directive more or less absolves from guilt consular officers who choose not to spend their time investigating suspicious cases. I worked for and with several officers who believed that there was no use in worrying about petitions that USCIS had already approved be-

cause battling with USCIS wasn't worth the time or effort. Fortunately, some consular officers are willing to investigate suspect cases, recognizing that USCIS staff in the United States are overwhelmed, understaffed, and under pressure to give petitions a rubber-stamp approval.

You Belong to Me

Abuse and Criminality

Aside from your garden-variety smugglers and individuals seeking to immigrate to the United States, there are also far more nefarious individuals using marriage fraud to achieve criminal or terrorist goals. Janice Kephart, former counsel to the 9/11 commission and now Director of National Security Policy at the Center for Immigration Studies, wrote a disturbing Center Paper called *Immigration and Terrorism* in which she outlined how numerous international terrorists, including members of Al-Qaeda, have used marriage fraud in order to prolong their stays in the United States.⁶ The use of fraudulent marriage petitions is prevalent among international terrorists, including members of Al-Qaeda. The issue of human trafficking is too complex to comprehensively address here, but it's important to recognize that truly dangerous people — both well-organized criminals and predatory menaces to society operating solely for their own benefit — routinely use marriage and fiancé petitions to bring in women they intend to exploit either commercially or privately. Not only do American men exploit foreign women, but foreign men sometimes also use coercion, threats, and sometimes outright violence to induce American women to marry them as a means of gaining entry to the United States.

Early on in my tenure in Macedonia, I came across a disturbing example of this. A young American woman of Albanian descent, Toni, had been held hostage for several months by an abusive Kosovar, Shefqet, who insisted on keeping her passport and restricting her freedom of movement until she married him and he received an immigrant visa to the United States. My involvement began with a phone call from Toni's mother, Fatima, who claimed that her daughter was supposed to have returned to New York months before.

When I received Fatima's call, Toni and Shefqet's immigrant visa petition had already been approved, but the immigrant visa had not yet been issued; he was still due to appear at the embassy to present us with the rest of the paperwork. I intended to make Shefqet cool his heels in the waiting room while I spoke to Toni alone, but Shefqet showed up for his interview alone (as discussed above, after a petition is approved, only the immigrant needs to be present for the interview).

I called Toni, and she confirmed what her mother had told me. Shefqet had seized her passport and canceled her ticket home. She had wanted to come to the embassy

for the interview, but, not trusting her, he forbade her to come. Shefqet's rap sheet from the local police department was clear, but only technically. Toni had called the police on him for beating her, but later dropped the charges after he threatened to kill her and the police told her that it was her duty to listen to her husband, not to file charges against him. I insisted that in order to proceed with Shefqet's case, I needed to interview his American citizen wife.

Shefqet looked nervous the moment they showed up at the Embassy a few days later. He knew that if he refused to show up with her he had no chance of getting a visa, but he also must have realized that his wife would pull the plug on his American dreams. I called his wife up to the visa window, which was inside a private room that we used for delicate situations. He came in with her, but I told him to leave.

Toni told me that she hadn't slept in days. Her husband had returned from the Embassy furious after being rejected. He was convinced that Toni had done something to sabotage his application. I explained to her that we had told him that she had nothing to do with the rejection and that her mother's phone call telling us Toni was being beaten and held hostage had alarmed us.

Toni told me that she was living in constant fear of her husband. He had never held a job — common for male immigrant visa applicants from Macedonia and Kosovo — so he was always home. Her mother would wire her money, but he would take it, leaving her with nothing. She told me that he beat her regularly. I asked her if she wanted us to help her and she said that she "could not leave the building with this guy, I don't ever want to see him again."

I told her she had come to the right place, and promised to try to have him arrested. I could call her mother, get her to wire money and have her back to the States by the next morning. Toni seemed relieved, and I thought she was pretty brave. She was ready to leave her husband with only the clothes on her back.

I had the embassy guards forcibly remove Shefqet from the consular waiting room, but, unfortunately, the Macedonian cops could not arrest him because he had committed the crimes in Kosovo. It was up to me to take a statement from Toni that could be forwarded to the police there, but what good would it do given their previous treatment of her?

The next morning I picked up Toni at the Skopje's women's shelter and accompanied her to the airport. She was afraid that Shefqet was somehow following her and would be at Skopje's airport waiting for her. I tried to reassure her that we had put a lookout for him in our computer and that no embassy in the world would give him a visa.

"Yeah, but he told me he knew how to buy fake documents for \$5,000. He told me that he would find me and kill me if I tried to go back to New York without him," she said.

What could I say? Our porous border and inadequate visa screening system made it impossible for me to promise her that he would be kept out of the country.

Shefqet was nowhere to be found at the airport, but how long would it be before he found another woman or another way to get to the States?

It's important but sad to note that consular officials — both at the State Department and at USCIS — are themselves not immune from entering into exploitive relationships with foreign nationals seeking visas. Over the last few years, several male USCIS adjudicators with responsibility for interviewing immigrant visa applicants have been convicted of a variety of sexual crimes against women. In March 2008, police arrested a USCIS adjudicator named Isaac R. Baichu and charged him with coercing a visa applicant into having oral sex and promising to help her secure a green card in exchange for further sexual favors.⁷ Mr. Baichu, himself a recent immigrant from Guyana, had been caught on tape demanding sex from a 22-year-old Colombian woman who was seeking to adjust her visa status (after a lengthy tourist visa overstay) based on marriage to an American citizen. Baichu is believed to have handled more than 8,000 cases during his tenure at USCIS, so there is no telling how frequently he attempted to use his position to gain sexual favors from female applicants.

While there are numerous instances of genuine abuse of foreign women by traffickers and ordinary American citizens, however, it should also be noted that female immigrants can claim that they are being abused by a spouse in order to gain immigration benefits, and their claims of abuse are often taken at face value. The sad fact is that any time we try to legislate some type of protection for women — be it protection for victims of domestic abuse or for victims of female genital mutilation seeking refuge in the United States, for example — there are opportunists out there who exploit the system to gain immigration benefits to which they are not entitled.

Hello, Goodbye — Deportees Resurface as Newlyweds

Each year ICE offers more illegal immigrants “voluntary departure,” which is essentially self-deportation (not at government expense). One might assume that illegal immigrants who are deported or are granted voluntary departure are being permanently repatriated to their home countries, particularly given the huge costs associated with detaining, trying, and deporting more than 100,000 illegal aliens each year. The truth, however, is that our immigration system allows so many opportunities for redemption — particularly for spouses of American citizens — that deportation or voluntary deportation is often more of a revolving door than a one-way ticket home.⁸ Even deportees with criminal records commonly get approved for green cards when they marry U.S. citizens.

Speak to consular officers at any of the busiest immigrant visa processing posts the world over and they will all confirm that a substantial number of deportees and self-deportees resurface as immigrant visa applicants, most frequently via questionable marriages to American citizens. One consular officer with substantial experience in Latin America characterized the phenomena of deportees resurfacing as newlyweds by saying, “I guess there is no stronger incentive to fall in love than when you get a deportation notice in the mail. It's amazing though, USCIS thinks it's getting rid of these people [by deporting them or granting voluntary departure] but they aren't. Its like the Freddy Krueger syndrome, they just keep coming back!”

Applicants who have been recently deported are scrutinized more than other applicants, but consular officers frequently have a difficult time convincing their USCIS counterparts to deny suspect petitions and requests for waivers of visa ineligibilities. Part of the problem here is physical presence: Unlike most marriage fraud cases, deportees have spent years living in the United States so they can claim that relationships have lasted for years. When an American goes to a foreign country for only a few days and gets married almost immediately it is much harder for them to prove a durable relationship. Deportees also are more likely to speak some English, making them more plausible partners for Americans who speak no other language.

One of the main reasons marriage fraud is so common among those deported, granted voluntary departure, or still in the United States but eligible for deportation is a matter of simple logistics. It is far easier to find an American spouse in America than from overseas. For illegal immigrants, finding an American spouse is not just an aspiration, it's a mission, and it is the most common way of returning to the United States for those who have been deported.

Typically, the American spouse of a recent deportee will need to prove extreme “hardship” if the foreign spouse is not allowed to return. But USCIS approves many waiver requests based on “hardships” that are routine for anyone moving from one country to another. The most common hardship claims are that the American cannot speak the language of his or her spouse's country, is employed in the United States, and, for recently naturalized Americans, that returning to their home country to be with their spouses would be too much to bear.

Heartbreak Hotel — Americans Duped into Marriages

Classic marriage fraud cases involve two people conspiring to bring an immigrant to the United States based on a phony marriage, but for every case where there are two conspirators there is at least one where the American believes the marriage is based on mutual affection and love while the foreigner only wants to obtain a green card. Consular officers, particularly in developing countries where

residents are desperate to “get out of Dodge,” frequently interview cross-cultural couples who appear to be grossly mismatched, but cannot deny the petitions of Americans who do not know that they are being used for a visa, which makes this type of one-sided marriage fraud nearly impossible to stop.

Middle-aged American men are the most common victims, though younger people and women fall victim as well. One American woman who fell victim to a sham marriage — Elena Maria Lopez — founded the website <http://www.immigrationfraud.com/> in order to help other Americans in the same situation and many other American victims have webpages and blogs warning Americans about marriage fraud.⁹

The clichéd case involves Americans who for whatever reason — recently divorced, mid-life crisis, etc. — move to or travel to a developing country and soon find that they are able to date members of the opposite sex who wouldn't give them the time of day in the United States. Americans with no previous travel experience who are sent overseas as contractors, soldiers, and laborers are particularly susceptible to being duped into marriage. When Americans overseas feel desirable, perhaps for the first time in their entire lives, many fail to see that poverty and desperation is what makes them popular.

Sometimes consular officers interview wide-eyed, love-stricken Americans who have no idea that the person they have just married or are about to marry has a track record of visa denials, fraud, or immigration violations and consular officers often have to decide how much information to divulge to the American about their spouses' immigration track records.

One couple, whom I'll refer to as Patrijot and Selvije, is a good example of how foreign nationals sometimes engage in wildly implausible relationships with Americans as a last resort after other attempts at visa fraud have failed. Patrijot was, to perhaps put it too bluntly, a corpulent 21-year-old heart-attack waiting to happen and his 18-year-old bride, Selvije, 18, was quite attractive. At her visa interview, Selvije was unable to tell me much about Patrijot and couldn't articulate why she decided to marry him. My colleagues and I were certainly at a loss ourselves until weeks later when we received a dated fraud bulletin from USCIS showing us that Patrijot's new bride had been arrested, only two weeks before marrying him, at the Vienna airport with a fake refugee travel document. Suddenly her decision to marry Patrijot made perfect sense and the decision to divulge her history to her spouse was an easy one, though in most cases the decision is much less clear cut.

While some Americans, like Patrijot, discover their spouses' true intentions before they even arrive in the United States, many discover the truth only after they have been married for two years — when immigrants typically can remove the “conditional” status from their green cards

and safely divorce their American sponsors without fear of losing American residency. When American citizens find out that they were duped for a green card by an opportunistic foreign spouse, they often write letters to USCIS and the State Department or appear in person at embassies to ask consular officials to revoke their ex-spouses' green cards. The letters and complaints are heart-felt, but USCIS almost never revokes a green card in these kinds of situations, even when there is clear evidence that the marriage was not entered into in good faith.

One of the most unusual letters I ever received was from a woman in Michigan named Angela. Angela had fallen in love with Tony, a 30-something Macedonian who had come to America with a tourist visa and did not want to return home. The couple married and, after a year or so, Angela became suspicious because Tony seemed uninterested in her and spent hours each day talking on the phone in Macedonian, which she could not understand.

Angela began to record Tony's phone conversations, but by the time she found a Macedonian interpreter, who revealed that Tony used her for the visa, never loved her, and had a “real” fiancé back in Macedonia, it was too late. Tony already had his green card and was about to divorce Angela and file a petition for his Macedonian sweetheart, Sonja. Angela's mission in life became to stop Sonja from getting the visa. Unfortunately it is very hard, if not impossible, to revoke someone's green card or citizenship, nor is it possible to deny the petition that they file for their new spouses, given that the new relationship is usually genuine.

Angela sent us a heart-wrenching letter asking us to “deny Sonja's visa.” Angela forwarded us a sample of one of Tony and Sonja's conversations along with a transcript, which contained the following smoking gun:

Sonja: “Do you promise that when you come back, you won't bring her [Angela]?”

Tony: “Don't be stupid, how can I bring her?”

Sonja: “When are you coming?”

Tony: “Angela suspects something. She told me I must have a girlfriend back in Macedonia, but don't worry, one more year until I get my permanent green card and after that she can pull my [expletive]! Until then, we have to wait, baby, what can we do?”

Sonja: “One whole year we have to wait?”

Tony: “Yes, but what can we do? I'm coming to see you, I love to see you, to feel you, to make love to you. I need you!”

Sonja: “I need you too!”

Tony: “So you need to wait and be calm! Bye for now. I love you!”

Even in a case like this — where an American citizen has her foreign spouse on tape admitting that the marriage was a fraud — USCIS will not consider revoking the foreign national's green card, partly to avoid giving potentially vindictive or abusive Americans an effective “veto” power over their foreign spouses that they could abuse for their own purposes. While this makes sense, there are definitely cases of clear-cut marriage fraud where USCIS should consider revoking a foreign national's green card or citizenship.

You Can't Always Get What You Want

An Uphill Struggle

One of the most frustrating aspects of the fight against marriage fraud from the perspective of consular officers is that USCIS often disregards an interviewing officer's recommendations for the revocation of approved petitions, a denial of pending petitions, or a request for denial of hardship waivers for applicants who are ineligible to return to the United States because of immigration violations or criminal convictions. The consular officers, who actually interview applicants and sometimes American sponsors as well, have no authority to deny or revoke a marriage-based petition that they believe to be fraudulent. Interviewing officers can only document the case and forward it on to USCIS, where the deciding official generally never meets either spouse.

Many embassies and consulates rely on the age-old tactic of separating newlyweds, peppering them with a standard list of questions, and then comparing notes on their responses. But the questions most frequently used — who proposed to whom, what is your spouse's star sign, etc. — are available on the Internet,¹⁰ so well-prepared schemers can conduct research ahead of time and memorize the answers.

The vast majority of sham marriages go undetected, largely because USCIS lacks the manpower to conduct wide-scale field investigations. In fact, USCIS reportedly completes investigations on less than 1 percent of marriage-based green card applications.¹¹ And while consular officers aren't empowered to decline suspicious marriage petitions, immigration authorities in the United States have arrested many individuals and groups involved in marriage fraud. See the Appendix for examples.

Conclusion

Every year, thousands of foreign nationals wishing to move to the United States or gain permanent resident status do so by marrying American citizens. In some cases, the Americans are willing participants in the fraud, in others they are victims. There is no way of knowing what percentage of the 300,000-plus spouses who gain green cards each

year through marriage to American citizens or LPRs do so based on a fraudulent relationship, but consular officers interviewed for this *Backgrounder* offered estimates ranging from 5 to 30 percent. Whatever the actual percentage, tens of thousands of people get married each year solely for the purpose of immigration to the United States.

While officials at home and abroad are doing what they can to root out bad cases, the current system is broken and needs significant reforms. The following policy recommendations could dramatically improve the immigration system's integrity by making marriage fraud much more difficult.

Recommendations

- Eliminate Fiancé (K) visas. There is simply too much fraud associated with this visa category. Americans who intend to marry foreign nationals are free to do so, but making the effort to get married abroad testifies to the legitimacy and seriousness of the relationship. Couples can always have a second ceremony or reception in the United States once the foreign spouse receives his or her immigrant visa.
- Adjudicate marriage-based immigrant visa petitions in the foreign spouse's country of residence, with the American sponsor present. Authorize consular officers (or overseas USCIS officers) to rule on the validity of the relationships and deny fraudulent petitions. Appeals could be heard by an officer's supervisor — with both petitioner and applicant present.
- Eliminate waivers of ineligibility for marriage-based green card applicants with criminal convictions, involvement in a criminal street gang, or long periods of illegal stay, unless the health or welfare of their citizen spouses or children would be severely affected. Not knowing a foreign language or having to find a new job overseas should not be grounds for waivers.
- Create a national marriage registration database to help combat serial marriage fraud.
- Create a third option for USCIS adjudicators when a couple is interviewed to remove the foreign spouse's “conditional” status on his or her green card (typically after two years of marriage). Rather than just revocation or approval, conditional status could be extended for up to three years with a supervisor's approval. Would-be cheaters would have no guaranty that they would only need to remain married for two years.
- Deny all applications filed by couples that cannot hold a basic conversation with each other in a com-

- mon language. Legitimate couples will learn to communicate with each other and can reapply at that time.
- Eliminate the co-sponsor system for Americans filing immigrant visa petitions for spouses overseas. This means that Americans living below the poverty line would be unable to sponsor immigrants. Exceptions should be made for bona fide full-time students at the university level and young petitioners still listed as dependents on their parents' most recent tax return. Since many, if not most of the Americans that engage in marriage fraud for cash are in a weak financial situation themselves, this move would add a difficult hurdle for would-be scam artists who want to engage in a sham marriage to a foreign national for money.
 - Eliminate the possibility of adjustment of status to anyone out of status or on a short-term visa.
 - Give both the State Department and USCIS significantly more resources to combat marriage fraud.
 - Require USCIS officers to seek the assistance of overseas consular officers when conducting investigations on suspect cases. Officers in-country often have language skills and local knowledge that can help expose sham marriages.
 - Give American spouses all immigration-related documents that the interviewing officer has access to, including previous tourist visa applications, case notes, criminal histories, etc. Americans should know if their foreign spouses have track records of immigration fraud.
 - Investigate claims of marriage fraud made by American citizens who only realize that their spouses were "in it for the green card" after they receive permanent residency. While not taking the Americans' word at face value, USCIS must investigate these claims and deport those found guilty of fraud.
 - Deny visa petitions for foreign spouses who previously have been divorced from an applicant. This will eliminate the opportunity for a foreign national to divorce his or her spouse, enter into a fake marriage with an American citizen to gain legal status, and then divorce the American and re-marry and sponsor for immigration his or her original spouse.
 - Aggressively prosecute everyone involved in marriage fraud, from those involved in personal schemes to large-scale marriage fraud rings. Penalties should include jail time for those convicted.
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I Fought the Law, and the Law Won Appendix: Enforcement Actions Against Marriage Fraud Rings

2008

- In October 2008, Mahmoud Saddem, the owner of a Virginia Beach Italian restaurant and his nephew, Riadh Saddem, an illegal Tunisian immigrant, were arraigned on a federal indictment charging them with participating in a fraudulent marriage for the purpose of legalizing Riadh's status in the United States. Mahmoud Saddem allegedly convinced a waitress in a topless bar to marry his nephew in exchange for a house and a car. Four days after their wedding, the waitress moved back in with her real boyfriend. Riadh had been in the country illegally since overstaying a three-month student visa in 2001.¹²
- In May 2008, a Lebanese immigrant who engaged in marriage fraud to obtain U.S. citizenship and eventually land jobs at the CIA and FBI — reportedly to act as a mole for Hezbollah — was fined \$750 but spared jail time by a federal judge in Detroit.¹³
- On May 12, 2008, 12 people were arrested after USCIS officers and ICE special agents uncovered a huge marriage fraud ring that had been arranging fraudulent marriages since the early 1970s. ICE agents arrested 12 of the 16 people indicted, representing three generations of an extended family. Maria Refugia Camarillo, a U.S. citizen, was the alleged ringleader of the organization, which charged foreign nationals as much as \$12,000 to arrange marriages with U.S. citizens.¹⁴
- A 2008 federal sting of four companies incorporated as immigration assistance services (All Kind Services, A-3 Services, American Solutions and Services, and Power of Attorney) accused of arranging fraudulent marriages for immigrants, resulted in 83 arrests of immigrants, Americans, and company officials. According to U.S. Attorney Robert O'Neill, immigrants paid as much as \$10,000, while the U.S. citizens were offered up to \$2,500. The couples were coached on how to pass immigration checks, even when they didn't speak the same language. At least one of the businesses kept a standing wedding showroom in its office, complete with a prop cake, an assortment of wedding dresses, and table settings. Some of the immigrants had criminal records — ranging from burglary to battery, drug

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offenses, domestic violence, and even aggravated assault with a deadly weapon. They were primarily from Central and South America, and at least one was Moroccan.¹⁵

- A Russian woman found guilty of marriage fraud for paying a man to get her a green card was sentenced by the U.S. Attorney's Office to serve four months of home detention followed by a four-month prison sentence that began on May 19, 2008. Yuliya Mikhailovna Kalinina, who faced up to five years in federal prison, could be deported after her detention as a convicted felon. Benjamin Adams, the American man who responded to Kalinina's Craigslist ad offering prospective husbands up to \$15,000 to marry her, was sentenced April 7 to two months in prison for marriage fraud and making a false statement. Kalinina testified during her trial that she didn't know "green card marriages" were illegal.¹⁶
- A Philadelphia man admitted that he helped recruit dozens of people in Minnesota and other states to engage in fraudulent marriages with Chinese nationals. Le Guo Wu pleaded guilty in federal court in St. Paul to one count of conspiracy in what immigration officials say is an ongoing investigation of an international marriage fraud ring. Court records reveal that, since at least 2004, Wu has offered Americans between \$13,000 and \$25,000 to marry Chinese citizens so they could get green cards. So far, authorities have identified more than 70 suspect immigration petitions tied to the marriage fraud ring.¹⁷

2007

- Jiri Janda, a Czech citizen, could lose permanent resident status and face deportation after an Alabama State Appeals Court annulled his marriage to American citizen Antoinette Walters. Ms. Walters filed the complaint based on Janda's suspicious behavior: On their honeymoon in the Smoky Mountains, Janda insisted on sleeping in separate tents and refused to have intercourse. Janda claimed that the marriage wasn't entered into for the purpose of immigration, but that his wife needed to lose 65 pounds.¹⁸

2006

- A nearly four-year investigation broke up a massive Northern Virginia-based marriage fraud ring that was estimated to have arranged at least 1,000 fake marriages. Arlington County courthouse employees noticed that many couples filing for marriage licenses —mostly Ghanians marrying American citizens —seemed to

barely know each other and that some were even exchanging money in the halls and elevators of the courthouse building. Twenty-two people have been charged and 19 of them pleaded guilty in federal court. The perpetrators — most of whom met their spouses on the same day they married — included bank tellers, car salesman, and health care employees.¹⁹

2005

- FBI and Department of Homeland Security officers arrested an Egyptian man who allegedly ran a marriage fraud business from a hot dog cart in downtown Washington, D.C., that provided American brides for Middle Eastern men seeking green cards. According to the criminal complaint, Aabid Shoeib, an illegal immigrant, is believed to have arranged at least 100 phony marriages. A U.S. citizen and a legal resident originally from Egypt were also arrested.²⁰

Several Government Accountability Office (GAO) reports on immigration-related topics also have noted significant enforcement actions against marriage fraud rings, including:

- A March 2006 GAO report on immigration benefits included several noteworthy investigations of marriage fraud rings, including: 44 people arrested in November 2005 in connection with a marriage fraud ring that matched scores of Vietnamese and Chinese citizens with bogus American spouses over a 10-year period; a U.S. citizen arrested in 2004 after filing immigrant visa petitions for at least 11 different foreign spouses; and in 2003 and 2004, 2,800 fraudulent marriage petitions were found at one USCIS service center where low-income Americans were paid \$5,000 to \$10,000 each to marry people from Asian countries.²¹
- A 2007 GAO report on how fraud complicates the Diversity Visa (lottery) program noted the phenomenon of "pop-up" marriages, where individuals who win the green card lottery sell their hand in marriage to spouses who then can qualify for green cards as well.²²
- A 2002 GAO report on immigration benefit fraud revealed that, in 2000, the legacy INS conducted a total of 4,000 fraud investigations — half of them on suspected marriage fraud cases; an internal review of immediate-relative petitions, most of which were for spouses, revealed 25,000 suspect marriage fraud cases.²³

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Hello, I Love You Won't You, Tell Me Your Name

Inside the Green Card Marriage Phenomenon

By David Seminara

Over the last decade, marriage to American citizens, which entitles foreign spouses to “immediate” preference status for an immigrant visa, has been by far the most common path to American residency. Since 1998, more than 2.3 million foreign nationals have obtained green cards through marriage to American citizens. Nearly a million more have obtained green cards through marriage to lawful permanent residents.

Marriage fraud for the purpose of immigration gets very little notice or debate in the public arena and the State Department and Department of Homeland Security have nowhere near the resources needed to combat the problem. Attention to fraud is not just for the integrity of the legal immigration system, but also for security reasons. If small-time con artists and Third-World gold-diggers can obtain green cards with so little resistance, then surely terrorists can do (and have done) the same.

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