



Homeland Security Investigations

Benefit Fraud Investigations Handbook

HSI HB 14-01 / January 7, 2014



U.S. Immigration
and Customs
Enforcement

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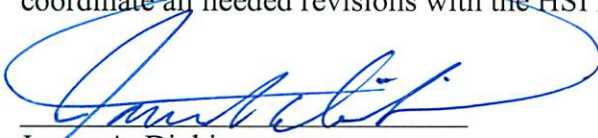
Foreword

The Benefit Fraud Investigations Handbook provides a uniform source of national policies, procedures, responsibilities, guidelines, and controls to be followed by U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents when conducting immigration-related benefit fraud investigations. This Handbook contains instructions and guidance to help ensure uniformity and operational consistency among all HSI field offices. Oversight over the national Benefit Fraud Investigations Program resides with the Unit Chief, Identity and Benefit Fraud Unit. (Note: On June 9, 2010, the ICE Offices of Investigations (OI), International Affairs (OIA), and Intelligence were internally realigned under the HSI Directorate. Throughout this Handbook, documents issued prior to the June 9, 2010, realignment are referred to by their original titles, which reflect the office that issued them, e.g., "OI" instead of "HSI.")

The Benefit Fraud Investigations Handbook supersedes 1) Chapter 21 of the Immigration and Naturalization Service (INS) Special Agent Field Manual (SAFM) entitled, "Fraud Investigations" (undated) (with the exception of Sections 21.2(e), (f), and (i) and 21.5(d)), which are addressed and will be superseded by the Document and Identity Fraud Investigations Handbook); 2) OI memorandum entitled, "Roles and Responsibilities of the ICE Benefit Fraud Units," dated February 4, 2004; 3) OI memorandum entitled, "Establishment of the ICE Benefit Fraud Units," dated September 5, 2003; 4) OI memorandum entitled, "Transition of the Benefit Fraud Units to SAC Offices," dated August 6, 2007; and 5) all other issuances on immigration benefit fraud investigations by INS or by ICE OI, OIA, Intelligence, or HSI prior to the date of issuance of this Handbook, with the exception of the HSI memorandum entitled, "Deferred Action for Childhood Arrivals Fraud Lead Referral and Tracking Procedure," dated August 13, 2012. (Note: On October 8, 2010, all INS SAFM and Investigator's Handbook chapters that had not yet been superseded or included in the HSI Special Agent Manual to be updated and reissued were cancelled; these included Chapter 4-5 of the INS Investigator's Handbook entitled, "Fraud Investigations," dated March 2, 1981.)

The Benefit Fraud Investigations Handbook is an internal policy of HSI. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Records and Disclosure Unit, as well as the appropriate ICE Counsel and/or U.S. Attorney, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any further request for disclosure of this Handbook or information contained herein should be referred to the HSI Records and Disclosure Unit.

The HSI Policy Unit is responsible for coordinating the development and issuance of HSI policy. All suggested changes or updates to this Handbook should be submitted to the HSI Policy Unit which will coordinate all needed revisions with the HSI Identity and Benefit Fraud Unit.


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Homeland Security Investigations

1-7-2014
Date

**BENEFIT FRAUD INVESTIGATIONS
HANDBOOK**

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BENEFIT FRAUD INVESTIGATIONS HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Benefit Fraud Investigations Handbook establishes policy and procedures for U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) when conducting immigration-related benefit fraud investigations within the scope of their authority. (b) (7)(E)

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Chapter 2. INTRODUCTION

The scope of immigration-related benefit fraud in the United States cannot be understated. Fraudulently obtained benefits can provide terrorists and other criminals a new identity and the appearance of legitimate immigration status, helping them evade law enforcement detection.

The unknown element of an alien engaging in immigration-related benefit fraud is the alien's intent, which could be to find employment or to cause grave and severe harm to the United States. (b) (7)(E)

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Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook:

3.1 Advanced Degree

“...any United States academic or professional degree or a foreign equivalent degree above that of baccalaureate. A United States baccalaureate degree or a foreign equivalent followed by at least five years of progressive experience in the specialty shall be considered the equivalent of a master’s degree. If a doctoral degree is customarily required by the specialty, the alien must have a United States doctorate or a foreign equivalent degree.” Title 8, Code of Federal Regulations (C.F.R.), Section 204.5(k)(2).

3.2 Benefit Fraud

The knowing and willful misrepresentation of a material fact on a petition or application to gain an immigrant benefit.

3.3 Diploma Mill

Online or other institutions that award academic degrees and diplomas with little or no academic study and without recognition by official accreditation bodies.

3.4 Document Fraud

The production, counterfeiting, alteration, sale, and/or use of fraudulent documents to circumvent immigration laws or for other criminal activity.

3.5 Exceptional Ability in Science, Art, or Business

“...a degree of expertise significantly above that ordinarily encountered in the sciences, arts, or business.” 8 C.F.R. § 204.5(k)(2).

3.6 Identity Fraud

The use of fraudulent identity documents, which may, but do not necessarily have to, contain the biographical information of a real person.

3.7 Identity Theft

The intentional use of another person's biographical information and/or personal identifiers without that person's consent.

3.8 Material Misrepresentation

A misrepresentation is material when the record demonstrates by clear, unequivocal, and convincing evidence that the misrepresentation either did result in the erroneous grant of a benefit, or that it had a natural tendency to affect the decision to grant the benefit.

3.9 Other Worker

"...a qualified alien who is capable, at the time of petitioning for this classification, of performing unskilled labor (requiring less than two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States." 8 C.F.R. § 204.5(l)(2).

3.10 Profession

"...one of the occupations listed in section 101(a)(32) of the Act [Immigration and Nationality Act (INA)], as well as any occupation for which a United States baccalaureate degree or its foreign equivalent is the minimum requirement for entry into the occupation." 8 C.F.R. § 204.5(k)(2).

3.11 Professional

"...a qualified alien who holds at least a United States baccalaureate degree or a foreign equivalent degree and who is a member of the professions." 8 C.F.R. § 204.5(l)(2).

3.12 Skilled Worker

"...an alien who is capable, at the time of petitioning for this classification, of performing skilled labor (requiring at least two years training or experience), not of a temporary or seasonal nature, for which qualified workers are not available in the United States. Relevant post-secondary education may be considered as training for purposes of this provision." 8 C.F.R. § 204.5(l)(2).

Chapter 4. AUTHORITIES/REFERENCES

4.1. Authorities

The following are some of the common statutes charged:

- A. Title 8, United States Code (U.S.C.), Section 1255A(c)(6), Legalization Fraud

- B. 8 U.S.C. § 1306(d), Counterfeiting an Alien Registration Card or Document
- C. 8 U.S.C. § 1324(a)(1)(A)(iv), Encouraging Illegal Aliens to Enter into or Reside in the United States
- D. 8 U.S.C. § 1325(c), Marriage Fraud
- E. 8 U.S.C. § 1325(d), Immigration-Related Entrepreneurship Fraud
- F. 18 U.S.C. § 2, Aiding and Abetting
- G. 18 U.S.C. § 201, Bribery of a Public Official
- H. 18 U.S.C. § 371, Conspiracy
- I. 18 U.S.C. § 911, False Claim to U.S. Citizenship
- J. 18 U.S.C. § 982, Criminal Forfeiture
- K. 18 U.S.C. § 1001, False Statements to the Government
- L. 18 U.S.C. § 1015, Fraud in Immigration Matters
- M. 18 U.S.C. § 1028, Fraud and Related Activity/Identification Documents
- N. 18 U.S.C. § 1028A, Aggravated Identity Theft
- O. 18 U.S.C. § 1341, Mail Fraud
- P. 18 U.S.C. § 1343, Wire, Radio, or Television Fraud
- Q. 18 U.S.C. § 1351, Fraud in Foreign Labor Contracting
- R. 18 U.S.C. §§ 1421-1425, Nationality and Citizenship Fraud
- S. 18 U.S.C. § 1505, Obstruction of Proceedings before Departments, Agencies, and Committees
- T. 18 U.S.C. §§ 1541-1546, Passport and Visa Fraud
- U. 18 U.S.C. § 1621, Perjury
- V. 18 U.S.C. §§ 1956 and 1957, Money Laundering
- W. 18 U.S.C. §§ 1961-1968, Racketeer Influenced Corrupt Organizations

X. 42 U.S.C. § 408, Social Security Fraud.

4.2 References

- A. DHS memorandum, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” dated June 15, 2012.
- B. HSI memorandum, “Deferred Action for Childhood Arrivals Fraud Lead Referral and Tracking Procedure,” dated August 13, 2012.

Chapter 5. RESPONSIBILITIES

5.1 Executive Associate Director, Homeland Security Investigations

The Executive Associate Director of HSI has the overall responsibility for the oversight and implementation of the policies and procedures set forth in this Handbook.

5.2 Unit Chief, Identity and Benefit Fraud Unit

The Unit Chief of the Identity and Benefit Fraud Unit (IBFU) is responsible for developing and advancing policy initiatives and proposing legislative changes to address vulnerabilities in the immigration process to deter fraud and reduce the incentives for committing immigration benefit fraud. The IBFU Unit Chief is also responsible for coordinating the Unit’s efforts to combat benefit fraud with other ICE Directorates and Program Offices and Department of Homeland Security (DHS) components such as USCIS and U.S. Customs and Border Protection (CBP), as well as other federal agencies such as the Department of Labor (DOL) and the Department of State (DOS).

5.3 Special Agents in Charge and Attachés

Special Agents in Charge (SACs) and Attachés are responsible for implementing the policies and procedures set forth in this Handbook within their areas of responsibility.

5.4 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

Chapter 6. VISA FRAUD OVERVIEW

Statutory provisions for visa fraud are found under 18 U.S.C. § 1546(a) (b) (7)(F)

(b) (7)(E)

(b) (7) (E)

Chapter 7. EMPLOYMENT-BASED VISA FRAUD

(b) (7) (E)

DOL is responsible for the administration and enforcement of employment-based visa programs. The INA directs DOL to administer various foreign labor certification programs, including several immigrant and non-immigrant employment-based visas.

(b) (7) (E)

(b) (7) (E)

7.1 Employment-Based Immigrant Visas

Employment-based immigrants must be the beneficiary of an approved Immigrant Petition for Alien Worker (USCIS Form I-140). Any person, including the alien beneficiary, may file an I-140 petition on behalf of an alien who has extraordinary ability in the sciences, arts, education, business, or athletics. In all other cases, the petitioner must be a U.S. employer. The employer does not have to be a U.S.-owned company; the company may be foreign-owned as long as it has an officer or branch in the United States that is the petitioner for the alien. (b) (7)(E)

(b) (7)(E)

Prior to the approval of Form I-140 by USCIS and issuance of an employment-based visa by DOS, both a petitioning employer and the beneficiary must provide evidence and documentation to support the claim of available employment and qualifications. (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

7.2 Petitioner-Based Fraud

(b) (7)(E)

7.3 Beneficiary-Based Fraud

(b) (7)(E)

7.4 Classifications of Employment-Based Immigrants

A. Aliens with Extraordinary Abilities (E11)

Applicants in this category must have extensive documentation showing sustained

(b) (7)(E)

(b) (7)(E)

B. Outstanding Professors and Researchers (E12)

These applicants are outstanding professors and researchers with at least three years of experience in teaching or research and who are recognized internationally.

(b) (7)(E)

C. Certain Multinational Executives and Managers (E13)

These include certain executives and managers who have been employed at least one of the three preceding years by the overseas affiliate, parent, subsidiary, or branch of the U.S. employer.

(b) (7)(E)

D. Aliens Who Are Members of the Professions Holding Advanced Degrees or Aliens of Exceptional Ability (E21)

Generally, applicants must have a labor certification approved by DOL. With certain exemptions, a job offer is required and the U.S. employer must file a petition on behalf of the applicant. There are two subgroups within this category:

1) professionals, and 2) persons with exceptional ability in the sciences, arts, or business.

E. Skilled Workers, Professionals Holding Baccalaureate Degrees, and Other Workers

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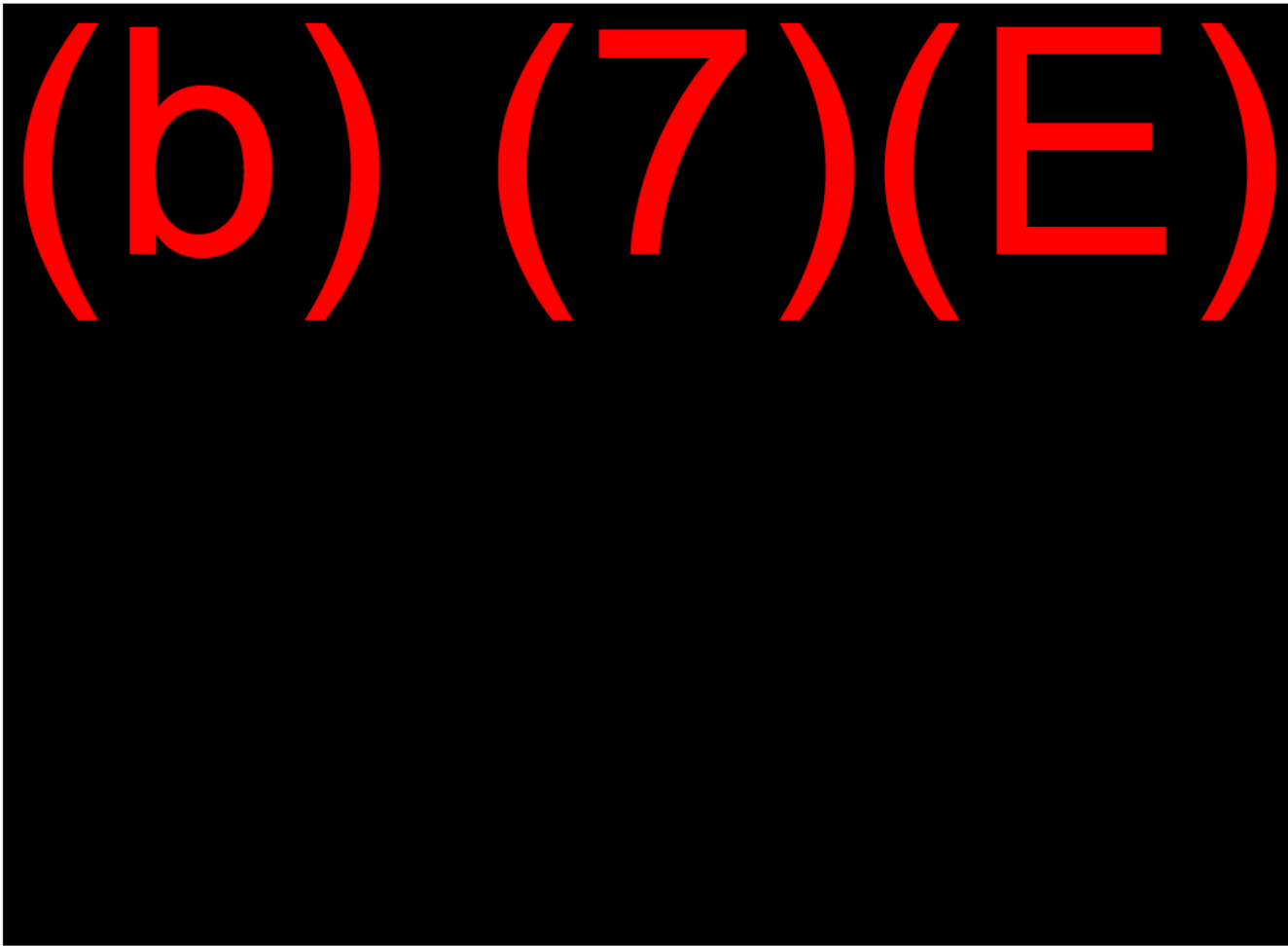
7.5 Other Agency Coordination

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7.6 Investor Fraud (EB-5 Program)

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7.7 Nonimmigrant Employment-Based Fraud

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7.8 H Nonimmigrant Employment-Based Visas

Provided for under section 101(a)(15)(H) of the INA, the H nonimmigrant visa classification can be divided into several categories:

- H-1 Alien of Distinguished Merit and Ability
 - H-1B Specialty Workers, Research and Development, and Fashion Models
 - H-1B1 Specialty Occupations (Chile and Singapore citizens)
 - H-1C Nurses

- H-2
 - H-2A Agricultural Workers
 - H-2B Non-agricultural Services or Labor

- H-3 Trainees and Special Education

H-1 is a nonimmigrant classification used for aliens who will be temporarily employed in a specialty occupation or as a fashion model or an alien of distinguished merit and ability. The employer must obtain an approved Labor Condition Application (LCA) from DOL prior to filing a petition with USCIS. The alien worker must be named in the petition which must demonstrate that the alien worker is eligible and qualified for the position by demonstrating such things as education, licensure, and training.

In order for an alien to be considered as having distinguished merit and ability, the alien must be a member of the professions or prominent in his or her field of endeavor. Additionally, the services to be performed in the United States must require the services of a professional or alien of prominence.

(b) (7)(E)

H-2B is a nonimmigrant classification used for aliens who have a residence in a foreign country which they have no intention of abandoning. These aliens will be temporarily employed in either the agricultural or non-agricultural areas. The employer must file an LCA with DOL. Some H-2 positions may require that the alien have specific education, training, or experience. If this is the case, the petitioner must demonstrate the alien's eligibility and qualifications.

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(b) (7)(E)

7.9 L Nonimmigrant Employment-Based Visas

(b) (7)(E)

L-1A visas are designated for intra-company transferees and do not require a DOL LCA. To qualify, the alien must have worked for the foreign affiliate for at least one continuous year within the previous three years in a managerial or executive capacity. The alien must take a job with the domestic affiliate (parent or subsidiary) in an executive or managerial position.

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Chapter 8. STUDENT VISA FRAUD

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Chapter 9. RELIGIOUS VISA FRAUD

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Chapter 10. RELATIONSHIP FRAUD

10.1 Marriage Fraud

(b) (7) (E)

(b) (7) (E)

10.2 Fiancé(e) Fraud

(b) (7) (E)

(b) (7) (E)

10.3 Other Relationship Fraud

(b) (7) (E)

Chapter 11. ASYLUM AND REFUGEE FRAUD

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Chapter 12. DEFERRED ACTION FOR CHILDHOOD ARRIVALS FRAUD

On June 15, 2012, Secretary Napolitano issued a policy memorandum entitled, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children.” (b) (7)(F)

(b) (7)(E)

Chapter 13. NATURALIZATION FRAUD

(b) (7)(E)

Chapter 14. BENEFIT FRAUD UNITS

In September 2003, ICE established a Benefit Fraud Project creating the ICE Benefit Fraud Units (BFUs) operating in Missouri, Vermont, Texas, Nebraska, and California. These BFUs coordinate with USCIS Service Center (SC) Fraud Detection Units (FDUs) to proactively identify and target the most significant violators, detect potential fraud trends, and address policy and procedural vulnerabilities in specific benefit programs. The BFUs were established as an anti-fraud initiative involving ICE and USCIS.

The BFUs' primary function is to serve as the vital informational and investigative conduit between USCIS SCs and HSI SAC offices. They develop and expand the leads referred by the USCIS Fraud Detection and National Security (FDNS) Directorate. Leads accepted by the BFUs are referred to HSI SAC offices for investigation. Leads that are not accepted are returned to USCIS. (b) (7)(E)

In August 2007, the BFUs were transferred from headquarters (HQ) to HSI SAC office management. While managed by local HSI offices, the BFUs retain the mission to identify and refer fraud leads nationwide. In order to ensure continued service to HSI SAC offices in support of the national mission, BFU positions may not be realigned to external groups or units and staffing levels must be maintained.

(b) (7)(E)

Chapter 15. DOCUMENT AND BENEFIT FRAUD TASK FORCES

Document and Benefit Fraud Task Forces (DBFTFs) were created in March 2006 to target, seize illicit proceeds of, and dismantle the criminal organizations that threaten national security and public safety, and address vulnerabilities in the immigration process. Through DBFTFs, HSI partners with other agencies such as DOL, DOS, the Social Security Administration, the U.S. Postal Service (USPS), USCIS, and many other state and local law enforcement agencies. These task forces focus their efforts on detecting, deterring, and disrupting both benefit fraud and document fraud.

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conducted in all field offices regardless of whether or not a DBFTF exists in a given area.

DBFTFs bring together the expertise of numerous agencies and departments to achieve more complex, cross-cutting investigations. DBFTF investigations relate to immigration benefit fraud,

other fraud schemes involving (b) (7)(E) [REDACTED], identity theft schemes, and document fraud (b) (7)(E) [REDACTED]
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Chapter 16. PRIORITIZATION OF CASES

Benefit fraud is facilitated by a variety of sources spanning from an individual to international multi-million dollar criminal enterprises. HSI's goal is to disrupt and dismantle the large organizations that facilitate immigration benefit fraud, but there are no restrictions that prevent a SAC office from investigating smaller facilitators or individual violators. However, SAC offices are encouraged to dedicate resources to cases that will result in significant prosecutions and/or seizures.

(b) (7)(E)

Chapter 17. COORDINATION WITH JOINT TERRORISM TASK FORCES

(b) (7)(E)

When these national security circumstances arise, HSI SAs should coordinate the case through their local Joint Terrorism Task Force (JTTF) representative to ensure deconfliction with the Federal Bureau of Investigation or intelligence agencies that may have an investigative interest in the subject. (b) (7)(E)

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Chapter 18. (b) (7)(E)

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18.1 USCIS Fraud Detection and National Security

(b) (7)(E)

18.2 Confidential Informants, Cooperating Witnesses, and Cooperating Defendants

(b) (7)(E)

18.3 Other HSI Investigations

HSI investigations into other criminal activity often produce leads regarding benefit fraud

(b) (7)(E)

(b) (7) (E)

Pursuit of benefit fraud investigations resulting from an investigation of separate criminal activity should be closely coordinated within and between HSI field offices as well as with the U.S. Attorney's Office (USAO). (b) (7)(F)

(b) (7)(E)

18.4 HSI Tip Line

Information obtained from the public via HSI's toll-free tip hotline – 1-866-347-2423 – and the Internet-based HSI Tip Form is analyzed by the professional law enforcement staff in the HSI Tip Line Unit and quickly forwarded to DHS field offices for investigation or other action. (b) (7)(E)

(b) (7)(E)

18.5 State and Local Law Enforcement

State and local law enforcement agencies may discover crimes related to immigration benefit fraud in the course of their duties. (b) (7)(E)

Working with state and local law enforcement agencies can be mutually beneficial because concurrent investigations regarding separate violations often complement each other. Every opportunity should be taken to cultivate a positive relationship with state and local law enforcement partners.

Chapter 19. CONDUCTING BENEFIT FRAUD INVESTIGATIONS

The following steps are recommendations or suggestions and are not meant to bind, hinder, or stifle an investigation. (b) (7)(E)

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Chapter 20. STATUTE OF LIMITATIONS

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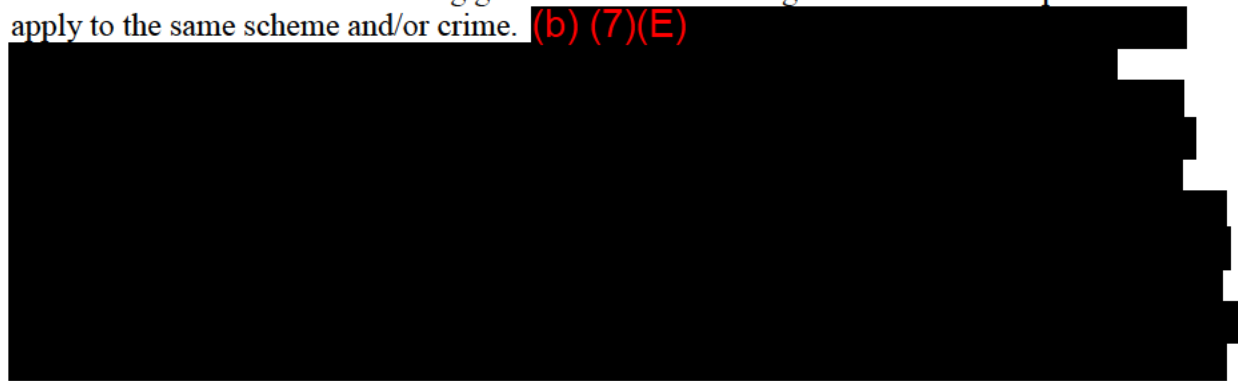
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Chapter 21. SENTENCING GUIDELINES

SAs should consider the sentencing guidelines when working these cases. Multiple statutes often apply to the same scheme and/or crime. (b) (7)(E)



Chapter 22. INVESTIGATIVE RESOURCES

22.1 Cyber Crimes Center

Most fraud facilitators store evidence of their crimes on computers, personal digital assistants, phones, and other media devices. As a result, it is critical to involve a Computer Forensic Agent or Computer Forensic Analyst (CFA) in the investigation as early as possible. (b) (7)(E)

(b) (7)(E)



22.2 USCIS Fraud Detection and National Security Directorate

USCIS created the FDNS Directorate to better position the agency to deliver the right benefit to the right person at the right time, and no benefit to the wrong person. The primary mission of the FDNS Directorate is to detect and combat immigration benefit fraud and deconflict national security-based background hits and other concerns. It is also responsible for conducting benefit fraud assessments and other initiatives aimed at identifying and removing systemic and other vulnerabilities in the legal immigration system. The FDNS Directorate is also USCIS's primary conduit to federal law enforcement and intelligence agencies.

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(b) (7)(E)

(b) (7)(E)

22.3 DOL Office of the Inspector General

The DOL OIG conducts audits and evaluations to review the effectiveness, efficiency, economy, and integrity of all DOL programs and operations, including those performed by its contractors and grantees. (b) (7)(E)

(b) (7)(E)

The DOL OIG has statutory authority to investigate violations of DOL programs, including criminal fraud investigations involving employment-based visa applications. (b) (7)(E)

(b) (7)(E)

The DOL OIG

Joint investigations with DOL offer specialized expertise, manpower, and additional investigative resources.

The DOL OFLC is comprised of a national office and two processing centers located in Chicago and Atlanta. Additionally, DOL funds State Workforce Agencies (SWAs) that are components of the labor departments of each state. SWAs administer the initial phase of the employment-based visa process. Each of these entities is a repository of applications, supporting records, correspondence, and other documentation which could be used as evidence in a visa fraud case.

The DOL Wage and Hour Division (WHD) is part of ETA and has the authority to investigate labor standards matters such as minimum and prevailing wage violations, sub-par working conditions, and child labor abuses. WHD is also directed by the INA to conduct I-9 examinations and E-Verify checks. WHD is an excellent source of historical data of labor standards violations, as well as valuable leads and evidence in ongoing HSI criminal investigations. WHD is authorized to implement debarment proceedings against federal government contractors who willfully violate labor laws and/or regulations. WHD does not, as a rule, conduct criminal investigations; however, its examiners have worked jointly with DOL OIG and HSI SAs in immigration benefit fraud investigations.

DOL OIG SAs and WHD examiners routinely investigate violations of the following federal statutes:

- A. Davis-Bacon Act (federally funded construction);
- B. McNamara-O'Hara Service Contracts Act (federally funded services);
- C. Fair Labor Standards Act (minimum wage, child labor, working conditions);
- D. Migrant and Seasonal Agricultural Workers Protection Act;
- E. Employee Retirement Income Security Act (employee benefit plans);
- F. Walsh Healy Public Contracts Act (federally funded manufacture and/or supply contracts);
- G. Copeland Anti-Kickback Act (extortion involving federally funded contracts);
- H. Hobbs Act (extortion);
- I. RICO; and
- J. Peonage, Enticement into Slavery, Forced Labor and Trafficking in Peonage, Slavery, and Forced Labor.

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their labor or services through coercion sufficient to reach slavery or trafficking offenses.

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22.4 U.S. Department of State, Diplomatic Security

The DOS DSS conducts criminal investigations into violations of passport and visa fraud.

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(b) (7)(E) DSS liaises with other DOS bureaus and other federal government agencies, including HSI, as well as state and local law enforcement authorities to further passport fraud investigations.

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Passport and visa fraud is a federal offense punishable by up to 10 years in prison and a fine of \$250,000. If the offense is connected to narcotics trafficking, the prison sentence is increased up to 15 years, and up to 20 years if connected to international terrorism.

Chapter 23. REPORTING

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23.1 **(b) (7)(E)**

(b) (7)(E)

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[Redacted]

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23.2 (b) (7)(E)

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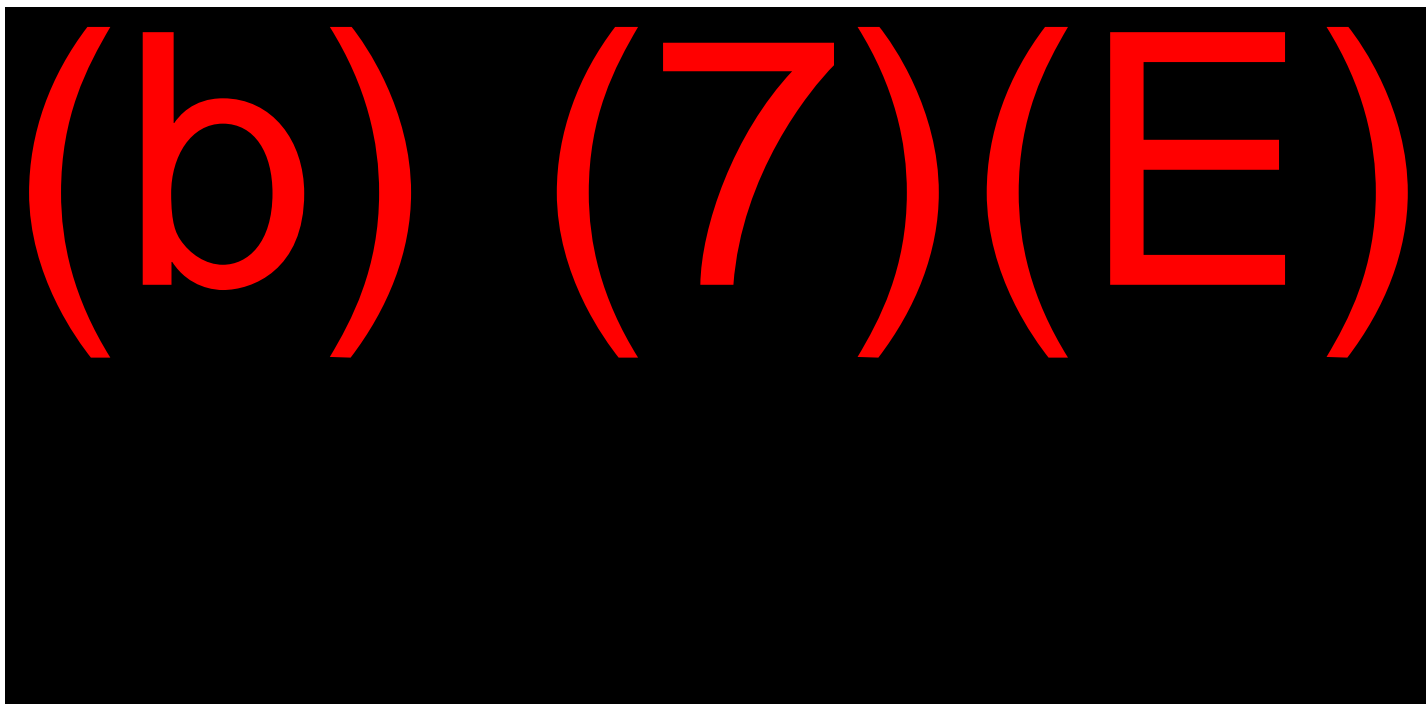
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Chapter 24. AGREEMENTS WITH OTHER FEDERAL AGENCIES

24.1 Investigation of Immigration Benefit Fraud

24.1.1 Memorandum of Agreement between USCIS and ICE on the Investigation of Immigration Benefit Fraud

The “Memorandum of Agreement between USCIS and ICE on the Investigation of Immigration Benefit Fraud,” dated September 25, 2008, governs the policy and procedures to be followed by ICE and USCIS when referrals of immigration benefit fraud are made to ICE by the USCIS FDNS Directorate.



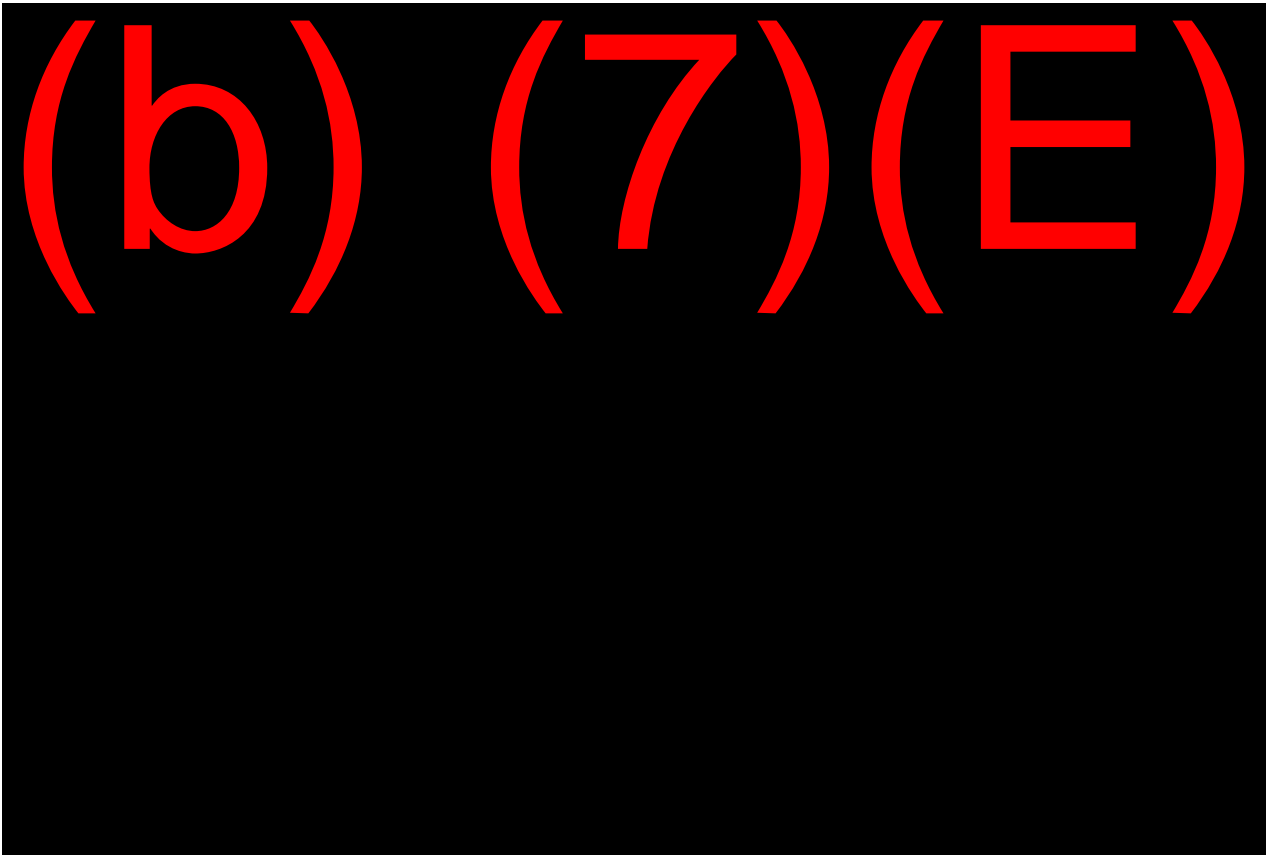
24.1.2 Impact on ICE Benefit Fraud Unit and Field Office Operations

A. Points of Contact

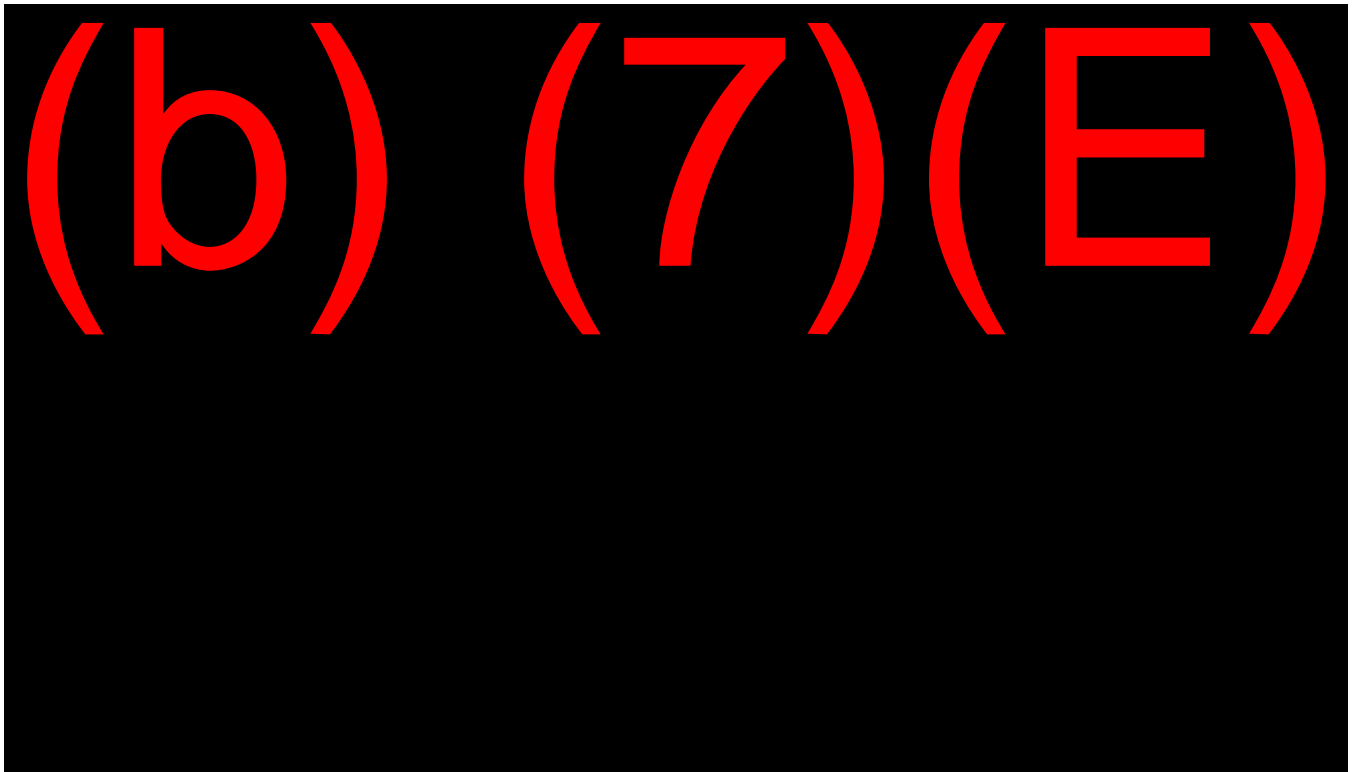
The MOA requires that an HSI Assistant Special Agent in Charge (ASAC) be assigned as the primary point of contact for the local USCIS field office.



B. Referrals



C. Timeframes for Case Acceptance and Response to USCIS



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D. Case Closure Notices

Upon completion of an investigation based on an FDNS referral, ICE HSI will provide USCIS with a case closure notice and the findings of the investigation. (b) (7)(E)

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E. SAC Office Opening of Cases Referred by BFUs

SAC field offices are advised to take action upon receipt of a collateral investigation as soon as possible. (b) (7)(E)

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24.2 Memorandum of Agreement between USCIS and ICE on the Issuance of Notices to Appear to Aliens Encountered During an Adjudication

The MOA entitled, “Memorandum of Agreement between United States Citizenship and Immigration Services and United States Immigration and Customs Enforcement on Issuance of Notices to Appear to Aliens Encountered During an Adjudication,” dated June 20, 2006, balances the objectives of both USCIS and ICE to support the U.S. Government’s overall removal priorities by establishing three categories of referred aliens: egregious, non-egregious, and all others. Under the MOA, HSI and Enforcement and Removal Operations (ERO) are responsible for segments of the criminal alien population encountered by USCIS in the application benefit process.

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24.3 Memorandum of Agreement between DOS and DHS Regarding the Sharing of Visa and Passport Records and Immigration and Naturalization and Citizenship Records

The MOA entitled, “Memorandum of Agreement between the Department of State and the Department of Homeland Security Regarding the Sharing of Visa and Passport Records and Immigration and Naturalization and Citizenship Records,” dated November 18, 2008, governs and clarifies the information sharing agreement and the authorities for DOS and DHS to share visa, passport, immigration, and naturalization and citizenship records. The MOA also addresses the established mechanisms to protect the data. Various preexisting agreements were also incorporated by reference and made a part of this MOA. SAs requiring information from DOS should be familiar with the content of this MOA.

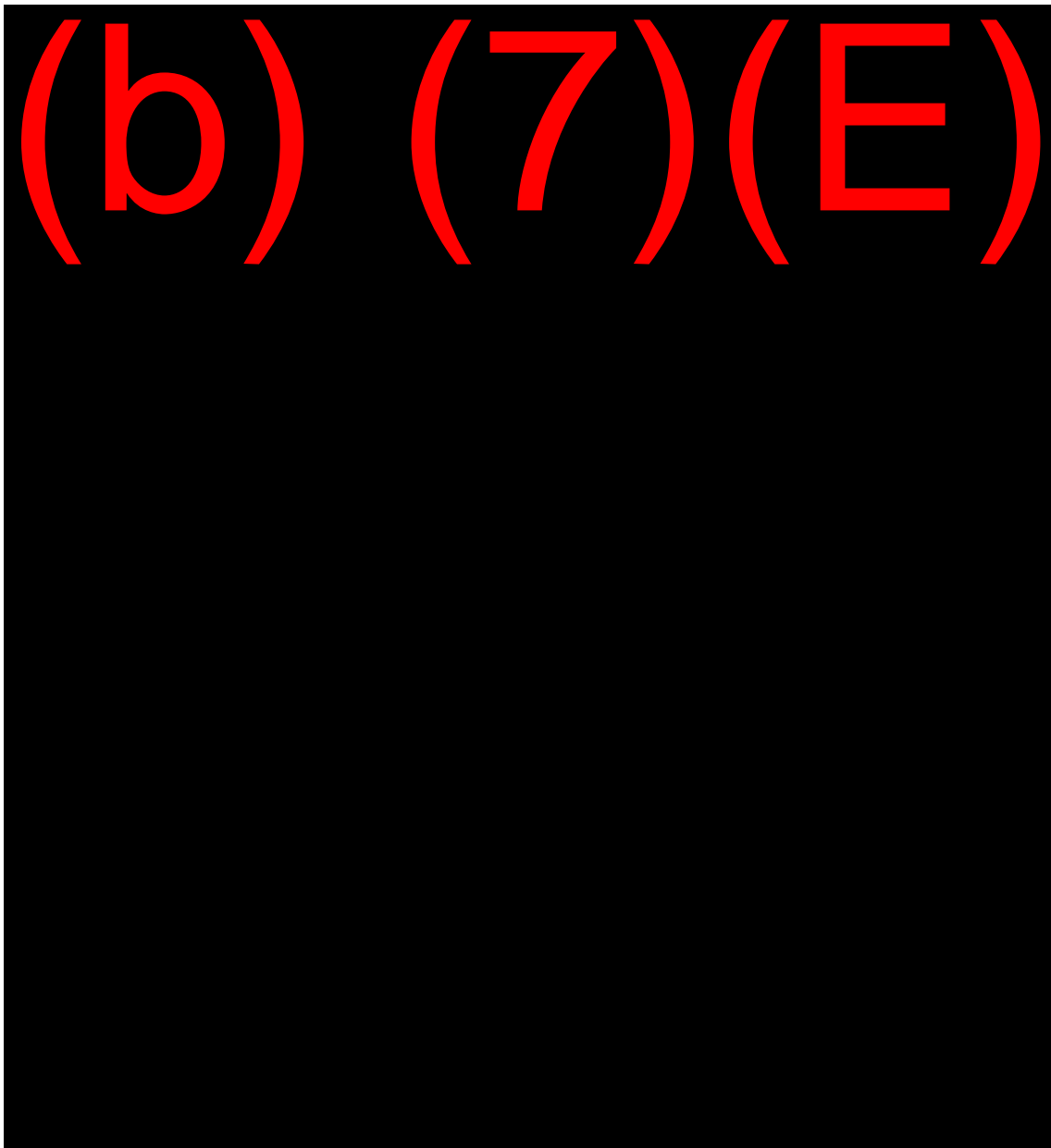
Steps Involved in Adjudicating Applications for Naturalization (USCIS Form N-400)

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**Steps Involved in Adjudicating
Family-based Applications for
Adjustment of Status to
Lawful Permanent Resident
(USCIS Form I-485)**

(b) (7) (E)

PROGRAM CODES



ACRONYMS

AIRG	Asset Identification and Removal Group
ASA	Agency/Sub-Agency
ASAC	Assistant Special Agent in Charge
ASVVP	Administrative Site Visit and Verification Program
BFU	Benefit Fraud Unit
CBP	U.S. Customs and Border Protection

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CFA	Computer Forensic Agent (or Analyst)
C.F.R.	Code of Federal Regulations
CFU	Center Fraud Unit

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CTCEU	Counterterrorism and Criminal Exploitation Unit
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DBFTF	Document and Benefit Fraud Task Force
DHS	Department of Homeland Security
DNA	Deoxyribonucleic Acid
DOL	Department of Labor
DOS	Department of State
DSS	Diplomatic Security Service

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ERO	Enforcement and Removal Operations
ETA	Employment Training Administration
FDNS	Fraud Detection and National Security
FDU	Fraud Detection Unit
HB	Handbook
HSI	Homeland Security Investigations
HQ	Headquarters
IBFU	Identity and Benefit Fraud Unit
ICE	U.S. Immigration and Customs Enforcement

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INA	Immigration and Nationality Act
INS	U.S. Immigration and Naturalization Service
ISO	Immigration Service Officer
JTTF	Joint Terrorism Task Force
LCA	Labor Condition Application
LPR	Lawful Permanent Resident
MOA	Memorandum of Agreement
OCC	Office of the Chief Counsel

OFLC Office of Foreign Labor Certification
OI Office of Investigations
OIA Office of International Affairs
OIG Office of the Inspector General
RC Regional Center
RICO Racketeer Influenced and Corrupt Organization
SA Special Agent
SAC Special Agent in Charge

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SC Service Center

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System

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SWA State Workforce Agency
TFO Task Force Officer
USAO U.S. Attorney's Office
U.S.C. United States Code
USCIS U.S. Citizenship and Immigration Services
USPS U.S. Postal Service
US-VISIT U.S. Visitor and Immigrant Status Indicator Technology
VAWA Violence Against Women Act
WHD Wage and Hour Division