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**NAVAL
POSTGRADUATE
SCHOOL**

MONTEREY, CALIFORNIA

THESIS

**DETECTING DECEPTION: LEVERAGING WORK
ASSIGNMENTS FOR FRAUD DETECTION AT USCIS**

by

April Y. Padilla

September 2024

Co-Advisors:

Kathryn J. Aten
Nadav Morag (contractor)

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**DETECTING DECEPTION: LEVERAGING WORK ASSIGNMENTS
FOR FRAUD DETECTION AT USCIS**

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requirements for the degree of

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ABSTRACT

Immigration fraud harms the integrity of and erodes confidence in the U.S. immigration system by circumventing the legal immigration process. Recent convictions for immigration fraud demonstrate the prevalence of fraud in family-based filings at U.S. Citizenship and Immigration Services (USCIS). Existing research shows that the method of assigning work influences an employee's skill development. This thesis investigated how work assignment method can influence an Immigration Services Officer's (ISO) ability to detect potential fraud and which method would best detect fraud in adjudicating I-130 petitions. The thesis reviews relevant literature and applies findings to cases at the Social Security Administration (SSA) and Federal Emergency Management Agency (FEMA) to identify strengths and weaknesses of three work assignment methods: random, strategic, and hybrid. It explores the role of data analytics in fraud detection at SSA and FEMA and analyzes USCIS operations in light of the literature and cases of those agencies. Although each work assignment method has benefits and drawbacks for USCIS, the hybrid work assignment method offers the most significant benefits. Thus, it is the most beneficial for fraud detection at USCIS. To implement its use, USCIS should consider establishing a pilot program to test the hybrid work assignment method. Additionally, USCIS should consider increasing fraud training and incorporating data analytics into USCIS' fraud detection strategy.

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LIST OF ACRONYMS AND ABBREVIATIONS

ACFE	Association of Certified Fraud Examiners
AF	Air Force
AFES	Anti-Fraud Enterprise Solution
AI	Artificial Intelligence
CBP	Customs and Border Protection
CDI	Cooperative Disability Investigations
CFDO	Center Fraud Detection Operations
DCARO	Deputy Commissioner for Analytics, Review, and Oversight
DDS	Disability Determination Services
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
ELIS	Electronic Immigration System
FDNS	Fraud Detection National Security
FDNS-DS	Fraud Detection National Security Data System
FEMA	Federal Emergency Management Agency
FIID	Fraud and Internal Investigations Division
FOD	Field Operations Directorate
FOIA	Freedom of Information Act
GAO	Government Accountability Office
HSI	Homeland Security Investigations
ICE	Immigration and Customs Enforcement
IO	Immigration Officer
ISO	Immigration Services Officer
OIG	Office of the Inspector General
OIT	Office of Information Technology
PIA	Privacy Impact Assessment

SCOPS	Service Center Operations
SSA	Social Security Administration
USCIS	U.S. Citizenship and Immigration Services

EXECUTIVE SUMMARY

Immigration fraud harms the integrity of and erodes confidence in the U.S. immigration system by circumventing the legal immigration process.¹ Recent convictions for immigration fraud demonstrate that filing fraudulent I-130 petitions with U.S. Citizenship and Immigration Services (USCIS) is prevalent. Thus, identifying potential fraud is vital to the adjudication process. Therefore, USCIS should determine the most effective method to help Immigration Service Officers (ISOs) identify potential fraud in I-130 petition adjudication.

The method used to assign work partially determines an ISO's ability to detect potential fraud when adjudicating I-130 petitions. This thesis seeks to determine how USCIS uses work assignment methods most effectively to help ISOs identify potential fraud. It discusses literature in organizational science and other academic disciplines and case studies from the Social Security Administration (SSA) and the Federal Emergency Management Agency (FEMA). This thesis applies the literature and case studies to the three work assignment methods: random, strategic, and hybrid.

The random assignment method allows an ISO to be assigned any I-130 petition. In contrast, a strategic method would allow an ISO to specialize in adjudicating an I-130 petition with civil documents from one specific country or region. A hybrid method combines the random and strategic methods. This thesis examines each method's key strengths and weaknesses and analyzes the benefits and drawbacks to USCIS to determine which method would best help ISOs identify fraud. Additionally, it discusses data analytics at the SSA and FEMA and analyzes how USCIS can use data analytics as a fraud detection tool.

¹ This thesis and its conclusions are based on open-source material unless otherwise noted. This author is solely responsible for the content of this thesis. This thesis does not reflect official positions by U.S. Citizenship and Immigration Services or any related U.S. government agency.

The literature highlights several strengths of the random method, such as providing task variety and a global view.² However, the lack of repetition is a significant weakness and makes identifying similarities and anomalies less likely.³ However, the benefits to USCIS might include flexibility during shifting workloads and ease of assigning work. The primary drawback of this method for USCIS is that it does not provide the optimal conditions for ISOs to detect fraud. Thus, this thesis finds that the random method is not the best work assignment method to detect fraud.

The strategic method has documented strengths, too. They include building expertise quickly, greater consistency, and greater efficiency.⁴ Its most significant strength is the ability to identify similarities and anomalies due to repetition.⁵ On the downside, less task variety means the loss of a generalist perspective.⁶ The primary benefit for USCIS is that ISOs would likely build expertise in adjudicating petitions with civil documents from one or two countries, making fraud identification easier. USCIS, however, would likely face employee burnout from a lack of task variety and the loss of a global view. Despite these drawbacks, this thesis finds that the strategic work assignment method would increase fraud detection.

The hybrid method has documented strengths and weaknesses, as do the other work assignment methods. Workinger advocates for a balance between the wide view of a

² Dominik E. Froehlich et al., “On the Relation between Task-Variety, Social Informal Learning, and Employability,” *Vocations and Learning* 12, no. 1 (2019): 116–17, <https://doi.org/10.1007/s12186-018-9212-4>; Stephen H. Legomsky, “Forum Choices for the Review of Agency Adjudication,” *Iowa Law Review* 71, no. 5 (1986): 1389–90, <https://www.acus.gov/sites/default/files/documents/1985-04%20Administrative%20Review%20in%20Immigration%20Proceedings.pdf>.

³ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389; Stephen H. Legomsky, *Specialized Justice: Courts, Administrative Tribunals, and a Cross-National Theory of Specialization* (Oxford, UK: Clarendon Press, 1990), 12.

⁴ Lawrence Baum, “Fortieth Annual Administrative Law Symposium: Judicial Specialization and the Adjudication of Immigration Cases,” *Duke Law Journal* 59, no. 8 (2010): 1535, 1543, <https://www.jstor.org/stable/27806862>; Stephen H. Legomsky, “Restructuring Immigration Adjudication,” *Duke Law Journal* 59, no. 8 (2010): 1694, <https://www.jstor.org/stable/27806864>.

⁵ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389; Legomsky, *Specialized Justice*, 12.

⁶ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1390.

random method and the expertise of the strategic method.⁷ Conversely, Legomsky argues that gaining expertise would take longer as not all workers are working on a “single subject.”⁸ In this way, hybrid is a mixed picture.

The hybrid method offers all the benefits of the random and strategic methods. This thesis determined that the primary benefit of the hybrid method is that it allows employees to identify fraud more easily while also providing flexibility for management. The primary drawback is that allotting time for training is temporary and does not outweigh the benefits. This thesis concludes that the hybrid work assignment method is the most beneficial work assignment method for fraud detection at USCIS.

This thesis also looked at data analytics as a tool for fraud detection. The case studies for the SSA and FEMA demonstrate that both agencies have successfully used data analytics to fight fraud. USCIS has yet to begin using data analytics for I-130 petitions, but it could benefit from using data analytics in conjunction with the hybrid method.

Recommendations include a pilot program using the hybrid work assignment method. Under the pilot program, ISOs would adjudicate a combination of I-130 petitions from their assigned country and randomly assigned petitions. Additional recommendations for USCIS include increasing fraud training for staff and incorporating data analytics.

Accurately identifying fraud strengthens national security, allowing the public to have faith in our immigration system. USCIS must uphold the integrity of the immigration system and its mission. This research shows that a hybrid method of assigning work supports the USCIS mission to detect fraud and provide benefits to the right individuals while also bringing efficiency to the agency. At the same time, it would provide enough variety and challenge to keep employees engaged in their work.

⁷ Christopher L. Workinger, “Air Commando Intel: Optimizing Specialization Training for Air Force Special Operations Command Intelligence Officers” (master’s thesis, Naval Postgraduate School, 2011), 1, <https://hdl.handle.net/10945/10715>.

⁸ Legomsky, *Specialized Justice*, 39.

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I. INTRODUCTION

Immigration fraud harms the integrity of and erodes confidence in the U.S. immigration system by circumventing the legal immigration process. U.S. Citizenship and Immigration Services (USCIS) Immigration Service Officers (ISOs) adjudicate immigration benefits and refer potential fraud to Fraud Detection National Security (FDNS) Immigration Officers (IOs).¹ U.S. national security and the integrity of our immigration system rely on their ability to complete these tasks efficiently and effectively. However, whether the method of assigning I-130 petitions to ISOs supports the most effective means of fraud detection during the adjudication process remains unclear.

The method used to assign work partially determines an ISO's ability to detect potential fraud when adjudicating I-130 petitions. According to Thomas Davenport, a noted leader in the business field, "a process is simply a structured, measured set of activities designed to produce a specified output for a particular customer or market. It emphasizes how an organization accomplishes its work compared to the product produced."² The federal government and private business entities employ processes driven by random and strategic work assignment models. Data analytics is another method that federal agencies use to combat fraud. USCIS delegates work to ISOs adjudicating I-130 petitions using a random method, which uses a first in, first out model that does not consider the ISO's experience or expertise. Consequently, the ISO could receive a petition in which the beneficiary is from any country, as are the accompanying civil documents. This process requires the ISO to understand the marriage, divorce, adoption laws, and the legitimation process of 195 countries.

USCIS needs to know whether a strategic or hybrid method of assigning work could be more effective in helping ISOs detect potential fraud. Researchers focusing on

¹ Department of Homeland Security, *Review of the USCIS Benefit Fraud Referral Process (Redacted – Revised)*, OIG-08-09 (Washington, DC: Department of Homeland Security, 2008), 6, https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/OIGr_08-09_Apr08.pdf.

² Thomas H. Davenport, *Process Innovation Reengineering Work through Information Technology* (Boston, MA: Harvard Business School Press, 1993), 11.

immigration and business have argued the strengths and weaknesses of random, strategic, and hybrid models.³ Other federal benefit-granting agencies, such as the Social Security Administration (SSA) and the Federal Emergency Management Agency (FEMA), also contend with fraud.⁴ A review of fraud detection processes and their degree of success can inform decisions about such operations at USCIS. Given the importance of detecting fraud, different perspectives in the literature, and various approaches in other federal agencies, USCIS needs to determine the most effective work assignment method to help ISOs identify potential fraud in I-130 petition adjudication.

A. RESEARCH QUESTION

How can USCIS use work assignment methods most effectively to help adjudicators identify potential fraud?

B. BACKGROUND

This section serves to provide background on the structure of USCIS. Additionally, it provides information on the form discussed in this thesis, Form I-130, and Immigration Services Officers, the employees who adjudicate. The duties of fraud officers, Immigration Officers, and the fraud process are also detailed. The section concludes with a summary of the fraud problem as it relates to Form I-130.

1. U.S. Citizenship and Immigration Services

When the Department of Homeland Security (DHS) was created in 2004, the former Immigration and Naturalization Service was split into three distinct entities: USCIS, ICE,

³ Stephen H. Legomsky, “Learning to Live with Unequal Justice: Asylum and the Limits to Consistency,” *Stanford Law Review* 60, no. 2 (2007): 446, <https://www.jstor.org/stable/40040413>; Gil Regev and Alain Wegmann, “Why Do We Need Business Process Support?,” in *CAiSE’03 Workshops (CAiSE’03 Workshops, Klagenfurt/Velden, Austria, 2003)*, 365, <https://infoscience.epfl.ch/record/51008?ln=en>.

⁴ Daniel Bertoni, *SSA Disability Benefits: Enhanced Policies and Management Focus Needed to Address Potential Physician-Assisted Fraud*, GAO-15-19 (Washington, DC: Government Accountability Office, 2014), 11, <https://www.gao.gov/products/gao-15-19>; Department of Homeland Security, *FEMA Has Made More than \$3 Billion in Improper and Potentially Fraudulent Payments for Home Repair Assistance since 2003*, OIG-20-23 (Washington, DC: Department of Homeland Security, 2020), 9, <https://www.oig.dhs.gov/sites/default/files/assets/2020-04/OIG-20-23-Apr20.pdf>.

and U.S. Customs and Border Protection (CBP).⁵ USCIS adjudicates requests for immigration benefits.⁶ ICE investigates immigration law violations, which includes immigration benefit fraud.⁷ CBP is responsible for protecting our borders, and improving the nation’s economic well-being.⁸

USCIS is currently divided into seven directorates, one of which is Service Center Operations (SCOPS).⁹ SCOPS shares responsibility for adjudicating certain petitions and applications with the Field Operations Directorate (FOD), including Form I-130, Petition for Alien Relative. Another directorate, FDNS, is responsible for investigating potential fraud cases and forwarding them to ICE for criminal investigation when appropriate.¹⁰

2. Form I-130 Adjudication

A petitioner, who is a U.S. Citizen or Lawful Permanent Resident, files a Form I-130 for a qualifying family member, the beneficiary.¹¹ Qualifying family members include spouses, parents, children, and siblings for U.S. citizens and spouses and unmarried children under 21 years of age for Lawful Permanent Residents.¹² In FY 2022, petitioners filed 883, 200 I-130 petitions with USCIS.¹³

⁵ “Who Joined DHS,” Department of Homeland Security, February 27, 2023, <https://www.dhs.gov/who-joined-dhs>.

⁶ Department of Homeland Security.

⁷ Paul L. Jones, *Immigration Benefits: Additional Controls and a Sanctions Strategy Could Enhance DHS’s Ability to Control Benefit Fraud*, GAO-06-259 (Washington, DC: Government Accountability Office, 2006), 3.

⁸ “About CBP,” U.S. Customs and Border Protection, April 9, 2024, <https://www.cbp.gov/about>.

⁹ U.S. Citizenship and Immigration Services, “U.S. Citizenship and Immigration Services” (Washington, DC: U.S. Citizenship and Immigration Services, March 30, 2023), <https://www.uscis.gov/sites/default/files/document/charts/USCIS-Org-Chart.pdf>.

¹⁰ Jones, *Immigration Benefits*, 3.

¹¹ “I-130, Petition for Alien Relative,” U.S. Citizenship and Immigration Services Forms, October 3, 2023, <https://www.uscis.gov/i-130>.

¹² “Green Card Eligibility Categories,” Green Card, July 11, 2022, <https://www.uscis.gov/green-card/green-card-eligibility-categories>.

¹³ U.S. Citizenship and Immigration Services, *Annual Statistical Report FY2022*, 9.

SCOPS adjudicates Form I-130 without interviewing the petitioner or beneficiary. FOD typically adjudicates Form I-130 in conjunction with Form I-485, Application to Register Permanent Residence or Adjust Status, and conducts interviews as part of the adjudication.¹⁴ With limited exceptions, Form I-130 is filed electronically; however older filings continue to be adjudicated in their original paper format.¹⁵ This thesis limits its discussions to I-130 petitions filed at SCOPS.

3. Immigration Services Officer Duties

ISOs are responsible for a wide variety of job duties. A job announcement for the position of ISO posted on the USAJOBS.gov website lists the duties as:

- Grant or deny applications and petitions for immigration benefits and determine appropriate level of adjudicative review and update databases with appropriate information and decisions.
- Research and interpret sources including immigration laws and regulations, operating instructions, legislative history, precedent decisions, state and local laws, and international treaties to determine adjudicative decision.
- Process electronic or paper applications and petitions for immigration benefits using available electronic systems to verify numerous established data points.
- Provide direct assistance to personnel/officials of other Federal agencies in identifying individuals who pose a threat to national/public security.
- Conduct security checks in accordance with all applicable DHS/USCIS laws and policies.¹⁶

When Form I-130 is filed with USCIS, an ISO is assigned the form for adjudication. The ISO reviews the petition to determine the appropriate course of action. ISOs who suspect fraud is being committed refer the petition to the Center Fraud Detection

¹⁴ This information is based on the author’s experience working at USCIS Headquarters. Information about Form I-130 and Form I-485 can be found at <https://www.uscis.gov/forms/forms>.

¹⁵ U.S. Citizenship and Immigration Services, “I-130, Petition for Alien Relative.”

¹⁶ “Immigration Services Officer [GS 5–9],” USAJOBS, accessed November 15, 2023, <https://www.usajobs.gov/job/760387100>.

Operations (CFDO), the FDNS unit in SCOPS, for an IO to investigate.¹⁷ One of the mission essential functions of FDNS is to “detect, deter, and administratively investigate immigration-related fraud.”¹⁸ As part of the administrative investigation, “FDNS IOs may perform one, or a combination, of the following:

- research in government and commercial databases and public records;
- Internet sources of open-source information;
- searches of social media sites;
- file reviews;
- telephone calls;
- site visits;
- interviews of applicants, beneficiaries, petitioners and others;
- requests for evidence;
- administrative subpoenas;
- requests for assistance; and
- overseas verifications.”¹⁹

FDNS also reviews tips submitted by the public.²⁰

After the FDNS IO completes the administrative investigation, the petition is returned to the ISO for final adjudication. Figure 1 details the adjudicative process for I-130 petitions.

¹⁷ Department of Homeland Security, *Privacy Impact Assessment for the Fraud Detection and National Security Directorate*, DHS/USCIS/PIA-013-01 (Washington, DC: Department of Homeland Security, 2014), 4, https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis-fdns-november2016_0.pdf.

¹⁸ “Fraud Detection and National Security Directorate,” U.S. Citizenship and Immigration Services, June 15, 2022, <https://www.uscis.gov/about-us/organization/directorates-and-program-offices/fraud-detection-and-national-security-directorate>.

¹⁹ Department of Homeland Security, *Privacy Impact Assessment for the Fraud Detection and National Security Directorate*, 5, 6.

²⁰ U.S. Citizenship and Immigration Services, “USCIS Tip Form,” Scams, Fraud, and Misconduct, accessed November 12, 2023, <https://www.uscis.gov/report-fraud/uscis-tip-form>.

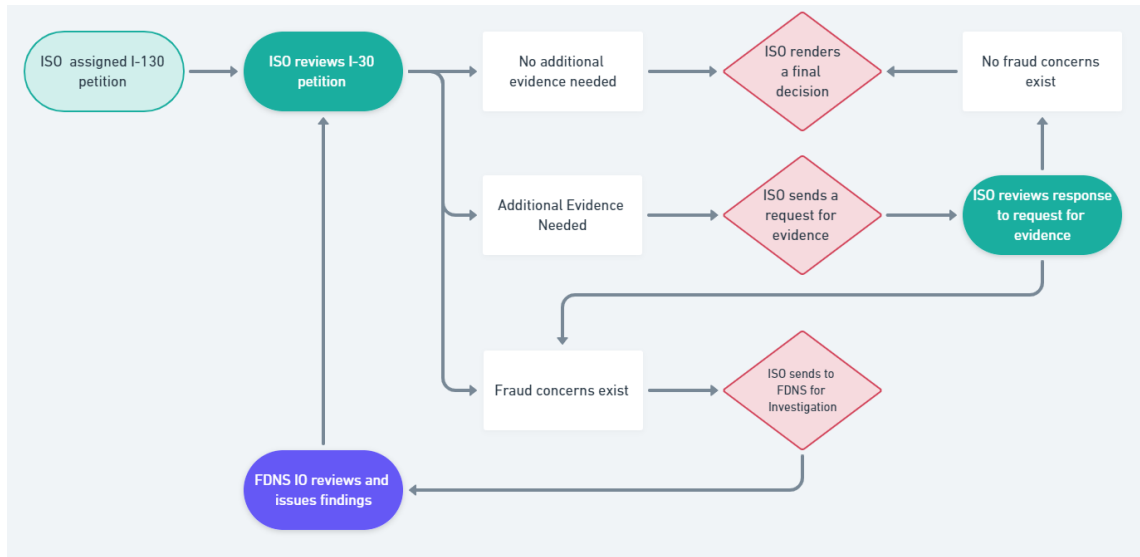


Figure 1. The Adjudicative Process for I-130 Petitions

4. The Scope of the Fraud Problem

Recent convictions for immigration fraud establish that filing fraudulent petitions with USCIS demonstrates the need for better fraud detection. In 2022, an immigration attorney received a 10 year prison sentence for arranging over 500 sham marriages in what ICE called one of the largest marriage fraud schemes in history.²¹ In September 2023, a Los Angeles man pled guilty to arranging over 600 sham marriages and committing immigration document fraud.²² These examples highlight the need to identify the method used to assign work that could improve an ISO’s ability to detect potential fraud.

Identifying potential fraud is vital to the adjudication process. The USCIS Strategic Plan for FYs 2023–2026 lists “strengthen the legal immigration system” as Goal 1.²³ One of the objectives of Goal 1 is “to deter, detect, and disrupt immigration benefit fraud in an efficient manner.”²⁴ Record numbers of immigration filings in FYs 2021–2022 underscore

²¹ U.S. Attorney’s Office, Southern District of Texas, “Ringleader Sentenced in Immigration Scam.”

²² U.S. Attorney’s Office, District of Massachusetts, “Operator of Large-Scale Marriage Fraud ‘Agency.’”

²³ U.S. Citizenship and Immigration Services, *FYs 2023–2026 Strategic Plan*, 12.

²⁴ U.S. Citizenship and Immigration Services, 12.

the urgency and importance of identifying efficient and effective ways to detect potential fraud.²⁵ Filings with USCIS rose from 7.7 million in FY 2020 to 9.1 million annually in FY 2021 and FY 2022.²⁶ Providing ISOs with an efficient and effective way to detect potential fraud during the adjudication process will help USCIS meet its goals and maintain the integrity of the legal immigration system.

C. LITERATURE REVIEW

Different schools of thought address whether a random, strategic, or hybrid work assignment method tends to favor the specialized approach. Furthermore, the literature agrees that data analytics is a tool that can help organizations make sense of data quickly. The first section of this literature review addresses the previous research conducted in the field. The second section discusses the random, strategic, and hybrid methods of work assignment. A third section discusses the potential of using data analysis for detecting fraud.

1. Previous Research

The study of knowledge and how workers complete tasks has been the subject of much research. Pioneer Adam Smith first discussed the division of labor in his book, *A Wealth of Nations*, in 1776.²⁷ In the late 1800s and early 1900s, researchers such as Frederick Taylor cited Smith in developing their theories about organizations.²⁸ Later research shifted to focus on knowledge workers and their tasks. Scholars focus on varying aspects of knowledge in organizations. Lawrence et al. indicate that “knowledge scope is the variety of knowledge used by an organization’s members.”²⁹ They studied knowledge

²⁵ U.S. Citizenship and Immigration Services, *Annual Statistical Report FY2022*, 5.

²⁶ U.S. Citizenship and Immigration Services, 5.

²⁷ Mauro Guillén, *Models of Management: Work, Authority, and Organization in a Comparative Perspective* (Chicago: University of Chicago Press, 1994), 206.

²⁸ Jonathan Tompkins, *Organization Theory and Public Management* (Belmont, CA: Thomson Wadsworth, 2005), 77–78.

²⁹ Megan Lawrence and Christopher Poliquin, “The Growth of Hierarchy in Organizations: Managing Knowledge Scope,” *Strategic Management Journal* 44, no. 13 (2023): 2, <https://doi.org/10.1002/smj.3539>.

scope concerning hierarchy in organizations.³⁰ Other researchers have studied task variety with workers. According to Froelich et al., “task variety is defined as the degree to which a job requires employees to perform a wide range of tasks.”³¹ Likewise, the authors explain, “when employees are challenged by a variety of tasks, they are given an opportunity to apply their expertise in different ways and make use of their adaptive competence.”³² Kogan and Muller studied workers to understand their processes and determine their needs to improve technologies and practices that influence the knowledge work components.³³ Their study concludes that opportunities exist to help workers accomplish their work by focusing on tacit knowledge.³⁴ Additionally, their study finds that capturing, sharing, and reusing best practices could increase the productivity of knowledge workers.³⁵ Although the study of workers encompasses many distinct facets, such as knowledge, task variety, and processes, this thesis focuses on the method of assigning work and whether a strategic work assignment method helps them identify potential fraud.

2. Methods of Assigning Work

The business world uses random, strategic, and hybrid methods to determine how to assign or distribute work. Random methods allow a worker to perform all aspects of a job, whereas strategic methods allow one to specialize and perform only specific tasks or portions of a job. A hybrid method combines the random and strategic methods.

³⁰ Lawrence and Poliquin, 2.

³¹ Froehlich et al., “On the Relation between Task-Variety,” 116.

³² Froehlich et al., 116.

³³ S. L. Kogan and M. J. Muller, “Ethnographic Study of Collaborative Knowledge Work,” *IBM Systems Journal* 45, no. 4 (2006): 760, <https://doi.org/10.1147/sj.454.0759>.

³⁴ Kogan and Muller, 760.

³⁵ Kogan and Muller, 769.

a. *Random Method*

A random method of distributing work has advantages in various cases. Legomsky has extensively discussed the strengths and weaknesses of using random and strategic methods to assign cases in the immigration court system. Legomsky argues for a random method of assigning cases. He notes that Nathaniel Nathanson observed that fact-finding requires judgment rather than the expertise that specialization would offer.³⁶ Legomsky contends that seeing the same group can lead to bias or sympathy toward that group.³⁷ He further asserts that a generalist view would lead to fewer preconceived notions and that generalists can draw from multiple areas of law.³⁸ Likewise, Baum, who also frames his discussion around immigration courts, contends that specialization does not seem to matter in the context of immigration judges, noting that specialization only counted when the judges had ample time to apply that specialization to their cases.³⁹ Thus, Legomsky and Baum agree that the random model of assigning court cases is more beneficial for a broader set of circumstances.

b. *Strategic Method*

Scholars find multiple advantages to specialization, from knowledge to synthesis, expertise, error detection, and the capability to deal with complex issues. Legomsky believes adjudicators can work more knowledgeably and efficiently based on their experience with specialized cases.⁴⁰ In addition, specialization can strengthen a judge's ability to synthesize related claims and deepen expertise, which leads to greater consistency.⁴¹ He further argues that the complexity of decisions and the legal issues in

³⁶ Legomsky, "Forum Choices for the Review of Agency Adjudication," 1389.

³⁷ Legomsky, 1392.

³⁸ Legomsky, 1389.

³⁹ Baum, "Fortieth Annual Administrative Law Symposium," 1544.

⁴⁰ Legomsky, "Learning to Live with Unequal Justice," 466.

⁴¹ Legomsky, "Forum Choices for the Review of Agency Adjudication," 1389; Legomsky, "Learning to Live with Unequal Justice," 441.

family-based petitions favor a specialized method.⁴² Workinger’s thesis finds that allowing for specialization would result in greater “depth, experience, and expertise” in the intel field.⁴³ He also concludes that the current general approach is counterproductive to intel expertise. In contrast, specialization requires priority in training, and specialized methods have advantages in complex and deep cases. According to Sari et al., “auditor specialization influences audit quality.”⁴⁴ Their study finds that “specialist auditors are more likely to detect errors and deviations from non-specialist auditors so that they tend to provide higher quality audit results than non-specialist auditors.”⁴⁵ In these ways, specialization could deliver higher-quality results to the organization.

c. Hybrid Method

Although some researchers demonstrate the superiority of using a strategic method to delegate work, at least one advocates for a hybrid approach that involves multiple specialties. Legomsky argues in favor of both random and strategic methods. He also highlights the benefits of a hybrid model in which workers have numerous specialties. Although he notes the gradual growth of expertise compared to focusing on a single subject, workers develop basic familiarity with other specialties and must stay current with developments in the specialty area.⁴⁶ He further advises that the multispecialty approach can even out fluctuations in the volume of cases filed in one specialty area.⁴⁷ Thus, a multispecialty model can be helpful for agencies in which the number of filings fluctuates.

In exploring how manufacturing firms manage business processes, Regev and Wegmann study how business process systems help businesses balance change and

⁴² Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1353.

⁴³ Workinger, “Air Commando Intel,” 76.

⁴⁴ Shinta Permata Sari, Ayu Aris Diyanti, and Rita Wijayanti, “The Effect of Audit Tenure, Audit Rotation, Audit Fee, Accounting Firm Size, and Auditor Specialization to Audit Quality,” *Riset Akuntansi Dan Keuangan Indonesia* 4, no. 3 (December 2019): 193, <https://doi.org/10.23917/reaksi.v4i3.9492>.

⁴⁵ Sari, Diyanti, and Wijayanti, 193.

⁴⁶ Legomsky, *Specialized Justice*, 40.

⁴⁷ Legomsky, 41.

stability. They determine that generalists do not perform as well as specialists.⁴⁸ However, Regev and Wegmann conclude that generalists can undertake a broader range of problems because they possess a more global view.⁴⁹ Although generalists perform well in several areas, specialists outperform them in every area.⁵⁰ Regev and Wegmann argue a business process system that allows for a mix of generalized and specialized methods would aid in adapting to future unknowns.⁵¹ In this way, systems perform better when they have a mix. Therefore, combining the random and strategic methods can benefit companies.

D. DATA ANALYTICS

Like USCIS, other federal benefit-granting agencies, such as the SSA and FEMA, contend with fraud, which is the subject of this thesis. These agencies' business processes may be helpful for USCIS to consider. Reviewing their fraud detection processes and degree of success can inform decisions about such operations at USCIS.

1. Social Security Administration

Data analytics may sharpen an organization's ability to detect fraud, even within a random model. The SSA relies on examiners to detect fraud using a random model to assign work.⁵² However, examiners at SSA's Disability Determinations Office have difficulty detecting fraud "because staff may review claims originating anywhere in the state or across a large geographic area."⁵³ Only random chance allows an examiner to see multiple claims from the same physician; coincidences must align to identify a fraud scheme.⁵⁴ Lee found that governments can use data analytics to assist with analyzing large amounts of

⁴⁸ Regev and Wegmann, "Why Do We Need Business Process Support?," 364.

⁴⁹ Regev and Wegmann, 364.

⁵⁰ Regev and Wegmann, 364.

⁵¹ Regev and Wegmann, 365.

⁵² Bertoni, *SSA Disability Benefits*, GAO Highlights.

⁵³ Bertoni, 11.

⁵⁴ Bertoni, 11.

data.⁵⁵ In her 2014 testimony before the House of Representatives Ways and Means Committee, SSA Acting Commissioner Carolyn Covin announced that the SSA was beginning a unique initiative regarding big data.⁵⁶ Supplementing existing methods with data analytics would benefit fraud detection efforts by discerning patterns systematically, not randomly.

2. Federal Emergency Management Agency

Likewise, FEMA systematically uses data analytics to flag fraud indicators. As a result of a 2018 Government Accountability Office (GAO) report, FEMA took steps to identify fraud risks.⁵⁷ Datskovska et al. advocate the use of technology to detect fraud. They indicate that determining which jurisdictions would benefit from an on-site inspection is the first step to tracking fraud.⁵⁸ In the same 2018 GAO report, Currie reports that the Fraud and Internal Investigations Division (FIID) data mines FEMA databases to identify common fraud indicators in the Individuals and Households Program.⁵⁹ Thus, FEMA already uses data analytics for fraud detection efforts.

Different fraud detection methods may broaden USCIS' toolkit. This thesis discusses the relevant literature and envisions I-130 petition adjudication based on the three methods of assigning work (random, strategic, and hybrid). Additionally, it discusses the role of data analytics in fraud detection and explores the effectiveness of the fraud detection processes used in other federal agencies. This thesis aspires to ascertain which method, or

⁵⁵ Jung Wan Lee, "Big Data Strategies for Government, Society and Policy-Making," *Journal of Asian Finance, Economics and Business* 7, no. 7 (2020): 476, <https://doi.org/10.13106/jafeb.2020.vol7.no7.475>.

⁵⁶ *Preventing Disability Scams: Hearing before the Committee on Ways and Means, House of Representatives*, 113th Cong. 2, (2014), 19, <https://www.govinfo.gov/content/pkg/CHRG-113hhrg94392/pdf/CHRG-113hhrg94392.pdf>.

⁵⁷ Christopher Currie, *2017 Hurricanes and Wildfires: Initial Observations on the Federal Response and Key Recovery Challenges*, GAO-18-472 (Washington, DC: Government Accountability Office, 2018), 100, <https://www.gao.gov/podcast/2017-hurricanes-and-wildfires>.

⁵⁸ Danielia Datskovska et al., "Streamline Disaster Recovery with a Risk-Based Approach," *Journal of Government Financial Management* 70, no. 1 (Spring 2021): 40, ProQuest.

⁵⁹ Currie, *2017 Hurricanes and Wildfires*, 104.

methods, would best assist USCIS ISOs in detecting potential fraud during the I-130 petition adjudication process and provide recommendations for USCIS management.

E. RESEARCH DESIGN

This thesis explores different methods for USCIS to assign work to ISOs who adjudicate I-130 petitions and discusses how those methods would affect an ISO's ability to detect potential fraud. USCIS assigns I-130 family-based petitions using a random method through which ISOs can receive any petition. A gap exists in the research regarding the method for assigning work at USCIS and the relationship of assigning work to fraud detection.

This author explores three work assignment methods, random, strategic, and hybrid, and data analytics, to examine their suitability for detecting potential fraud. This thesis applies these three methods to the I-130 petition adjudication process. The random and strategic methods contrast how government agencies and private businesses assign work. The hybrid method combines the two. However, relying on workers is not the only option to detect potential fraud. Data analytics may be preferable over delegating work to individuals through a random, strategic, or hybrid method.⁶⁰ Case studies from the SSA and FEMA highlight how they assign work and how that method affects the detection of potential fraud. These two agencies are appropriate choices because they resemble USCIS; they are benefit-granting federal agencies that process applicants' claims for benefits. As with USCIS, submitting each benefit claim represents an opportunity for the applicant or his attorney to commit fraud.

The thesis analyzes the random, strategic, and hybrid work assignment methods. Additionally, this thesis discusses how data analytics could help USCIS based on a review of the SSA and FEMA's use of data analytics. Ultimately, the thesis discusses the work assignment method that is the most effective for USCIS ISOs to detect potential fraud in I-130 petition adjudication. The thesis concludes with three recommendations for USCIS.

⁶⁰ Lee, "Big Data Strategies for Government," 476.

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II. METHODS OF ASSIGNING WORK

Researchers have studied knowledge and how workers complete tasks for hundreds of years.⁶¹ Early research focused on manufacturing investigated how organizations allocate tasks and design jobs. Research consistently showed that dividing work into routine tasks and allowing specialization was more efficient in these settings.⁶² People who work on a task develop knowledge of it. However, much knowledge work cannot be divided into routine tasks. How knowledge organizations assign work influences employees' experience, suggesting there may be an optimal method to assign work to assist employees in developing expertise to detect potential fraud. This chapter explores the perspective of organizational science and other academic literature regarding work design and work expertise. While no literature directly addresses work assignments, a relationship between work design, work expertise, and work assignments is suggested in the literature focused on the court system. This chapter discusses the strengths and weaknesses of three work assignment methods, with the strengths of the strategic method dominating the discussion.

In the industrial era, employers viewed tasks from a manufacturing standpoint with less focus on the knowledge of the worker. Task specialization began in 1776 with Adam Smith's decision to divide the pin-making task into groups of one or two tasks performed by workers rather than the entire process, thus increasing productivity.⁶³ Frederick Taylor, "widely regarded as the father of scientific management," continued work in this area by developing a theory about organizational effectiveness, which discusses productivity, division of work, task performance, and employee standards.⁶⁴ Understanding that workers

⁶¹ Guillén, *Models of Management*, 206.

⁶² Cyrus Gibson, *Managing Organizational Behavior* (Homewood, IL: Richard D. Irwin, Inc., 1980), 106, 107; Tompkins, *Organization Theory and Public Management*, 77.

⁶³ Tompkins, *Organization Theory and Public Management*, 77.

⁶⁴ Tompkins, 67.

best complete tasks that are smaller parts of the whole is central to discussing work assignment methods.

The field of organizational research then began moving towards task specialization and standardization of work processes. Tompkins defines *task specialization* as “dividing up the work that needs to be accomplished into discrete tasks, each of which contributes in its unique way to the attainment of organizational goals.”⁶⁵ Frederick Taylor sought the most efficient way to complete a task and captured those steps into a standard operating procedure.⁶⁶ Taylor found that this encouraged consistency and reduced errors.⁶⁷ The standardization of work processes is defined by developed rules and standard operating procedures that detail how a worker should perform a specific task.⁶⁸ Standard work processes are essential for government agencies that process a large volume of applications and for workers who need to understand the necessary steps to complete their work. However, standard work processes can only define the steps necessary to complete a task; they cannot help a worker when judgment is required.

How companies organize work has been the subject of much research as well. One of the methods of organizing work is by major process.⁶⁹ Gulick and Urwick noted “that the basis of organization is the bringing together in a single office or department of all the workers who are using some particular kind of skill, knowledge, machinery, or profession.”⁷⁰ They further note that assembling workers who have a specific “skill, knowledge, machinery, or profession” guarantees that worker’s technical skills are current and that placing a “large amount of each kind of work” in one office allows the office to

⁶⁵ Tompkins, 31.

⁶⁶ Tompkins, 78.

⁶⁷ Tompkins, 78.

⁶⁸ Tompkins, 32.

⁶⁹ Luther Gulick and L. Urwick, *Papers on the Science of Administration* (London: Routledge, 2003), 24.

⁷⁰ Gulick and Urwick, 24.

utilize the “divisions of work and specialization” effectively.⁷¹ The work can be assigned using a random, strategic, or hybrid method within the major process.

While understanding how organizations should organize work is essential, how organizations approach the decision-making process is equally important. Luoma’s article about the organizational decision-making process discusses “routine decision-making and problem-solving.”⁷² March and Simon indicate that activities are routine if the choice involves “a clearly defined and systematic computing routine.”⁷³ They contrast this with activities that involve problem-solving.⁷⁴ The random method is more appropriate for cases involving routine decision-making.

Luoma indicates that when new situations arise, organizations switch to problem-solving, “the process of arriving at a decision with less support from established problem framings and decision-making procedures.”⁷⁵ Compared with routine decision-making, Luoma describes “problem-solving” as “usually more time-consuming, cognitively taxing and prone to errors.”⁷⁶ Therefore, cases that need more judgment benefit from a strategic method. Routine decision-making involves using standard operating procedures, and the worker’s effectiveness is judged by his ability to follow those procedures without making errors.⁷⁷ Tompkins notes that document processing agencies use “routine work processes” but cautions that work standardization works best when little judgment is needed.⁷⁸ However, those that require more judgment would benefit from a strategic method of organizing the work.

⁷¹ Gulick and Urwick, 24.

⁷² Jukka Luoma, “Model-Based Organizational Decision Making: A Behavioral Lens,” *European Journal of Operational Research* 249, no. 3 (2016): 816, <https://doi.org/10.1016/j.ejor.2015.08.039>.

⁷³ James G. March and Herbert A. Simon, *Organizations*, 2nd ed. (Cambridge, MA: Blackwell Publishers, 1993), 163.

⁷⁴ March and Simon, 163.

⁷⁵ Luoma, “Model-Based Organizational Decision Making,” 817.

⁷⁶ Luoma, 819.

⁷⁷ Luoma, 820.

⁷⁸ Tompkins, *Organization Theory and Public Management*, 61.

While early research was focused on non-knowledge work, some of the arguments also hold for knowledge work, specifically consistency, efficiency, and quality. Knowledge work also involves the worker's judgment, which was not considered in non-knowledge work. The literature from the last few decades discusses the strengths and weaknesses of work assignment methods in the courts. However, the literature on work assignment methods is silent. Therefore, this thesis seeks to apply the findings of other disciplines to I-130 petition work assignment methods to determine the best method of assigning work.

The meaning of the terms used must be defined to clarify the foundations and assumptions in this thesis. This thesis defines *work assignment methods* as random, strategic, or hybrid. At USCIS, I-130 petitions are assigned using a first-in, first-out method. However, the work is randomly assigned without considering the ISO's skill set. In addition, petitions are randomly assigned without considering the information provided on the petition, such as the beneficiary's relationship to the petitioner or country of birth. Thus, ISOs are considered generalists.

A strategic method of assigning work separates work based on specific elements and considers the ISO's skill set. The petitions could be divided based on country of birth or geographic region based on country of birth. The work could also be separated based on more specific elements, such as whether the petition is based on an adoption or legitimation needs to be established, which can require additional knowledge. Therefore, strategically assigning work allows ISOs to become specialists. A combination of the random and strategic methods is the hybrid method. The terms used in this thesis to describe the method of assigning work are random, strategic, and hybrid.

A. RANDOM METHOD

Assigning work according to a random method is popular among government agencies because it is easy to use. The random method does not require additional training for the worker or additional effort to separate or sort work. USCIS assigns work using a random method. For the I-130 petitions, a random assignment method means an ISO can be assigned any I-130 petition. While the random method has been used for many years at USCIS, strengths and weaknesses of using the random method to assign work exist.

1. Strengths

One strength of a random method is that workers have a broad perspective. Legomsky, who has extensively discussed the strengths and weaknesses of using random and strategic methods of assigning cases in the immigration court system, notes that the generalist perspective brings an “enormous advantage.”⁷⁹ He emphasizes that immigration cases draw on various legal principles in areas such as “administrative law, constitutional law, criminal law, and family law,” which make the generalist perspective valuable.⁸⁰ Legomsky observes that “judges with generalist experience can draw” from other contexts, and they “approach cases with fewer and less-entrenched biases.”⁸¹ According to Legomsky, generalists bring fewer preconceptions than those working in a specific field for an extended time.⁸² A generalist who sees various groups would likely show less bias because they are not seeing only cases from the same country or region and therefore do not apply the same mindset, such as cases from this country are always fraud or never fraud, when they judge the quality of the evidence. Through a random method, workers are able to draw on multiple areas of experience and approach cases with a wider lens because they see a variety of evidence from many countries.

Froehlich et al. note that task variety is necessary for employees to learn.⁸³ They argue that employees exposed to a variety of tasks are able to solve complex problems more effectively because the variety of tasks “provides the opportunity to learn.”⁸⁴ This broader knowledge can be helpful in situations requiring new knowledge.⁸⁵ Workers who work on a variety of cases are able to acquire knowledge more quickly when the organization needs them to process different types of work. Legomsky argues that

⁷⁹ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389.

⁸⁰ Legomsky, 1390.

⁸¹ Legomsky, “Restructuring Immigration Adjudication,” 1695.

⁸² Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389; Legomsky, *Specialized Justice*, 16.

⁸³ Froehlich et al., “On the Relation between Task-Variety,” 117.

⁸⁴ Froehlich et al., 117.

⁸⁵ Froehlich et al., 117.

specialists cannot easily transfer from one role to another.⁸⁶ In addition, Baum notes that specialization only matters if the worker has ample time to apply it.⁸⁷ Legomsky and Baum agree that the random model of assigning court cases is more beneficial for a broader set of circumstances. The random method allows workers to learn while providing flexibility for the organization.

2. Weaknesses

Using the random method to assign work leads to less consistent decisions, resulting in more litigation. A worker who rarely sees a specific type of filing, such as an adoption case, may misinterpret a policy or case law. Additionally, a worker who sees a specific type of case occasionally may not recognize that the evidence provided is potentially fraudulent because they do not see those documents regularly. For cases that USCIS sends to the Department of State (DOS) for final processing, there is a greater chance that the consular officers return the cases for errors in adjudication or missed fraud indicators.⁸⁸ Either reason requires USCIS to process the case again, reducing the agency's efficiency.

The most significant weakness is that the random method does not address the fraud problem. Large-scale fraud schemes would be nonexistent if the random method adequately addressed the fraud problem. However, USCIS and ICE continue to uncover large-scale fraud schemes.⁸⁹ While the number of large-scale fraud schemes discovered is concerning, the number of undetected schemes is unknown and may be far more extensive. The random method of assigning work may contribute to the failure to detect potential fraud because it does not provide ISOs with tools to find fraud.

⁸⁶ Legomsky, "Restructuring Immigration Adjudication," 1704.

⁸⁷ Baum, "Fortieth Annual Administrative Law Symposium," 1544.

⁸⁸ Department of Homeland Security, *U.S. Citizenship and Immigration Services' Tracking and Monitoring of Potentially Fraudulent Petitions and Applications for Family-Based Immigration Benefits*, OIG-13-97 (Washington, DC: Department of Homeland Security, 2013), 3, https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/2013/OIG_13-97_Jun13.pdf.

⁸⁹ U.S. Attorney's Office, Southern District of Texas, "Ringleader Sentenced in Immigration Scam"; U.S. Attorney's Office, District of Massachusetts, "Operator of Large-Scale Marriage Fraud 'Agency.'"

B. STRATEGIC METHOD

A strategic method of assigning work would allow an ISO to become specialized in the adjudication of an I-130 petition in which the supporting evidence is from one specific country or region rather than from any country or region. Sari et al., referencing Adhi Pratama Ishak et al., state, “specialization is an excess of ability possessed by someone in a particular field so that the person can do something more carefully and thoroughly than people who do not have specialization.”⁹⁰ Although USCIS has yet to use a strategic method to assign I-130 petitions for adjudication, the research shows that significant strengths of a strategic method exist. However, there are a few weaknesses to using a strategic method of assigning work.

1. Strengths

The literature discussed below indicates many strengths of using a strategic method. It is worth noting that these strengths can also exist in a random method. A random method assumes that a majority of the work is routine. Any complex or unusual case creates a problem to be solved. For example, cases involving same-sex marriage, adoption, or legitimation from certain countries are complex. The complex or unusual cases would become routine work with a strategic method of assigning work because workers would see the unusual or complex cases more often. The benefits of a strategic method of assigning work include consistency, efficiency, knowledge, and quality.

a. Consistency

Consistency is one of the most significant strengths of using a strategic method to assign work. Seeing civil documents from the same country or the same type of complex case allows ISOs to become specialists, helping them to spot documents with differences and patterns, and situations that fall outside the norm. Legomsky notes that a judge’s

⁹⁰ Febrian Adhi Pratama Ishak, Halim Dedy Perdana, and Anis Widjajanto, “Pengaruh Rotasi Audit, Workload, Dan Spesialisasi Terhadap Kualitas Audit Pada Perusahaan Manufaktur Yang Terdaftar Di Bursa Efek Indonesia Pada Tahun 2009–2013,” *Jurnal Organisasi Dan Manajemen* 11, no. 2 (September 2015): 183–94, <https://doi.org/10.33830/jom.v11i2.234.2015>; Sari, Diyanti, and Wijayanti, “The Effect of Audit Tenure,” 189.

decision should be internally consistent, and his decisions should be consistent with the decisions of others.⁹¹ He asserts that inconsistency leads to inaccurate decisions, reduced public confidence, and more appeals.⁹² Ramji-Nogales et al. state, “accuracy, consistency, and public acceptance are among the most important goals of any adjudicative system.”⁹³ They agree with Legomsky’s sentiment about a decision, “particularly one in which human life and liberty are at stake.”⁹⁴ Legomsky argues that in instances of a high volume of cases or a narrow subject, it is plausible that evidence is similar, and therefore, for the sake of equality, the findings should be similar.⁹⁵ He further comments that inconsistent results are viewed as unfair.⁹⁶ However, he does caution that greater consistency does not always lead to greater accuracy.⁹⁷ Legomsky notes, “one hundred percent consistency might mean all the decisions were right, but it could mean all the decisions were wrong.”⁹⁸ Despite this caution, consistency in decisions limits litigation. Therefore, consistency is essential for the individual filing the case and the agency’s reputation.

Fewer decision-making units working on the same type of work leads to greater consistency. Legomsky indicates that the outcomes should be more consistent if fewer decisional units are involved.⁹⁹ It is much easier to get two to three units on the same page than it is to get a vast number of workers on the same page. He cautions, however, that each case would receive less time and attention if there are fewer units deciding cases.¹⁰⁰ Baum notes that in the context of federal courts, greater specialization of judges usually

⁹¹ Legomsky, “Restructuring Immigration Adjudication,” 1650.

⁹² Legomsky, 1650.

⁹³ Jaya Ramji-Nogales, Andrew I. Schoenholtz, and Philip G. Schrag, “Refugee Roulette: Disparities in Asylum Adjudication,” *Stanford Law Review* 60, no. 2 (2007): 389, <https://www.jstor.org/stable/40040412>.

⁹⁴ Ramji-Nogales, Schoenholtz, and Schrag, 305 Please see footnote 18.

⁹⁵ Legomsky, *Specialized Justice*, 14.

⁹⁶ Legomsky, “Learning to Live with Unequal Justice,” 427.

⁹⁷ Legomsky, 425.

⁹⁸ Legomsky, 425.

⁹⁹ Legomsky, 428.

¹⁰⁰ Legomsky, 431.

results in fewer judges to hear cases in that court.¹⁰¹ He concludes that “a reduction in the number of “decisional units” that hear cases in a particular field is likely to increase the uniformity of legal interpretation in the field.”¹⁰² Speaking about immigration judges, Baum states that “a great deal of specialization exists in the adjudication of immigration cases.”¹⁰³ Fewer work units working on a specific type of case leads to more uniform decisions.

Legomsky notes that training and policy guidance contribute to consistency as well.¹⁰⁴ Legomsky further notes that the adjudicator may miss changes in the law, statute, or regulations, which may cause them to decide a case inconsistently from their peers.¹⁰⁵ Legomsky contends that specialization helps adjudicators know relevant case law and statutes.¹⁰⁶ Legomsky argues that in dealing with a complex statute like the Immigration and Nationality Act (INA), a tribunal that deals with a narrow scope of specialized cases “can also strengthen that tribunal’s ability to synthesize similar cases.”¹⁰⁷ He further notes that adjudicators may misinterpret legislative intent and inconsistently give weight to different sources.¹⁰⁸ Policy guidance and robust training are essential to ensure consistent outcomes.

b. Efficiency

Efficiency is another strength of the strategic work assignment method. In the context of asylum cases, Legomsky notes that there are similarities in cases from the same country and that experience with similar cases allows adjudicators to be more

¹⁰¹ Baum, “Fortieth Annual Administrative Law Symposium,” 1535.

¹⁰² Baum, 1535.

¹⁰³ Baum, 1546.

¹⁰⁴ Legomsky, “Learning to Live with Unequal Justice,” 434.

¹⁰⁵ Legomsky, 442.

¹⁰⁶ Legomsky, 466.

¹⁰⁷ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389.

¹⁰⁸ Legomsky, “Learning to Live with Unequal Justice,” 442.

knowledgeable and efficient.¹⁰⁹ Legomsky notes that those who favor specialized immigration courts tout the potential efficiency based on the expert's familiarity with the law.¹¹⁰ Legomsky observes that specialization allows one to make quicker decisions than someone "who has to start from scratch."¹¹¹ Baum notes that specialist judges "gain expertise in their field more quickly than judges on a generalist court."¹¹² In addition, inconsistency can affect efficiency.¹¹³ Two different decisions can lead to another person or office needing to decide which decision was correct.¹¹⁴ Efficiency is essential for every government agency.

Specialization may be affected by the type of case. Baum notes three cases: simple cases in which specialization is not an advantage, more complex cases "in which specialization produces substantial benefits in efficiency and effectiveness," and highly complex cases in which specialization is of little help.¹¹⁵ Baum warns that the specialization that judges gain has limited benefits if time constraints prevent them from applying that expertise.¹¹⁶ However, the expertise gained lets workers see all the nuances of a case, allowing them to determine which ones are relevant for a specific case. Agencies that process applications for benefits have a range of cases; most fall into the simple category. More complex cases need additional time for processing and would benefit from a worker with specialized knowledge.

c. Knowledge

The knowledge of the worker is also influenced by specialization. Legomsky argues that "the strongest case for specialization can presumably be made when the adjudicator is

¹⁰⁹ Legomsky, 467.

¹¹⁰ Legomsky, "Forum Choices for the Review of Agency Adjudication," 1390.

¹¹¹ Legomsky, "Restructuring Immigration Adjudication," 1694.

¹¹² Baum, "Fortieth Annual Administrative Law Symposium," 1538.

¹¹³ Legomsky, "Learning to Live with Unequal Justice," 426.

¹¹⁴ Legomsky, 426.

¹¹⁵ Baum, "Fortieth Annual Administrative Law Symposium," 1543.

¹¹⁶ Baum, 1544.

rendering the initial decision.”¹¹⁷ He notes that a judge does not have a previous case on which to rely, forcing them to figure out the case himself.¹¹⁸ A worker who has a large number of cases in which he has no previous knowledge will not be as productive as a worker who sees similar cases more regularly. Legomsky notes that repeatedly seeing similar cases can solidify understanding of specific areas and that the diversity of cases seen in the specialized area can round out one’s knowledge base.¹¹⁹ Legomsky argues that judges working in the same specialization in the same location allows for “more productive collegial interchange than is possible” with colleagues not working in the same specialization.¹²⁰ Workers do not always have sufficient time to gain an in-depth understanding of each case as production standards bind them. However, if workers were assigned a more limited set of cases, they would have the opportunity to increase their knowledge of those specific cases. Assigning work this way is also likely to create more consistency as workers become more familiar with the nuances of the policy and precedent for specific cases.

Workers would enhance their knowledge of foreign laws and other legal issues with a strategic method. Legomsky notes that family based cases involve questions about the “bona fides of a marriage” as well as legal issues for legitimation and adoption.¹²¹ He further notes that both often require interpretation of foreign law.¹²² Legomsky notes that “repetition can bolster the decision-makers’ understanding of the common sources of evidence in the particular subject area and the degree to which source influences the weight that the evidence deserves.”¹²³ Legomsky also argues that an expert can identify similarities that non experts would not.¹²⁴ He further argues that generalists might miss

¹¹⁷ Legomsky, *Specialized Justice*, 9.

¹¹⁸ Legomsky, 9.

¹¹⁹ Legomsky, 8.

¹²⁰ Legomsky, 9.

¹²¹ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1353.

¹²² Legomsky, 1353.

¹²³ Legomsky, *Specialized Justice*, 10.

¹²⁴ Legomsky, 12.

the identifying anomalies that specialists would not.¹²⁵ Working cases from the same country would increase a worker’s knowledge of that country’s laws, customs, and norms.

d. Quality

Quality can also be affected by the strategic assignment of work. In a study of 150 public accounting firms over three years, Sari et al. found that “specialist auditors are more likely to detect errors and deviations from non-specialist auditors so that they tend to provide higher quality audit results than non-specialist auditors.”¹²⁶ Focusing on a particular area can increase a worker’s ability to spot anomalies, leading to increased fraud detection and better-quality decisions.

2. Weaknesses

The weaknesses of a strategic method of assigning work are few. Legomsky argues against a purely specialized court due to the judge’s influence on the adjudication and an “unhealthy concentration of power.”¹²⁷ Baum notes that a system with only specialized judges may result in judges adopting “an insular perspective” that loses “the broader perspective” that a generalist judge holds.¹²⁸ Supervisory review of decisions can mitigate this concern. The literature does not indicate that the weaknesses of the strategic method outweigh the strengths.

C. HYBRID METHOD

A third option for assigning work is to combine a random and strategic method to create a hybrid method. Legomsky suggests a model in which cases would be decided “by generalist judges who rotate to the specialized court on temporary assignments.”¹²⁹ Specialist units, which would give workers more time to research the issues of the case,

¹²⁵ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389.

¹²⁶ Sari, Diyanti, and Wijayanti, “The Effect of Audit Tenure,” 193.

¹²⁷ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1400.

¹²⁸ Baum, “Fortieth Annual Administrative Law Symposium,” 1558.

¹²⁹ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1387.

should handle those cases that have nuances or great complexity which could be exploited to gain a benefit. Legomsky suggests that temporary specialists appointed for a fixed term may be an option.¹³⁰ Another option for the hybrid method is a multispecialty unit because it offers the benefits of the random and strategic methods.¹³¹ Workinger argues for a balance between total specialization and total generalization, a hybrid approach, in his thesis.¹³²

1. Strengths

One of the strengths of a hybrid unit is that the “staleness and bias” would be reduced.¹³³ Legomsky notes that workers are more incentivized to keep current with developments in the subject matter.¹³⁴ In addition, workers could engage with others working on related subject matters.¹³⁵ Adding adjudicators who are less involved in a single specialty can reduce the bias that can be present in a single specialty model.¹³⁶ A hybrid method would ensure workers are current on policies while also ensuring they are working on different types of cases.

The hybrid approach can assist an organization with its workload. In Workinger’s thesis about intelligence officer training in the Air Force (AF), he notes that “while this generalization provides officers with a wide view of AF operations and intelligence, it sacrifices the depth of knowledge and experience required for expertise.”¹³⁷ He advocates for a balance of the two.¹³⁸ Regev and Wegmann indicate that a generalized and

¹³⁰ Legomsky, *Specialized Justice*, 38.

¹³¹ Legomsky, 39.

¹³² Workinger, “Air Commando Intel,” 1.

¹³³ Legomsky, *Specialized Justice*, 42.

¹³⁴ Legomsky, 40.

¹³⁵ Legomsky, 40.

¹³⁶ Legomsky, 41.

¹³⁷ Workinger, “Air Commando Intel,” 1.

¹³⁸ Workinger, 1.

specialized approach can help a company adapt to “unknown conditions of the future.”¹³⁹ Legomsky agrees with Regev and Wegmann that combining specialties can assist with managing fluctuations in the single specialty workload.¹⁴⁰ Organizations such as USCIS that have fluctuations in its workload would benefit from a hybrid method.

2. Weaknesses

While a hybrid method has many strengths, the weaknesses are few. The biggest weakness of a multispecialty model is the lost knowledge that a specialist acquires from only working in a particular area.¹⁴¹ Legomsky notes that individuals working on multiple specialties do not acquire expertise as quickly.¹⁴² However, with a hybrid method, the expertise of all workers would increase although their expertise is narrower than the expertise in a strategic method. While the hybrid method does result in lost knowledge, the weaknesses of using this method do not outnumber the strengths.

While the random method of assigning work is widespread, combining data analytics with a strategic or hybrid method is an ideal solution. The strengths offered by the strategic method far outweigh its weaknesses. The hybrid method can utilize the benefits of both the random and strategic methods to create a helpful option. Adding data analytics can enhance the three methods of assigning work. Based on the findings in this chapter, this thesis analyzes the methods of assigning I-130 petitions at USCIS’ Service Center Operations and provides recommendations for USCIS.

¹³⁹ Regev and Wegmann, “Why Do We Need Business Process Support?,” 365.

¹⁴⁰ Legomsky, *Specialized Justice*, 40.

¹⁴¹ Legomsky, 42.

¹⁴² Legomsky, 39.

III. FEDERAL AGENCY EXAMPLES

USCIS is a large government agency that processes millions of applications for benefits per year; USCIS adjudicated a record ten million cases in FY 2023.¹⁴³ The SSA and FEMA are also large government agencies that process applications for benefits. Similar to USCIS, both agencies contend with fraud and are working to find the best methods to prevent and detect fraud. These two agencies were chosen for a case study due to publicly available fraud data and information about their fraud detection operations. This chapter describes and assesses these organizations' practices to identify those that may contribute to successful fraud detection.¹⁴⁴

A. SOCIAL SECURITY ADMINISTRATION

The SSA defines fraud as “obtaining something of value through willful misrepresentation” and “when a person fails to disclose a material fact for use in getting benefits and payments.”¹⁴⁵ The official Social Security website, [ssa.gov](https://www.ssa.gov), lists nine examples of fraud including:

- Claims involving misrepresentations
- Claims in which eligibility was affected by concealing or hiding facts
- Benefit recipient misuses payments
- Accepting post-mortem payments for a beneficiary and failure to notify the agency

¹⁴³ “Completing an Unprecedented 10 Million Immigration Cases in Fiscal Year 2023, USCIS Reduced Its Backlog for the First Time in Over a Decade,” U.S. Citizenship and Immigration Services, February 9, 2024, <https://www.uscis.gov/EOY2023>.

¹⁴⁴ The initial intent of this thesis was to review how other agencies assign work and how that affects their fraud detection efforts. However, a full review of the work assignment process is not possible due to the lack of publicly available information. Therefore, data analytics is included in this chapter to provide a holistic view of fraud detection efforts at SSA and FEMA.

¹⁴⁵ “Fraud Prevention and Reporting,” Social Security Administration, accessed January 4, 2024, <https://www.ssa.gov/fraud/>.

- Purchasing social security cards and selling them
- Claiming a social security number as your own to receive benefits
- Impersonating Social Security personnel to scam citizens
- Payments for employees in exchange for benefits
- Misallocation of funds from grants or contracts¹⁴⁶

The examples of fraud at the SSA encompass various fraud issues, many similar to those encountered by USCIS. The SSA has multiple units responsible for fraud detection but relies heavily on its frontline staff to make fraud referrals. Two significant fraud cases at the SSA were the subject of congressional hearings. An analysis of SSA fraud detection practices can inform USCIS decisions on fraud detection.

1. Responsibility for Detecting Fraud

The SSA is comprised of several units that address fraud issues and whose employees' duties directly relate to detecting and preventing fraud. The Disability Determination Services (DDS) office has responsibility for preventing and detecting fraud as it reviews medical evidence.¹⁴⁷ The Cooperative Disability Investigations (CDI) units “investigate suspected fraud” in conjunction “with the Office of the Inspector General (OIG), State DDSs, and State and local law enforcement divisions.”¹⁴⁸ In 2013, the SSA had “25 CDI units in 21 states and Puerto Rico.”¹⁴⁹ That number almost doubled by April 2022 when the SSA had “49 CDI units covering 47 States.”¹⁵⁰ The CDI investigates suspicious disability claims for the Disability Insurance and Supplemental Security Income

¹⁴⁶ Social Security Administration.

¹⁴⁷ Bertoni, *SSA Disability Benefits*, 10.

¹⁴⁸ Social Security Administration, *Annual Performance Report Fiscal Years 2021–2023* (Baltimore, MD: Social Security Administration, 2022), 45, https://www.ssa.gov/agency/performance/materials/2023/SSA_FYs21-23_APR_Signed.pdf.

¹⁴⁹ Bertoni, *SSA Disability Benefits*, 14, footnote 20.

¹⁵⁰ Social Security Administration, *Annual Performance Report Fiscal Years 2021–2023*, 45.

programs.¹⁵¹ In addition, the Deputy Commissioner for Analytics, Review, and Oversight (DCARO) manages the anti-fraud initiatives.¹⁵² The SSA has multiple offices which are responsible for detecting and preventing fraud, investigating fraud, and managing fraud policy, signaling the importance it places on detecting and deterring fraud.

2. Responsibility for Reporting Fraud

SSA policy indicates that “fraud generally occurs when an individual makes or causes to be made false statements of material facts or conceals such facts for use in determining rights to benefits, with the intent to defraud.”¹⁵³ The SSA relies on its DDS “front-line staff” for detecting fraud.¹⁵⁴ SSA guidance issued in 2014 indicates that suspicious patterns, including the same wording or like language originating from one physician, should be detected by frontline staff along with other indications of potential fraud.¹⁵⁵ SSA operational guidance indicates “high risk factors,” such as “patterns of similar medical histories across claims, conflicting medical evidence, and anomalies such as claimants providing medical evidence from physicians in a different geographic area,” that staff should consider.¹⁵⁶ From 2012–2014, frontline staff referrals accounted for roughly half of all fraud referrals.¹⁵⁷ Frontline SSA staff are instrumental in identifying and referring potential fraud.

The SSA relies heavily on staff to identify and report fraud. One of the job requirements of SSA employees is to gather evidence that shows that potential fraud exists

¹⁵¹ Bertoni, *SSA Disability Benefits*, 8.

¹⁵² Social Security Administration, *Annual Performance Report Fiscal Years 2018–2020* (Baltimore, MD: Social Security Administration, 2019), 70, https://www.ssa.gov/agency/performance/materials/2019/SSA_FYs_2018-2020_APR_2019.03.18_FINAL_508_Certified.pdf.

¹⁵³ Bertoni, *SSA Disability Benefits*, 8.

¹⁵⁴ Bertoni, 10.

¹⁵⁵ Bertoni, 10, 11.

¹⁵⁶ Bertoni, 10.

¹⁵⁷ Office of the Inspector General, Social Security Administration, *The Social Security Administration’s Anti-Fraud Training*, A-01-16-50035 (Baltimore, MD: Office of Inspector General, Social Security Administration, 2015), 9, <https://oig-files.ssa.gov/audits/full/A-01-16-50035.pdf>.

or that removes the suspicion of fraud.¹⁵⁸ In gathering information to develop the referral, they are expected to articulate specifics such as who is involved and when, how, and why the fraud occurred.¹⁵⁹ SSA policy dictates that staff is responsible for developing evidence which supports the referral along with preparing the appropriate forms that detail the reason for the referral.¹⁶⁰ Management approval may be required prior to referring a case to OIG, depending on the DDS.¹⁶¹ The SSA relies on frontline staff to submit fraud referrals.

SSA staff are also responsible for referring suspected fraud. Per SSA guidance, DDS staff must “report all suspicious claims” regardless of the outcome of the claim.¹⁶² Additionally, SSA guidance indicates that all fraud should be referred even if the evidence in question is not used in making the determination.¹⁶³ Likewise, similar fault claims, those “in which an incorrect or incomplete statement material to the determination is knowingly made, or information that is material to the determination is knowingly concealed,” should be referred.¹⁶⁴ Assigning fraud detection responsibilities to frontline staff is an essential component in SSA’s fraud detection plan and ensures that potentially fraudulent cases are addressed by those charged with investigating fraud.

3. Fraud Training

Prior to 2014, the SSA had not conducted fraud training regularly. From July 2013 to November 2014, GAO visited five DDS offices and asked, among other things, about anti-fraud training.¹⁶⁵ GAO found that the training varied by office and was limited.¹⁶⁶ Staff from four of the offices described the training as infrequent, insufficient, and

¹⁵⁸ Bertoni, *SSA Disability Benefits*, 8.

¹⁵⁹ Bertoni, 8.

¹⁶⁰ Bertoni, 12.

¹⁶¹ Bertoni, 8.

¹⁶² Bertoni, 12.

¹⁶³ Bertoni, 12, footnote 18.

¹⁶⁴ Bertoni, 12, footnote 18.

¹⁶⁵ Bertoni, 10, 35.

¹⁶⁶ Bertoni, 13.

lacking.¹⁶⁷ Additional anti-fraud training was not required and the SSA relied on DDSs to decide their staff's training needs.¹⁶⁸ GAO recommended that the SSA provide refresher training regularly.¹⁶⁹

Additionally, the SSA did not have standardized anti-fraud training for SSA and DDS staff prior to FY 2014.¹⁷⁰ Fraud related trainings were available online on the SSA Intranet.¹⁷¹ The OIG collaborated with the SSA to create anti-fraud training that was mandatory for all SSA and DDS employees.¹⁷² In 2014, over 78,000 SSA and DDS employees received mandatory anti-fraud training.¹⁷³

While SSA invested time in training, they did not conduct follow up. Notably, it did not evaluate the effectiveness of the 2014 anti-fraud training.¹⁷⁴ However, the OIG reports provide insight. The percentage of referrals from SSA employees dropped in the three fiscal years after the anti-fraud training.¹⁷⁵ Thus, the fraud training did not significantly impact the number of fraud referrals from the frontline staff. A 2015 OIG report also lists two examples of referrals before and after the training, the outcomes of

¹⁶⁷ Bertoni, 13.

¹⁶⁸ Bertoni, 13.

¹⁶⁹ Bertoni, 27.

¹⁷⁰ Office of the Inspector General, Social Security Administration, *The Social Security Administration's Anti-Fraud Training*, Summary.

¹⁷¹ "Office of the Inspector General: Report Fraud, Waste, or Abuse Form," Social Security, 3, accessed January 4, 2024, <https://secure.ssa.gov/pfrf/home>.

¹⁷² Office of the Inspector General, Social Security Administration, *The Social Security Administration's Anti-Fraud Training*, Summary.

¹⁷³ Office of the Inspector General, Social Security Administration, 6.

¹⁷⁴ Office of the Inspector General, Social Security Administration, 10.

¹⁷⁵ Office of the Inspector General, Social Security Administration, *2015 Fall Semiannual Report to Congress, April 1, 2015 to September 30, 2015* (Baltimore, MD: Social Security Administration, 2015), 13, 14, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2016 Fall Semiannual Report to Congress, April 1, 2016 to September 30, 2016* (Baltimore, MD: Social Security Administration, 2016), 16, 17, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2017 Fall Semiannual Report to Congress, April 1, 2017 to September 30, 2017* (Baltimore, MD: Social Security Administration, 2017), 17, 18, <https://oig.ssa.gov/semiannual-reports/index.html>.

which are not starkly different.¹⁷⁶ Although these examples do not strongly suggest that the mandatory anti-fraud training was effective in identifying fraud, a full review of other factors would be necessary to draw a definitive conclusion. However, it does not appear that training alone is sufficient to assist staff with identifying potential fraud.

As demonstrated by Table 1, the number of allegations of fraud at the SSA rose sharply over nine years. The rise in allegations can be partially attributed to the tracking of telephone scams and scams that misused SSA's name, which the SSA began tracking in FY 2019. The reason for the spike in referrals in FY 2018 is unclear, but the drop in referrals in FY 2020 can most likely be attributed to the COVID-19 pandemic. Publicly available information did not speak about either scenario.

¹⁷⁶ Office of the Inspector General, Social Security Administration, *The Social Security Administration's Anti-Fraud Training*, 9, 10.

Table 1. SSA Allegations Received and Allegations from SSA Employees¹⁷⁷

	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20
All Allegations	135,235	141,088	121,461	146,525	143,385	153,587	192,030	406,744	489,636
Allegations from SSA Employees	60,008	75,656	58,282	52,160	47,913	57,276	103,675	62,339	23,004
Social Security Scams- misuse of name and telephone scams	not tracked	not tracked	not tracked	not tracked	not tracked	not tracked	not tracked	316,675	334,482
Portion of Allegations from SSA Employees (not including SSA scams)	44%	54%	48%	33%	33%	37%	54%	69%	15%

After FY 20, SSA’s semiannual reports to Congress stopped tracking the number of allegations from SSA employees. Thus, more current information on the number of allegations referred by SSA employees is unavailable. However, the number of allegations has remained relatively consistent. The table shows that SSA employees regularly refer

¹⁷⁷ Adapted from Office of the Inspector General, Social Security Administration, *2012 Fall Semiannual Report to Congress, April 1, 2012 to September 30, 2012* (Baltimore, MD: Social Security Administration, 2012), 12, 14, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2013 Fall Semiannual Report to Congress, April 1, 2013 to September 30, 2013* (Baltimore, MD: Social Security Administration, 2013), 12, 14, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2014 Fall Semiannual Report to Congress, April 1, 2014 to September 30, 2014* (Baltimore, MD: Social Security Administration, 2014), 15, 17, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2015 Fall Semiannual Report to Congress, April 1, 2015 to September 30, 2015*, 13, 14; Office of the Inspector General, Social Security Administration, *2016 Fall Semiannual Report to Congress, April 1, 2016 to September 30, 2016*, 16, 17; Office of the Inspector General, Social Security Administration, *2017 Fall Semiannual Report to Congress, April 1, 2017 to September 30, 2017*, 17, 18; Office of the Inspector General, Social Security Administration, *2018 Fall Semiannual Report to Congress, April 1, 2018 to September 30, 2018* (Baltimore, MD: Social Security Administration, 2018), 16, 17, <https://oig.ssa.gov/semiannual-reports/index.html>; Office of the Inspector General, Social Security Administration, *2019 Fall Semiannual Report to Congress, April 1, 2019 to September 30, 2019* (Baltimore, MD: Social Security Administration, 2019), 9, <https://oig.ssa.gov/semiannual-reports/index.html>; and Office of the Inspector General, Social Security Administration, *2020 Fall Semiannual Report to Congress, April 1, 2020 to September 30, 2020* (Baltimore, MD: Social Security Administration, 2020), 11, <https://oig.ssa.gov/semiannual-reports/index.html>.

about one-third to one-half of all referrals, demonstrating the importance of frontline referrals in the fraud detection process at the SSA.

4. Significant Fraud Cases at SSA

Two significant fraud cases at the SSA generated significant attention, one of which was the subject of a congressional House of Representatives subcommittee hearing. One case originated in New York, while the other originated in Puerto Rico. These two fraud cases only represent what is likely a small sample of the overall fraud issue at the SSA. Data about fraud investigations is not publicly available, and the agency does not always provide information about fraud cases. Cases that the Department of Justice (DOJ) prosecutes are usually detailed in a press release.¹⁷⁸

The disability fraud scheme, which began in New York in 2008, involved “hundreds of individuals, many of them police officers and firefighters, some of whom feigned disabilities stemming from the September 11, 2001 terrorist attacks.”¹⁷⁹ The investigation began when the New York CDI received a fraud referral from the New York State DSS.¹⁸⁰ The investigation indicated that more than 100 Social Security Disability Insurance applications had been filed, all of which had the same handwriting, listed similar ailments and involved the same attorney.¹⁸¹

Those implicated in the scheme were an attorney, a former New York Police Detective, the president of a disability consultancy firm, and two retired New York Police Detectives, one of whom was a disability consultant for the police union.¹⁸² The

¹⁷⁸ “Rio Rancho Man Sentenced to 15 Months in Prison for Social Security Scheme,” U.S. Attorney’s Office, District of New Mexico, March 1, 2024, <https://www.justice.gov/usao-nm/pr/rio-rancho-man-sentenced-15-months-prison-social-security-scheme>.

¹⁷⁹ “New York Psychiatrist Sentenced for Disability Fraud,” Office of the Inspector General, Social Security Administration, February 26, 2021, <https://oig.ssa.gov/news-releases/2021-02-26-newsroom-news-releases-new-york-psychiatrist-sentenced-disability-fraud/>.

¹⁸⁰ Office of the Inspector General, Social Security Administration.

¹⁸¹ Office of the Inspector General, Social Security Administration.

¹⁸² Office of the Inspector General, Social Security Administration.

investigation resulted in 134 arrests and 116 criminal convictions.¹⁸³ According to Andrew Saul, Commissioner of Social Security at the time, DDS employees referred the suspected fraud to Social Security, who then referred it to the OIG.¹⁸⁴

The House of Representatives held a hearing, *Social Security Disability Fraud Conspiracy in Puerto Rico*, in 2013, specifically on the Puerto Rico fraud case. The investigation in the Puerto Rico case began in 2009 after SSA staff noticed a suspicious pattern of claims.¹⁸⁵ The scheme involved a former SSA worker who assisted claimants applying for disability benefits.¹⁸⁶ A conspiring doctor provided the fraudulent medical evidence.¹⁸⁷ The former worker would collect a fee totaling 25% of the benefits owed to the worker, up to \$6000.¹⁸⁸ The claimant paid a kickback of \$150 to \$500 to the doctor to file the fraudulent medical information.¹⁸⁹ Seventy-five individuals were arrested and indicted for Social Security fraud.¹⁹⁰ As a result, SSA quality reviewers and disability staff conducted “extensive” training for its staff in Puerto Rico.¹⁹¹ They also conducted special training for administrative law judges and disability examiners.¹⁹² The hearing noted that the SSA frontline workers noticed the fraud pattern.¹⁹³ In both cases, frontline workers discovered the fraud scheme.

¹⁸³ Office of the Inspector General, Social Security Administration.

¹⁸⁴ Office of the Inspector General, Social Security Administration.

¹⁸⁵ *Social Security Disability Fraud Conspiracy in Puerto Rico: Hearing before the Subcommittee on Social Security*, 113th Cong. 1 (2013), 5, <https://www.gpo.gov/fdsys/pkg/CHRG-113hhr89581/pdf/CHRG-113hhr89581.pdf>.

¹⁸⁶ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 5.

¹⁸⁷ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 5.

¹⁸⁸ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 5.

¹⁸⁹ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 5.

¹⁹⁰ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 8.

¹⁹¹ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 36.

¹⁹² *Social Security Disability Fraud Conspiracy in Puerto Rico*, 36.

¹⁹³ *Social Security Disability Fraud Conspiracy in Puerto Rico*, 5.

In 2014, Acting SSA Commissioner Carolyn Covin testified before the Committee on Ways and Means, Subcommittee on Social Security.¹⁹⁴ The hearing focused on the SSA’s “plan and legislative recommendations for preventing conspiracy fraud” and included recommendations from experts on preventing fraud schemes prior to granting benefits and deterring criminals from exploiting the system.¹⁹⁵ Acting Commissioner Covin testified that SSA employees “remain our first and best line of defense against cheats” and that “last fiscal year, they referred almost 23,000 cases to the Office of Inspector General.”¹⁹⁶ Covin further indicated that the OIG report found that disability fraud represents less than one percent of fraud cases.¹⁹⁷ Despite this low rate of fraud, the SSA detailed its planned actions to combat fraud, which include establishing a “central and specialized fraud unit” and placing SSA attorneys in U.S. Attorney’s offices to prosecute fraud and to double the amount of fraud prosecutors.¹⁹⁸ Covin’s written testimony indicates that partnership between CDI and OIG is successful.¹⁹⁹ Covin’s written testimony lists several other anti-fraud initiatives, including limiting Freedom of Information Act (FOIA) requests for recently deceased individuals, working with other federal agencies to prevent improper payments, increasing disability reviews, expanding the number of CDIs, increasing anti-fraud training programs, creating specialized fraud units, and creating data analytic tools.²⁰⁰ The SSA recognized the need for additional anti-fraud measures and worked to implement them.

Two Congressional representatives provided further information about the scope of the Puerto Rico fraud scheme. Representative Sam Johnson noted that in January 2014

¹⁹⁴ *Preventing Disability Scams: Hearing before the Committee on Ways and Means, House of Representatives*, 113th Cong. 2, (2014), 9, <https://www.govinfo.gov/content/pkg/CHRG-113hhr94392/pdf/CHRG-113hhr94392.pdf>.

¹⁹⁵ *Preventing Disability Scams*, 3.

¹⁹⁶ *Preventing Disability Scams*, 9.

¹⁹⁷ *Preventing Disability Scams*, 9.

¹⁹⁸ *Preventing Disability Scams*, 10.

¹⁹⁹ *Preventing Disability Scam*, 13.

²⁰⁰ *Preventing Disability Scams*, 13–27.

there were 28 additional indictments in the New York fraud case.²⁰¹ He further noted that the SSA has determined that “almost \$30 million has been stolen from taxpayers.”²⁰² According to Representative Johnson, frontline staff were the reason the perpetrators of the Puerto Rico fraud case were caught.²⁰³ Representative Xavier Becerra noted that “nearly two-thirds of the fraud investigations and the most successful prosecutions” originate from tips of frontline workers.²⁰⁴ Congress recognizes the value of frontline workers in the fight against fraud.

The SSA has recognized its shortcomings in fraud detection and articulated actions it has taken to improve. In addition to increasing staffing and enhancing training, the SSA recognized the need to create specialized fraud units.²⁰⁵ Furthermore, it recognizes that data analytic tools will be necessary in the fight against fraud.

B. FEDERAL EMERGENCY MANAGEMENT AGENCY

FEMA is highly susceptible to fraud as they must disperse aid quickly after a disaster. Examples of fraudulent claims filed with FEMA include the following:

- Using unissued social security numbers or those belonging to someone else in applications
- Using a false address for registration
- Using an address at which they never lived
- Filing a duplicate registration
- Applicants who received unauthorized rental assistance
- Applicant who received assistance despite a lack of property damage
- Applicants who attempt to procure FEMA benefits for damages already paid by insurance²⁰⁶

²⁰¹ *Preventing Disability Scams*, 4.

²⁰² *Preventing Disability Scams*, 4.

²⁰³ *Preventing Disability Scams*, 4.

²⁰⁴ *Preventing Disability Scams*, 6.

²⁰⁵ *Preventing Disability Scam*, 13–27.

²⁰⁶ Gregory D. Kutz and John J. Ryan, *Hurricanes Katrina and Rita Disaster Relief: Improper and Potentially Fraudulent Individual Assistance Payments Estimated to Be Between \$600 Million and \$1.4 Billion*, GAO-06-844T (Washington, DC: Government Accountability Office, 2006), 4, <https://www.gao.gov/assets/gao-06-844t.pdf>.

A review of its work units, fraud reporting methods, training, fraud cases, and fraud risk management provides insight into how it deals with fraud issues. Its fraud reporting mechanisms and training are robust. However, as discussed in this section, it also has large-scale fraud issues. As USCIS has similar issues with fraud, FEMA’s practices are relevant to USCIS and can inform decisions about fraud detection at USCIS.

1. Responsibility for Detecting Fraud

FEMA has one primary unit that is responsible for fraud detection and prevention. FIID “is responsible for identifying, mitigating, and preventing fraudulent losses of federal funds and assets.”²⁰⁷ FIID develops mechanisms to fight fraud with the Director of Risk Management and Compliance.²⁰⁸ FIID conducts independent reviews to discover possible enhancement to FEMA’s internal system to prevent and detect fraud, waste, and abuse.²⁰⁹ FEMA has a centralized fraud component that works to enhance their fraud detection efforts.

Although it is the duty of all FEMA employees to detect fraud, FEMA created specialized fraud units. FEMA’s Administrator assigned anti-fraud duties to “Administrators, Regional Administrators, and the Chief Financial Officer.”²¹⁰ FEMA expects its employees “to eliminate fraud, waste, and abuse in the FEMA Program.”²¹¹ In 2011, Elizabeth Zimmerman, Deputy Associate Administrator, Office of Response and Recovery at FEMA, testified that FEMA’s National Processing Centers created specialized teams to work more complex cases.²¹² Zimmerman further noted that the FEMA has a

²⁰⁷ Currie, *2017 Hurricanes and Wildfires*, 101.

²⁰⁸ Currie, 101.

²⁰⁹ Currie, 102.

²¹⁰ Currie, 101.

²¹¹ Currie, 101.

²¹² *Preventing Improperly Paid Federal Assistance in the Aftermath of Disasters: Hearing before the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs, Committee on Homeland Security and Governmental Affairs, Senate*. 112th Cong., 1 (2011), 40, <https://www.govinfo.gov/content/pkg/CHRG-112shrg67119/pdf/CHRG-112shrg67119.pdf>.

Fraud Prevention Unit.²¹³ FEMA has offices which are responsible for anti-fraud duties. However, more specific duties of such offices are not publicly available, but they do not appear to be as robust as the SSA fraud detection and prevention offices.

2. Responsibility for Reporting Fraud

FEMA has several avenues to report fraud. Recoupment cases, those that indicate that funds may have been paid improperly, are investigated by the FEMA Fraud Prevention Unit if they show signs of fraud, waste, or abuse.²¹⁴ The Fraud Prevention Unit “refers cases to the DHS Office of the Inspector General (OIG) for a criminal review.”²¹⁵ A 2017 GAO report notes that multiple options for fraud reporting are available to the public and staff.²¹⁶ FEMA’s website contains a fraud FAQ webpage that lists the DOJ Disaster Fraud Hotline phone number and email.²¹⁷ The FEMA tip line and OIG email addresses are also provided on this webpage.²¹⁸ FEMA included examples of fraud schemes, reporting information and the DHS OIG hotline number on its webpages for Hurricanes Harvey and Irma.²¹⁹ Additionally, FEMA provided displayed posters, which provided options for reporting fraud in Spanish and English, in the San Juan, Puerto Rico office.²²⁰ Reporting mechanisms for reporting suspected fraud were well publicized by FEMA.

3. Fraud Training

FEMA has taken several actions to provide fraud training to its employees. FEMA’s FIID provides fraud prevention and fraud awareness training to employees, “including

²¹³ *Preventing Improperly Paid Federal Assistance*, 38.

²¹⁴ *Preventing Improperly Paid Federal Assistance*, 34.

²¹⁵ *Preventing Improperly Paid Federal Assistance*, 34.

²¹⁶ Currie, *2017 Hurricanes and Wildfires*, 102.

²¹⁷ “Fraud Frequently Asked Questions,” FEMA Press Releases, May 2, 2023, <https://www.fema.gov/press-release/20230502/fraud-frequently-asked-questions>.

²¹⁸ Federal Emergency Management Agency.

²¹⁹ Currie, *2017 Hurricanes and Wildfires*, 102.

²²⁰ Currie, 102.

those responsible for processing disaster assistance applications.”²²¹ FIID has reviewed the Individuals and Households Program four times from 2014 to 2018 to establish whether fraud indicators were present in filings.²²² However, FIID officials determined that program improvements were not necessary.²²³ FEMA believes that training those responsible for implementing FEMA programs increases its awareness of potential fraud schemes, which better enables it to detect fraud.²²⁴ FEMA provided daily briefings to FIID personnel working disasters on fraud concerns in 2017.²²⁵ FIID included information about reporting fraud, waste and abuse, procedures to follow if possible fraud is identified, and developing trends and fraud risks in its briefings.²²⁶ In addition, FEMA began a department wide “fraud awareness, prevention and detection training program.”²²⁷ Furthermore, FEMA has provided training for other non-governmental organizations, state partners and federal agencies.²²⁸ FEMA has a robust fraud training program.

4. Significant Fraud Cases at FEMA

FEMA has been affected by significant fraud schemes associated with hurricanes and natural disasters. A 2006 GAO report found that “FEMA made about \$1 billion in assistance payments based on improper or potentially fraudulent registrations” related to Hurricanes Katrina and Rita.²²⁹ Another fraud scheme occurred in 2017, the year the United States and its territories experienced four natural disasters: the California wildfires throughout the year and Hurricanes Harvey, Irma, and Maria in three successive

²²¹ Currie, 101.

²²² Currie, 102.

²²³ Currie, 102.

²²⁴ Currie, 101.

²²⁵ Currie, 101.

²²⁶ Currie, 101.

²²⁷ *Preventing Improperly Paid Federal Assistance*, 38.

²²⁸ *Preventing Improperly Paid Federal Assistance*, 38.

²²⁹ Kutz and Ryan, *Hurricanes Katrina and Rita Disaster Relief*, 8.

months.²³⁰ An example of one such fraud scheme is associated with 2017 disasters. FEMA identified a significant fraud scheme involving identity theft following these 2017 disasters.²³¹ In his testimony at the Preparedness, Response, and Rebuilding: Lessons from the 2017 Disasters Congressional hearing, John Kelly, Acting Inspector General of the Department of Homeland Security, noted that this fraud scheme involved “numerous individuals” who were using fraudulently obtained identities of hurricane victims to apply for FEMA benefits.²³² The men applied for critical needs assistance with stolen identities.²³³ The funds were placed on debit cards with the stolen identities and cashed out by the co-conspirator.²³⁴ Thus the co-conspirators received at least eight million dollars from FEMA.²³⁵ In an unrelated case from 2021, a Nigerian couple scammed the SSA and FEMA out of almost one million dollars by using stolen identities to claim disaster relief and retirement funds.²³⁶ The couple had also unsuccessfully attempted to commit marriage fraud to become U.S. citizens.²³⁷ Such large-scale fraud schemes divert money from those who are eligible to receive it and undermine the integrity of the agency.

²³⁰ Currie, *2017 Hurricanes and Wildfires*, 2.

²³¹ Currie, 100.

²³² *Preparedness, Response, and Rebuilding: Lessons from the 2017 Disasters: Hearing before the Committee on Homeland Security, House of Representatives*, 115th Cong., 2 (2018), 28, <https://www.congress.gov/115/chr/CHRG-115hhr30789/CHRG-115hhr30789.pdf>.

²³³ “Two Maryland Men Facing Federal Indictment for Their Roles in a Scheme That Allegedly Stole Government Benefits, Including More Than \$8 Million in Federal Emergency Assistance,” U.S. Attorney’s Office, District of Maryland, August 2, 2019, <https://www.justice.gov/usao-md/pr/two-maryland-men-facing-federal-indictment-their-roles-scheme-allegedly-stole-government>.

²³⁴ U.S. Attorney’s Office, District of Maryland.

²³⁵ U.S. Attorney’s Office, District of Maryland.

²³⁶ “Woman Pleads Guilty to Scamming SSA and FEMA out of Hundreds of Thousands of Dollars,” U.S. Attorney’s Office, Northern District of Georgia, December 1, 2021, <https://www.justice.gov/usao-ndga/pr/woman-pleads-guilty-scamming-ssa-and-fema-out-hundreds-thousands-dollars>.

²³⁷ U.S. Attorney’s Office, Northern District of Georgia.

5. Fraud Risk Management at FEMA

Combatting fraud is a continuous process. FEMA began addressing its fraud risks in the mid-2000s.²³⁸ However, the fraud scheme in 2017 indicated that additional work in fraud detection is needed. After the discovery of the fraud schemes in 2017, FEMA employed a contractor “to identify and assess fraud risks,” which included “developing a fraud risk profile.”²³⁹ The contractor was also responsible for assessing the existing fraud prevention efforts, reviewing previous fraud cases to identify gaps, and making recommendations for improvements.²⁴⁰ Continuous review of fraud programs is necessary to ensure fraud does not become rampant.

FEMA addresses fraud in multiple programs. FEMA’s program for public assistance grant recipients incorporates fraud risk.²⁴¹ FEMA reviews patterns that are indicative of issues with the recipients, such as irregularities in spending, misusing funds, and the probability of fraud, waste, and abuse.²⁴² FEMA also reviews “audit findings, changes in recipient staff, and the dollar value of the grant.”²⁴³ FEMA understands the importance of fraud detection and has taken actions to improve its ability to detect fraud.

The examples of fraud cases at the SSA and FEMA demonstrate that fraud is pervasive in agencies that process a large number of applications. Both the SSA and FEMA have had challenges dealing with fraud. While they recognize fraud issues, neither agency has been immune from large-scale fraud cases. Criminals will continue to look for opportunities to commit fraud. Consequently, more robust fraud detection tools that do not rely solely on personnel to detect fraud are needed. One such tool is data analytics.

²³⁸ Currie, *2017 Hurricanes and Wildfires*, 100.

²³⁹ Currie, 101.

²⁴⁰ Currie, 101.

²⁴¹ Currie, 102.

²⁴² Currie, 102.

²⁴³ Currie, 102.

IV. DATA ANALYTICS AS A FRAUD DETECTION TOOL

One fraud detection tool not considered does not rely on personnel: technology that processes substantial amounts of data. Work assignment methods can help workers detect more fraud. However, fraud tools such as data analytics can process voluminous amounts of information faster than humans and supplement the work assignment methods. Using the SSA and FEMA as examples, this section offers an understanding of how federal agencies use data analytics to detect and prevent fraud. This chapter finds that using data analytics at other agencies has been productive and could help USCIS detect fraud.

Big data analysis helps government agencies make sense of the enormous amounts of data they collect. Increasing the detection of potential fraud through data analytics that government agencies can use to enhance any method of assigning work may offer a new option. Table 2 describes the terms and definitions used in this chapter.

Table 2. Terms and Definitions in Data Analytics

Data Analytics	
Terms	Definition
Big data	Volume, collection of data
Predictive analytics	Use of historical data to predict future patterns of behavior
Machine learning	Detection of patterns by computers and prediction of behavior based on knowledge gained from those patterns
Data mining	Analyzing large data sets to identify patterns

Lee describes the collection of extensive data, termed big data, as a solution that enables the government to analyze huge volumes of data.²⁴⁴ He defines big data “as a new generation of technologies and architectures designed to economically extract value from extensive volumes of a wide variety of data by enabling high velocity capture, discovery,

²⁴⁴ Lee, “Big Data Strategies for Government,” 476.

and analysis.”²⁴⁵ The analysis of big data is using techniques and technologies such as predictive analytics and machine learning.

Data analytics help uncover fraud patterns and predict future behavior. One type of data analytics is predictive analytics, “meaning the system uses the data to predict what will happen.”²⁴⁶ Predictive analytics can help organize big data, so the data is useful. Fraud analytics is a method of gathering and storing specific data and reviewing it “for patterns, inconsistencies, and abnormalities” that suggest fraud.²⁴⁷ A 2015 GAO report, a Framework for Managing Fraud Risks in Federal Programs, cites data analytics for fraud detection as a best practice.²⁴⁸ According to the Department of Energy, “machine learning is the process of using computers to detect patterns in massive datasets and then make predictions based on what the computer learns from those patterns.”²⁴⁹ Machine learning furthers pattern detection because it can learn from experience and make predictions. Predictive analysis and machine learning can be used to predict where fraud may occur based on patterns revealed in datasets.

Organizations can use data analytics for fraud prevention and detection. Lee indicates that government agencies use data analytics to analyze and mine large data sets to “prevent waste, fraud, and abuse.”²⁵⁰ Companies can use machine learning “to detect sophisticated frauds” within voluminous data sets.²⁵¹ Mahanti and Singha note that organizations can use data analytics results to mitigate potential threats before they

²⁴⁵ Lee, 476.

²⁴⁶ Sara Brown, “Machine Learning, Explained,” *Ideas Made to Matter* (blog), April 21, 2021, <https://mitsloan.mit.edu/ideas-made-to-matter/machine-learning-explained>.

²⁴⁷ Rupa Mahanti and Madhumita Singha Neogi, “COVID-19, Fraud, and Compliance,” *EDPACS* 65, no. 5 (2022): 22, <https://doi.org/10.1080/07366981.2022.2038897>.

²⁴⁸ Stephen Lord, *A Framework for Managing Fraud Risks in Federal Programs*, GAO-15-593SP (Washington, DC: Government Accountability Office, 2015), 41, <https://www.gao.gov/products/gao-15-593sp>.

²⁴⁹ “DOE Explains...Machine Learning,” Office of Science, accessed July 14, 2024, <https://www.energy.gov/science/doe-explainsmachine-learning>.

²⁵⁰ Lee, “Big Data Strategies for Government,” 476.

²⁵¹ Mahanti and Neogi, “COVID-19, Fraud, and Compliance,” 22.

occur.²⁵² They further note that analyzing data points to make connections in the data can “detect and/or prevent fraud.”²⁵³ A 2015 GAO report notes that predictive analysis requires extensive data.²⁵⁴ Since government agencies typically collect and store large amounts of data to conduct business and grant benefits, they are good candidates to use data analytics. Data analytics and predictive analytic tools, such as machine learning, can help agencies detect fraud on a scale that personnel cannot.

Technology can assist federal agencies with fraud detection. The 2015 GAO Report aimed to help federal agency program managers combat fraud and maintain the integrity of their programs.²⁵⁵ The GAO report states that government agencies can enhance anti-fraud activities with the inclusion of “predictive-analytics techniques.”²⁵⁶ This technology can identify potentially fraudulent behavior before the completion of payments.²⁵⁷ The Centers for Medicare and Medicaid Services features in the GAO report as an example of using large amounts of data to identify “patterns of behavior” in claims that may not raise suspicions individually but may display indicators of fraud when viewed in a more extensive data set.²⁵⁸ Analyzing the entire data set as a whole is vital to agencies because they process millions of applications per year.

The private sector has recognized the value of data analytics in combatting fraud. Data analytics allows organizations to accurately and effectively “detect, predict, and combat fraud.”²⁵⁹ Because fraud cases are rising, companies must implement more sophisticated tools like data analytics.²⁶⁰ A 2021 report by the Association of Certified

²⁵² Mahanti and Neogi, 22.

²⁵³ Mahanti and Neogi, 22.

²⁵⁴ Lord, *A Framework for Managing Fraud Risks*, 41.

²⁵⁵ Lord, GAO Highlights.

²⁵⁶ Lord, 41.

²⁵⁷ Lord, 41.

²⁵⁸ Lord, 41.

²⁵⁹ Mahanti and Neogi, “COVID-19, Fraud, and Compliance,” 23.

²⁶⁰ Mahanti and Neogi, 23.

Fraud Examiners (ACFE), “the world’s largest anti-fraud organization and premier provider of anti-fraud training and education,” indicates that budgetary and financial restrictions are a significant challenge for private, public, and government organizations.²⁶¹ However, the report also notes that more than 50 percent of the 884 ACFE member organizations that responded to its 2021 survey use “exception reporting and anomaly detection, as well as automated monitoring of red flags and business analysis as part of their anti-fraud programs.”²⁶² ACFE expects that number to grow to two-thirds over the next two years.²⁶³ Because fraud also exists at government agencies, they must recognize the value of data analytics as private companies have.

A. SSA

Using the SSA and FEMA as examples, this section offers an understanding of how federal agencies use data analytics to detect and prevent fraud. As discussed in this section, the SSA has steadily moved towards more automated solutions to combat fraud in the last ten years. Its solutions focus on identifying fraudulent claims and determining if those claims are connected to a larger fraud scheme. However, the SSA continues to note that employees remain a crucial factor in fraud detection, even with automated solutions.

The testimony provided by the SSA and private industry officials in this section offers insight into the SSA’s thinking about data analytics and its importance. Carolyn Covin, SSA Acting Commissioner, and William Zielinski, SSA Deputy Commissioner for Systems and Chief Information Officer, both provided testimony in the House Congressional Hearing, *Preventing Disability Scams*. Discussing data analytics, Covin believes it will “increase our ability to find questionable patterns in disability claims and prevent payment of fraudulent claims.”²⁶⁴ She notes, however, that employees are needed

²⁶¹ Association of Certified Fraud Examiners, *2022 Anti-Fraud Technology Benchmarking Report* (Austin, TX: Association of Certified Fraud Examiners, 2022), 19, 30.

²⁶² Association of Certified Fraud Examiners, 3, 5.

²⁶³ Association of Certified Fraud Examiners, 3.

²⁶⁴ *Preventing Disability Scams: Hearing before the Committee on Ways and Means, House of Representatives*, 113th Cong. 2 (2014), 9, <https://www.govinfo.gov/content/pkg/CHRG-113hhrg94392/pdf/CHRG-113hhrg94392.pdf>.

to investigate those leads.²⁶⁵ She further testified that the CDI is “our best disability fraud prevention tool.”²⁶⁶ Zielinski believes data analytics will assist the SSA with fraud detection while acknowledging that frontline workers are still necessary.²⁶⁷ Although the SSA has fraud detection tools, it acknowledges that frontline workers are a necessary component of fraud detection.

Private industry representatives testified how they use data analytics to combat fraud. J. Matthew Royal, Vice President and Chief Auditor of the Unum Group, an insurance company, testified that his company conducts anti-fraud training and uses predictive analysis.²⁶⁸ Royal indicated that “Unum uses predictive analytics to continuously monitor disability claims for potential fraud” using data from its “own historical fraudulent claims.”²⁶⁹ Royal further indicates its system provides a score, and “trained fraud analysts” review those cases that exceed the baseline score.²⁷⁰ The algorithm is updated with “newly reported or updated claims” to improve the accuracy of the scoring.²⁷¹ The model “analyzes multiple data points” and “integrates claims data from many sources.”²⁷² Royal noted that its fraud analysts can review “thousands of claims” using the fraud analytics system, about 20 percent of which result in additional investigation.²⁷³ The high rate of suspected fraud makes the fraud analytic system both successful and concerning.

Industry experts testified that data analytics will be valuable and necessary to prevent fraud at the SSA. Alan Shark, a professor at Rutgers University and fellow at the

²⁶⁵ *Preventing Disability Scams*, 9.

²⁶⁶ *Preventing Disability Scams*, 10.

²⁶⁷ *Preventing Disability Scams*, 46.

²⁶⁸ *Preventing Disability Scams*, 43–44.

²⁶⁹ *Preventing Disability Scams*, 44.

²⁷⁰ *Preventing Disability Scams*, 44.

²⁷¹ *Preventing Disability Scams*, 44.

²⁷² *Preventing Disability Scams*, 44.

²⁷³ *Preventing Disability Scams*, 44–45.

National Academy of Public Administration, provided six recommendations in his testimony, two of which deal with analytic tools.²⁷⁴ Shark recommended that the SSA “develop an IT system that incorporates textual analysis tools and predictive analytics technology to maximize its ability to detect fraud.”²⁷⁵ He indicated that for the SSA to use the technology, it should modify its IT infrastructure.²⁷⁶ Private industry has successfully utilized data analytics to combat fraud, making it promising for government agencies.

After 2014, the SSA continued to refine its fraud detection efforts. In 2017, Sean Brune, SSA Assistant Deputy Commissioner for Budget, Finance, Quality, and Management, testified in the congressional House hearing, *Stopping Disability Fraud: Risk, Prevention, and Detection*.²⁷⁷ Brune’s written testimony details the changes in fraud detection that the SSA has made since 2014, which include establishing a Fraud Prevention Unit that works with OIG to investigate fraud cases.²⁷⁸ He also indicated that the SSA works closely with SSA OIG to eliminate fraud through the use of data analytics and technology, which supports fraud prevention and assists with the development of analytic tools that can identify fraud patterns and characteristics.²⁷⁹ He notes that the SSA reviews national data along with fact patterns that indicate potential fraud.²⁸⁰ Brune, reiterating that fraud detection and prevention diligent efforts of frontline staff are crucial states, “our frontline employees remain an important line of defense in detecting and preventing fraud.”²⁸¹ The SSA has embraced data analytics as a fraud detection tool but continues to recognize the role workers play in fraud detection.

²⁷⁴ *Preventing Disability Scams*, 56.

²⁷⁵ *Preventing Disability Scams*, 56.

²⁷⁶ *Preventing Disability Scams*, 57

²⁷⁷ *Stopping Disability Fraud: Risk, Prevention, and Detection: Hearing before the Committee on Ways and Means, House of Representatives*, 115th Cong. 1 (2017), 9, <https://www.govinfo.gov/content/pkg/CHRG-115hhr33390/pdf/CHRG-115hhr33390.pdf>.

²⁷⁸ *Stopping Disability Fraud*, 13.

²⁷⁹ *Stopping Disability Fraud: Risk*, 13, 17.

²⁸⁰ *Stopping Disability Fraud*, 17.

²⁸¹ *Stopping Disability Fraud*, 10.

The emergence of Artificial Intelligence (AI) is also a concern, as it can be used to commit more sophisticated fraud. Gail Ennis, SSA Inspector General, testified before Congress in 2023 on the use of AI by scammers.²⁸² Her letter to Senator Bob Casey after the hearing indicated that the goal of the SSA is to be at “the forefront of AI-related issues by committing to learn to leverage AI” for fraud detection.²⁸³ She notes that while AI will enable the government to detect fraud more efficiently, it also assists criminals to perpetrate fraud schemes more readily.²⁸⁴ To combat this, Ennis established “an OIG Internal Task Force to study AI and related technology” to identify “the tools, processes, and staffing” necessary to detect and deter fraud involving AI and to utilize AI to combat fraud.²⁸⁵ She notes that OIG will collaborate with the SSA on its operational use of AI and assist it in tackling AI threats.²⁸⁶ Because everyone will embrace AI, government agencies need to employ it and protect themselves against its misuse.

The SSA’s fraud detection efforts include using data analytics to assist staff in detecting fraud. In 2014, a GAO report found that the SSA had undertaken several initiatives to enhance its fraud detection efforts, namely developing a system that can detect patterns of suspicious fraud.²⁸⁷ The GAO review of the SSA’s disability programs that investigate fraud noted that the SSA was exploring predictive analytics to “identify patterns of potentially fraudulent claims,” allowing SSA to conduct systematic reviews that augment the work of frontline staff by electronically processing a greater volume of claims.²⁸⁸ The GAO Report included Figure 2 to depict how DDS offices could use

²⁸² Gail S. Ennis, “Letter to Senator Bob Casey” (Baltimore, MD: Office of the Inspector General, Social Security Administration, November 16, 2023), 1, https://oig.ssa.gov/assets/uploads/2023-11-16_modern-scams-how-scammers-are-using-artificial-intelligence-and-how-we-can-fight-back_gail-s-ennis.pdf.

²⁸³ Ennis, 1.

²⁸⁴ Ennis, 2.

²⁸⁵ Ennis, 3.

²⁸⁶ Ennis, 3.

²⁸⁷ Bertoni, *SSA Disability Benefits*, GAO Highlights.

²⁸⁸ Bertoni, 20.

predictive analysis.²⁸⁹ Other agencies can use this chart to understand how predictive analysis may help their agency combat fraud.

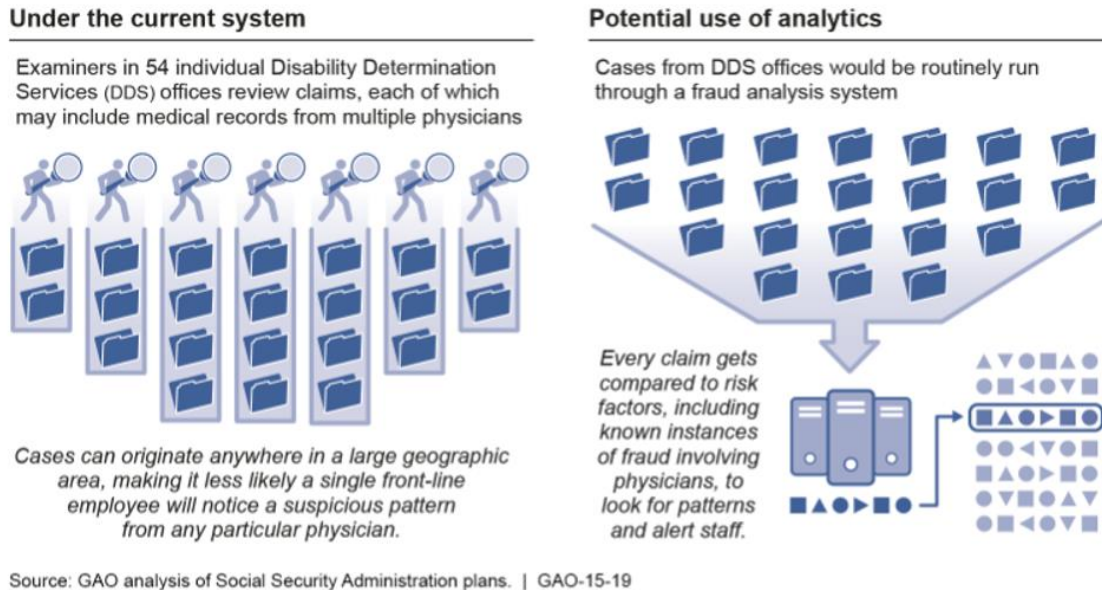


Figure 2. Example of How Predictive Analysis Can Be Used to Detect Potential Fraud at the Social Security Administration²⁹⁰

Since 2014, the SSA has been moving towards more data focused solutions to combat fraud. In 2018, the SSA signed a Privacy Impact Assessment (PIA) for the Anti-Fraud Enterprise Solution (AFES), a computer system.²⁹¹ The purpose of AFES is to “detect, prevent, mitigate, and track the likelihood of fraudulent activity in SSA’s programs and operations.”²⁹² The PIA also indicates that AFES will be used “to identify patterns of fraud and to improve data-driven anti-fraud activities and real-time analysis.”²⁹³ The

²⁸⁹ Bertoni, 21.

²⁹⁰ Source: Bertoni, 21.

²⁹¹ “Anti-Fraud Enterprise Solution,” Privacy Program: A Central Source for Information about SSA’s Privacy Compliance Program, accessed September 10, 2023, https://www.ssa.gov/privacy/pia/AFES_OPD%20Draft_PIA_04-17-2018.htm.

²⁹² Social Security Administration.

²⁹³ Social Security Administration.

AFES accurately detects less obvious transactions that pose a high risk to SSA programs.²⁹⁴ The SSA has recognized the importance of data analytics and has been actively engaged in incorporating data analytics into its fraud structure.

As part of the AFES development, the SSA purchased IBM’s Counter Fraud Management software, which will work in real time as examiners review claims and forward suspicious claims to OIG for investigation.²⁹⁵ Employees will then review the suspicious claims before authorizing a benefit payment. The SSA will also incorporate the electronic fraud referral into AFES “to identify interrelated claims and high-risk transactions.”²⁹⁶ A real-time fraud system helps the SSA ensure the integrity of its payments.

The SSA is making steady progress in the fight against fraud and in using data analytics as part of that fight. It has remained committed to fighting fraud with data analytics.²⁹⁷ In 2018, the SSA deployed its Disability Fraud Analytical Model, which resulted in fraud referrals to OIG.²⁹⁸ In FYs 2019–2021, the SSA completed fraud risk assessments and fraud risk profiles.²⁹⁹ In FY 2023, the SSA planned “to initiate a reassessment of fraud risk in the disability program and complete the enumeration and debt management fraud risk assessments and Title II fraud risk profile.”³⁰⁰ In the Annual Performance Plan for FY 2024, the SSA detailed its plan to continue using data analytics and predictive modeling “to detect and prevent fraud.”³⁰¹ One can conclude that the SSA

²⁹⁴ *Stopping Disability Fraud*, 17.

²⁹⁵ *Stopping Disability Fraud*, 18.

²⁹⁶ *Stopping Disability Fraud*, 17.

²⁹⁷ Social Security Administration, *Annual Performance Report Fiscal Years 2018–2020*, 34.

²⁹⁸ Social Security Administration, 34.

²⁹⁹ Social Security Administration, *Annual Performance Report Fiscal Years 2021–2023*, 52.

³⁰⁰ Social Security Administration, *Annual Performance Plan for Fiscal Year 2024; Revised Performance Plan for Fiscal Year 2023: Annual Performance Report for Fiscal Year 2022* (Baltimore, MD: Social Security Administration, 2023), 36, https://www.ssa.gov/agency/performance/materials/2024/SSA_FYs2022-2024_APR.pdf.

³⁰¹ Social Security Administration, 36.

has found data analytics to be beneficial for its agency because it continues to build on its progress.

The SSA has embraced automated solutions to combat fraud in the last 10 years. Those solutions focus on identifying fraudulent claims and determining if they are connected to a larger fraud scheme. However, the SSA continues to note that despite using technology to detect fraud, employees are critical for fraud detection.

B. FEMA

FEMA has long been using data analytics to detect fraud. Its solutions have focused on data mining and data analytics. Despite examples of humans detecting fraud, the agency does not rely on them as fraud detectors as heavily as the SSA. Instead, the focus is on electronic solutions to identify and prevent fraud.

Like the SSA, FEMA began exploring electronic solutions to assist with fraud detection. Since the late 2010s, FEMA has been using electronic solutions to detect fraud.³⁰² FEMA started a pilot program to spot anomalies in its disaster applicant database.³⁰³ The program worked with the FEMA's IT system and relied on "filters and algorithms" to detect any unusual activity.³⁰⁴ The pilot program acts as "risk mapping tool that can help detect current and anticipated fraud schemes, and supports collecting and tracking investigative activities and analysis involving disaster fraud."³⁰⁵ FEMA reviews its databases to identify fraud indicators.³⁰⁶ FEMA has used data analytics in multiple ways to detect fraud.

Additionally, FEMA uses another electronic solution, data mining, to identify fraud. The DHS Fiscal Year 2017 Agency Financial Report indicates that FEMA's FIID

³⁰² *Preventing Improperly Paid Federal Assistance*, 38.

³⁰³ *Preventing Improperly Paid Federal Assistance*, 38.

³⁰⁴ *Preventing Improperly Paid Federal Assistance*, 38.

³⁰⁵ *Preventing Improperly Paid Federal Assistance*, 38.

³⁰⁶ Elaine C. Duke, *Department of Homeland Security: FY 2017 Agency Financial Report* (Washington, DC: Department of Homeland Security, 2017), 182, https://www.dhs.gov/sites/default/files/publications/dhs_agency_financial_report_fy2017_1.pdf.

data mines agency databases to identify common fraud indicators.³⁰⁷ FEMA’s FIID was established “in response to the fraud associated with Hurricanes Katrina and Rita.”³⁰⁸ One of the primary duties of FIID is to “prevent and deter fraud, waste, and abuse.”³⁰⁹ According to Elaine Duke, former Acting Secretary of Homeland Security, “using disaster applicant datasets to identify current fraud trends and the most common indicators of fraud” is one way to achieve this goal.³¹⁰ According to Curry, “FIID uses data mining queries to identify red flags, such as indicators that a damaged dwelling may not be the applicant’s primary residence, or instances in which someone used the same social security number for different damaged dwellings.”³¹¹ Data mining has been a successful tool for FEMA to identify potential fraud.

FEMA also uses electronic solutions to review fraud schemes identified by personnel. FIID used data analytics to review cases again after staff identified the 2017 fraud schemes.³¹² Applications with fraud indicators identified in the fraud scheme that displayed specific characteristics, such as “questionable banking information” were flagged and validated further.³¹³ FEMA also reviews the results of its “antifraud data analytics” and “implements the most effective queries for all disasters.”³¹⁴ FEMA then data mines its databases to identify applications that contain the fraud indicators, then “locks the applicant’s file in order to prevent fraudulent funds from being disbursed.”³¹⁵ Figure 3 shows the steady increase of cases for which FEMA did not disperse funds due to fraud. FEMA’s use of data analytics within the Individual Assistance and Household Program has been successful.

³⁰⁷ Currie, *2017 Hurricanes and Wildfires*, 103.

³⁰⁸ Duke, *Department of Homeland Security*, 182.

³⁰⁹ Duke, 182.

³¹⁰ Duke, 182.

³¹¹ Currie, *2017 Hurricanes and Wildfires*, 103.

³¹² Currie, 103.

³¹³ Currie, 103.

³¹⁴ Currie, 105.

³¹⁵ Duke, *Department of Homeland Security*, 182.

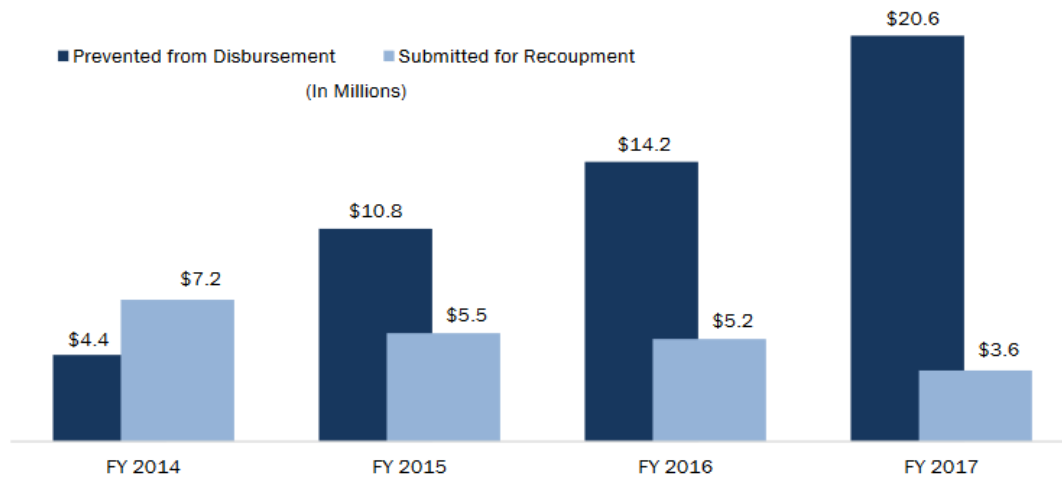


Figure 3. Fraud Prevention and Recoupment in the Individual Assistance and Household Program.³¹⁶

Datskovska et al. provide three specific examples of how FEMA could use technology to detect fraud. The first is using “weather analytics and geospatial data” to verify areas affected by an event as well as the date of the event.³¹⁷ They propose a second area, artificial intelligence, can be used to “produce highly accurate claims scores” which helps claims investigators detect potentially fraudulent claims.³¹⁸ A third suggestion involves identifying duplicates by comparing data against previous applications and using public databases to identify potential fraud such as nonexistent business and applicants that were previously engaged in fraud and theft.³¹⁹ Thus, FEMA has multiple avenues to use data analytics to support its fraud detection efforts.

FEMA uses data analytics as a fraud prevention tool. However, its data analytics program is not as robust as the SSA’s program. Although Datskovska’s article provided three examples of fraud cases detected by humans, the evidence does not strongly suggest

³¹⁶ Source: Duke, 182.

³¹⁷ Datskovska et al., “Streamline Disaster Recovery with a Risk-Based Approach,” 39.

³¹⁸ Datskovska et al., 39.

³¹⁹ Datskovska et al., 39.

that FEMA relies heavily on its staff as a primary means to detect fraud.³²⁰ However, despite its limitations, FEMA’s efforts using data analytics thus far have proved successful.

A review of the fraud units, training, and processes at the SSA and FEMA demonstrates that they, like USCIS, have challenging fraud issues. The large-scale fraud cases show that the frontline staff are vital for detecting fraud. Although both agencies use data analytics, the frontline staff will remain an essential part of the fraud detection strategy. USCIS can learn from the challenges the SSA and FEMA have faced. Using data analytics at the SSA and FEMA can provide insight for USCIS on how best to incorporate data analytics into its fraud detection efforts. The following section reviews USCIS operations in light of the SSA and FEMA data analytic efforts to determine best practices for USCIS to assist ISOs with fraud detection.

C. INCORPORATING DATA ANALYTICS AT USCIS

Based on an analysis of the literature and the examples from the SSA and FEMA, work assignment methods alone are likely insufficient to combat fraud. The previously discussed examples suggest that using data analytics can supplement the fraud detection efforts of ISOs, saving USCIS time and resources while increasing fraud detection. USCIS uses several electronic systems. However, USCIS does not use any technology to analyze data in the petitions.

USCIS currently has two case management systems: Computer Linked Application Information Management System (CLAIMS 3) and Electronic Immigration System (ELIS). Before May 2012, all filings with USCIS were paper based. The information from these petitions is entered into CLAIMS 3, which captures basic information from a petition but does not allow for electronic filing.³²¹ The 2020 Privacy Impact Assessment indicates that “CLAIMS 3 continues not to use technology to conduct electronic searches, queries,

³²⁰ Datskovska et al., 38.

³²¹ Department of Homeland Security, *Privacy Impact Assessment for the Computer Linked Application Management System and Associated Systems (CLAIMS 3)*, DHS/USCIS/PIA-016(d) (Washington, DC: Department of Homeland Security, 2020), 5, 6, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis016d-claims3-july2020.pdf>.

or analyses to discover or locate a predictive pattern or anomaly.”³²² Although CLAIMS 3 provides a wealth of data that could be analyzed, USCIS does not analyze the data from it.

As technology progressed, USCIS began exploring the creation of an electronic case management system. On May 22, 2012, USCIS launched ELIS, which enabled petitioners to file petitions electronically with USCIS.³²³ The 2018 PIA indicates that through ELIS, “USCIS runs fraud, criminal, and national security background checks.”³²⁴ If “potential criminal, public safety, or national security concerns” are identified, the case will be placed in an “electronic workflow queue within USCIS ELIS for resolution.”³²⁵ The PIA lists the following question and answer about ELIS:

Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how DHS plans to use such results.

No.³²⁶

Although ELIS allows the transfer of information to and from other government systems, current policy does not allow it to be used for data analytic purposes.³²⁷ While it is possible to run data analytics on ELIS data, USCIS has not created a policy that allows it to do so.

USCIS has a limited-use system that could potentially be used for data analytics. ATLAS (not an acronym) was developed “to automate, streamline, and support accurate exchange of data among USCIS, DHS, and non-DHS systems used to support biometric

³²² Department of Homeland Security, 9.

³²³ U.S. Citizenship and Immigration Services, “USCIS Electronic Immigration System (ELIS) Launch,” U.S. Citizenship and Immigration Services Archive, May 22, 2012, <https://www.uscis.gov/archive/uscis-electronic-immigration-system-elis-launch>.

³²⁴ Department of Homeland Security, *Privacy Impact Assessment for the USCIS Electronic Immigration System (USCIS ELIS)*, DHS/USCIS/PIA-056(a) (Washington, DC, 2018), 7, <https://www.dhs.gov/sites/default/files/publications/pia-uscis-elis056a-december2018.pdf>.

³²⁵ Department of Homeland Security, 9.

³²⁶ Department of Homeland Security, 21.

³²⁷ Department of Homeland Security, 7–9, 21.

and biographic-based screening and vetting of immigration requests.”³²⁸ USCIS uses ATLAS “as both an automated check service platform and rule-based screening platform.”³²⁹ According to the 2020 PIA for ATLAS, ATLAS automatically completes background checks via communication between “adjudicative case management systems and those systems used for background checks.”³³⁰ While ATLAS transmits information from every petition filed with USCIS, it can only perform automated checks.³³¹ Using ATLAS and the Fraud Detection National Security Data System (FDNS-DS), the case management system for fraud, public safety and national security cases, FDNS gathers data “to identify and develop information on fraud indicators, patterns, and trends”³³² FDNS-DS was replaced with NexGen in June 2023.³³³ Although ATLAS is a critical system, USCIS does not use it to perform data analytics. USCIS should investigate using ELIS and ATLAS to perform data analytics.

Identifying potential fraud when the petition is filed and analyzing it in real time is an option that would benefit USCIS. Earlier identification of fraud indicators would allow USCIS to investigate more quickly and prevent fraud cases from becoming large-scale fraud schemes. The GAO recommended that the SSA use predictive analytics, which would enable the SSA to conduct systematic reviews of “large numbers of claims.”³³⁴ Using predictive analytics would enable USCIS to screen the large number of petitions it receives with the same criteria regardless of where the petition is adjudicated, making it easier for large-scale fraud schemes to be detected.

³²⁸ Department of Homeland Security, *Privacy Impact Assessment for the ATLAS*, DHS/USCIS/PIA-084 (Washington, DC, 2020), 1, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-uscis084-atlas-july2021.pdf>.

³²⁹ Department of Homeland Security, 1.

³³⁰ Department of Homeland Security, 3.

³³¹ Department of Homeland Security, 3.

³³² Department of Homeland Security, *Privacy Impact Assessment for the ATLAS*; Department of Homeland Security, 8; and Department of Homeland Security, *Privacy Impact Assessment for the Fraud Detection and National Security Directorate*, 15.

³³³ FDNS-DS was the previous fraud case management system at USCIS. NexGen replaced it in June 2023.

³³⁴ Bertoni, *SSA Disability Benefits*, 20–21.

USCIS would also benefit from reviewing databases for fraud indicators. USCIS has identified fraud indicators based on fraud referrals from ISOs adjudicating paper filings. However, ISOs must refer those paper filings to the fraud units for investigation. Using the electronic information in ELIS to identify additional fraud indicators and flag petitions that contain all known fraud indicators would ensure that USCIS identifies petitions with potential fraud. Some of the burden of identifying fraud would shift from the ISOs so they could focus on adjudications and increase their efficiency.

Table 3 identifies the strengths and weaknesses of using data analytics. USCIS would benefit from the ability to analyze large data sets quickly as it receives millions of petitions annually.³³⁵ The ability to analyze large data sets would increase its ability to identify patterns and anomalies, detecting all known fraud indicators. Automating this process would save time and resources and allow USCIS to focus on the cases that exhibit known fraud indicators. Additionally, USCIS could quickly create fraud risk profiles and update them frequently based on filing patterns.

Table 3. Strengths and Weaknesses of Data Analytics

Data Analytics	
Strengths	Weaknesses
<ul style="list-style-type: none"> Analyze large data sets 	<ul style="list-style-type: none"> Requires creation of algorithms
<ul style="list-style-type: none"> Analyze data quickly 	<ul style="list-style-type: none"> Algorithms need continuous refinement
<ul style="list-style-type: none"> Save time and resources 	<ul style="list-style-type: none"> Results need human review
<ul style="list-style-type: none"> Identify patterns and anomalies 	
<ul style="list-style-type: none"> Creation of fraud risk profiles 	

One of the weaknesses of using data analytics is the requirement to create and continuously refine algorithms. However, IOs are already doing this, albeit in a very inefficient and less centralized manner. IOs review the fraud referrals they receive and begin to build a fraud profile for that specific scenario. The IOs share information among the CFDOs, but the process takes time. Although data analytics results need to be reviewed by a human, the results provided would be far superior to relying only on ISOs and IOs.

³³⁵ U.S. Citizenship and Immigration Services, *Annual Statistical Report FY2022*, 5.

How the SSA and FEMA use data analytics in their fraud detection efforts can provide insight into how USCIS can incorporate data analytics into its processes. Both agencies have had success with using data analytics. The SSA continues to work on implementing data analytics on a wide scale. FEMA has successfully used data mining and data analytics to identify cases with known fraud indicators. Both agencies have indicated the need to use data analytics to review benefit filings for fraud.

USCIS could benefit from using the predictive analysis techniques that the SSA uses. All petitions would be funneled through a predictive analysis tool to ensure those associated with that individual are correctly identified. This process could assist with identifying related claims that may not be obvious during manual review. USCIS could adopt FEMA's method of using data analytics to identify fraud indicators to route cases to the CFDOs automatically. This practice would allow the CFDOs to see all instances of fraud, enabling them to identify fraud schemes more easily and build more robust fraud cases that ICE can prosecute. Including data analytics at USCIS could assist with its fraud detection efforts.

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V. APPLICATION TO USCIS ADJUDICATION

This chapter investigates which of the three previously discussed work assignment methods might best identify fraud at USCIS. First, this chapter presents the strengths and weaknesses of the three methods of assigning work based on organizational science and academic literature. Next, this chapter discusses the strengths and weaknesses of each work assignment method and then draws on the SSA and FEMA cases to identify the benefits and drawbacks for USCIS. The analysis shows that the random method has the most significant drawbacks, while the strategic method offers the most significant benefits for fraud detection: consistency, efficiency, knowledge, and quality. The hybrid method combines both methods and offers benefits while mitigating drawbacks. The analysis suggests that the strategic and hybrid methods would result in more instances of fraud detection at USCIS.

USCIS uses a random work assignment method; It assigns petitions to ISOs randomly. USCIS uses a first-in, first-out method of assigning work, ensuring petitions are processed in the order received. This method assigns any I-130 petition to an ISO without consideration of the ISO's skill level or the basis for filing the petition. I-130 petitions are filed electronically in ELIS or on paper.³³⁶ For electronic filings, ELIS randomly assigns petitions to an ISO ready to adjudicate. Supervisors assign petitions to ISOs in small batches by date order for paper filings. The random method ensures that ISOs work petitions in order of receipt.

ISOs review every document in each petition and are the first line of defense against fraud, often identifying potential fraud cases. A 2002 GAO report found that “between 54 and 68 percent of benefit fraud cases each year from fiscal years 2016 through 2021 came from USCIS sources—primarily from adjudicators.”³³⁷ However, ISOs can make

³³⁶ U.S. Citizenship and Immigration Services, “I-130, Petition for Alien Relative.”

³³⁷ Rebecca Gambler, *U.S. Citizenship and Immigration Services: Additional Actions Needed to Manage Fraud Risks*, GAO-22-105328 (Washington, DC: Government Accountability Office, 2022), 18, 19.

mistakes. The number of large-scale fraud cases exposed year after year indicates that USCIS’s current fraud detection methods and reliance on ISOs to detect fraud urgently need improvement.³³⁸ Thus, determining the best work assignment method to assist ISOs at USCIS could boost fraud detection.

As noted in Chapter III, organizational science literature does not speak directly to work assignment methods. However, this author’s analysis of the existing literature identifies the key strengths and weaknesses of each work assignment method. Table 4 summarizes those key strengths and weaknesses. This chapter discusses the strengths and weaknesses of random, strategic, and hybrid work assignment methods. This chapter also discusses the benefits and drawbacks of applying each method to USCIS fraud detection.

Table 4. Key Evidence for Work Assignment Methods

	Strengths	Weaknesses
Random	<ul style="list-style-type: none"> • Task variety provides opportunity to learn (Froehlich et al.) • Affords global view (Legomsky) • Generates broad knowledge (Froehlich et al.) • Has fewer preconceived notions (Legomsky) • Allows broad application (Baum, Legomsky) 	<ul style="list-style-type: none"> • Decreases identification of similarities and anomalies due to repetition (Legomsky, Sari et al.) • Results in less consistency (Legomsky and Baum) • Results in less efficiency (Legomsky) • Decreased productivity (Smith)
Strategic	<ul style="list-style-type: none"> • Identifies similarities and anomalies due to repetition (Legomsky, Sari et al.) • Affords greater knowledge of case law and statutes (Legomsky) • Builds expertise quickly (Baum) • Benefits complex cases (Luoma, Baum) • Allows for division of work by major process (Gulick and Urwick) 	<ul style="list-style-type: none"> • Provide less task variety (Froehlich et al.) • Loses a global view (Legomsky) • Lacks broad application (Baum) • Creates more biases (Legomsky) • May require more time to apply knowledge (Baum)

³³⁸ Case generally refers to an immigration filing, which can be a petition, application, or benefit request. Additionally, ISOs work petitions. When a petition referred to FDNS is accepted for investigation, it becomes a fraud case worked by an IO.

	Strengths	Weaknesses
	<ul style="list-style-type: none"> • Achieves greater consistency (Legomsky and Baum) • Achieves efficiency in decision-making (Legomsky and Baum) • Increases quality of work (Sari et al.) • Reduces the number of employees needed (Baum) • Supports more complex cases (Luoma and Tompkins) • Increased productivity (Smith) 	
Hybrid	<ul style="list-style-type: none"> • Task variety provides opportunities to learn (Froehlich) • Increases knowledge through repetition and task diversity (Legomsky) • Identifies similarities and anomalies (Legomsky, Sari et al.) • Provides global view (Legomsky) • Affords broad knowledge with some specialization (Froelich et al., Smith) • Has fewer preconceived notions (Legomsky) • Allows for division of work by major process (Gulick and Urwick) • Provides generalization and specialization (Workinger) • Assists with changing conditions and fluctuations in the workload (Legomsky, Regev and Wegmann) • Helps keep workers current on policy (Legomsky) • Increased productivity (Smith) 	<ul style="list-style-type: none"> • May require more time to apply knowledge (Baum) • Requires time to acquire expertise (Legomsky)

A. RANDOM METHOD

The organization science literature suggests that the random work assignment method, currently used at USCIS, has strengths and weaknesses. Strengths include providing employees with task variety, a global view, and broad knowledge. Additionally,

using the random method, workers have reduced bias and gained a broad perspective. The weaknesses of this method include a decreased ability to identify similarities and anomalies, less consistency, and less efficiency. However, although the literature supports the strengths of the random method, the case examples of the SSA and FEMA demonstrate its failure in detecting fraud. This author’s analysis suggests that the random method would also fall short for USCIS.

1. Strengths

The literature highlights the strengths of a random method of assigning work using the immigration courts as the primary setting. Froelich et al. indicate that a variety of tasks, provided by a random method, provides a challenge for employees and variety “provides the opportunity to learn.”³³⁹ Legomsky concludes that in immigration court, judges draw from multiple areas of experience, giving them a wider perspective.³⁴⁰ Likewise, Froehlich et al. further assert that “having a broader knowledge scheme may save time and effort in situations that demand new knowledge.”³⁴¹ The literature regarding cases heard by judges in immigration proceedings claims that a random method of work assignment provides them the advantage of a generalist perspective, with less bias.³⁴² In the context of the immigration system, Legomsky contends that a generalist, a judge who works all type of cases, brings fewer preconceptions than those working in a specific field for an extended time.³⁴³ Legomsky warns that specialists cannot shift roles easily while Baum finds specialization offers little when time is limited or a case demands highly specialized knowledge.³⁴⁴ The key strengths of the random model stem from the broader application it provides employees.

³³⁹ Froehlich et al., “On the Relation between Task-Variety,” 116–17.

³⁴⁰ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389–90.

³⁴¹ Froehlich et al., “On the Relation between Task-Variety,” 117.

³⁴² Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389; Legomsky, “Restructuring Immigration Adjudication,” 1695.

³⁴³ Legomsky, “Restructuring Immigration Adjudication,” 1695.

³⁴⁴ Legomsky, 1704; Baum, “Fortieth Annual Administrative Law Symposium,” 1548.

2. Weaknesses

The literature also highlights several weaknesses of the random method. The random method fails to provide the specialization that Adam Smith observed in 1776 leads to more productivity.³⁴⁵ Legomsky argues that a worker who is not an expert misses similarities and anomalies that a specialist would not.³⁴⁶ Likewise, Sari et al. found that non specialist auditors were less likely to detect errors than specialist auditors.³⁴⁷ In the random method, adjudicators lack the specialization that helps them know the law, avoid misinterpreting legislative intent, and avoid inconsistency in the weight given to different sources.³⁴⁸ Legomsky also observes that even experienced immigration judges would have trouble staying current with the constant changes in case law, regulations, and statutory provisions.³⁴⁹ Baum argues that more decisional units lead to less uniformity.³⁵⁰ The random method offers less specialization, which results in more errors and less consistency and uniformity.

3. Application to USCIS

The strengths and weaknesses of the random method can be applied to I-130 petition adjudication at USCIS. One of the primary benefits of the random method, task variety, is that it allows ISOs to evaluate evidence from many countries. The experience of adjudicating a wide variety of petitions provides a global view. It allows ISOs to learn about many countries' civil documents and situations, such as adoption, legitimation, and divorce. ISOs encounter civil documents from different countries and many situations, which allows them to learn and pivot as agency needs dictate. ISOs need opportunities to learn so they can successfully detect fraud. The literature suggests that ISOs working on

³⁴⁵ Tompkins, *Organization Theory and Public Management*, 77.

³⁴⁶ Legomsky, "Forum Choices for the Review of Agency Adjudication," 1389; Legomsky, *Specialized Justice*, 12.

³⁴⁷ Sari, Diyanti, and Wijayanti, "The Effect of Audit Tenure," 193.

³⁴⁸ Legomsky, "Learning to Live with Unequal Justice," 442, 466.

³⁴⁹ Legomsky, 442.

³⁵⁰ Baum, "Fortieth Annual Administrative Law Symposium," 1535.

petitions with civil documents from different countries would be less likely to show bias because they see a broad range of petitions.

Additionally, ISOs with diverse experience would likely not have a particular view of whether petitions from a specific country are prone to have fraud indicators or never have fraud indicators. The random method allows ISOs to adjudicate with a global view and to gain exposure to many types of civil documents. The random work method allows management to assign work rapidly and be flexible in shifting workloads as conditions change.

Despite some benefits, the random method has several drawbacks, the most significant of which is that it may fail to provide ISOs the knowledge and experience needed to detect anomalies and inconsistencies, the hallmarks of fraud. Under the random method ISOs adjudicate petitions with civil documents from multiple countries. However, it is unlikely that one would see a sufficient volume of petitions from one country to become an expert in that country's civil documents or cultural norms and customs. Hence, for USCIS, the random method of assigning work does not provide the optimal skills required for fraud detection.

In addition, a random method of work assignment can lead to less consistent decisions and less efficiency. Workers who rarely see specific filing types may miss fraud indicators or misinterpret policies. Both scenarios increase the chance that ISOs could approve cases based on fraudulent documents. ISOs are likely less efficient because they are not as familiar with the civil documents from each country and need to spend time reviewing and checking these documents. In addition, cases sent to the DOS for processing are more likely to be returned due to fraud or adjudication errors, reducing the agency's efficiency.³⁵¹ Less efficiency leads to less productivity.

Although the random method does have some significant benefits, it has an important drawback. It does not foster the ability to detect anomalies and inconsistencies, which is the heart of fraud detection. Detecting fraud requires ISOs who are experts in a

³⁵¹ Department of Homeland Security, *U.S. Citizenship and Immigration Services' Tracking*, 3.

specific country’s civil documents. Although the literature supports a random method, the SSA and FEMA case studies show that the random method failed to adequately detect fraud at their agencies. After the SSA experienced large-scale fraud schemes in 2008 and 2009, it recognized the need to create specialized fraud units.³⁵² Likewise, FEMA also experienced large-scale fraud and created specialized teams at the National Processing Service Centers to process more complex cases.³⁵³ The creation of specialized teams in both agencies suggests that a random method is insufficient to combat fraud. The analysis shows that the random method presents many drawbacks for fraud detection.

B. STRATEGIC METHOD

The organizational literature suggests that the strategic method has strengths and weaknesses. The strengths include identifying similarities due to repetition, greater knowledge of case law and statutes, and quickly building expertise. Additionally, the strategic method supports more complex cases and workers would increase their knowledge and achieve greater consistency. It could enhance efficiency and increase quality. Furthermore, a strategic work assignment method could reduce the number of employees needed and increase productivity. However, the strategic work assignment method has some weaknesses. For example, workers have less task variety and lose the global view. This method lacks broad application and creates biases. Finally, applying the knowledge may require more time.

1. Strengths

The literature outlines the strengths of the strategic work assignment method. Legomsky argues that a specialist could spot similarities and anomalies that a generalist worker would overlook.³⁵⁴ For example, judges and experts in the judicial field use their knowledge to identify similarities and anomalies in cases that might be missed by others

³⁵² *Preventing Disability Scams*, 13–27.

³⁵³ *Preventing Improperly Paid Federal Assistance*, 40.

³⁵⁴ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389; Legomsky, *Specialized Justice*, 12.

who are less knowledgeable.³⁵⁵ Likewise, Sari et al. found that “specialist auditors are more likely to detect errors and deviations from non-specialist auditors.”³⁵⁶ Thus, the literature converges on the idea that the strategic method is better for detecting fraud indicators.

Specialization brings deeper knowledge from repetition, which may result in better decisions. For example, Legomsky maintains that specialization helps adjudicators know the law and thus prevents misinterpretations of legislative intent and inconsistencies in the weight given to different sources.³⁵⁷ According to him, specialization among immigration judges helps them know relevant laws and statutes.³⁵⁸ He further believes that in the judicial context, repeated exposure to evidence from a specific subject area and the weight assigned to specific evidence sharpens decision-maker understanding.³⁵⁹ He argues that this repetition along with a diversity of cases can develop one’s knowledge.³⁶⁰ By the same token, Baum posits that specialists build expertise more quickly than generalists.³⁶¹ Therefore, workers with specialization have greater knowledge and make more informed decisions.

The literature in organizational science and law journals presents additional strengths of a strategic work assignment method. Luoma and Baum claim that the strategic method would benefit complex cases. Luoma maintains that organizations switch from routine processing to problem-solving when encountering new situations, such as more complex cases.³⁶² Workers cannot follow the standard operating procedures because these

³⁵⁵ Legomsky, *Specialized Justice*, 12; Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1389.

³⁵⁶ Sari, Diyanti, and Wijayanti, “The Effect of Audit Tenure,” 193.

³⁵⁷ Legomsky, “Learning to Live with Unequal Justice,” 442, 466.

³⁵⁸ Legomsky, 466.

³⁵⁹ Legomsky, *Specialized Justice*, 10.

³⁶⁰ Legomsky, 8.

³⁶¹ Baum, “Fortieth Annual Administrative Law Symposium,” 1538.

³⁶² Luoma, “Model-Based Organizational Decision Making,” 817.

cases require greater judgment.³⁶³ Similarly, Baum asserts that specialization creates efficiency and effectiveness in complex cases.³⁶⁴ Gulick and Urwick contend that from an organizational perspective, grouping workers “makes it possible in each case to make use of the most effective divisions of work and specialization.”³⁶⁵ Complex cases often require more time to work and grouping workers by specialization can maximize that time.

Consistency is a key strength of the strategic approach. Ramji et al. rate consistency as one of the “most important goals of any adjudicative system.”³⁶⁶ Legomsky observes that if the evidence is similar, the findings should be, too.³⁶⁷ Therefore, an adjudicator’s decision should be consistent with the other’s decisions.³⁶⁸ Writing about the Board of Immigration Appeals, Legomsky warns that inconsistent decisions can generate more appeals. Baum argues that smaller units of judges who hear specific types of cases would lead to more consistent and uniform decisions.³⁶⁹ In these ways, working similar cases can lead to greater consistency.

Efficiency is another strength of the strategic work assignment method. Legomsky observes that asylum applications contain similarities in cases from the same country.³⁷⁰ He further finds that immigration judges who are familiar with “the general legal backdrop” can decide a case faster than someone who must “start from scratch.”³⁷¹ Supporters of specialized immigration courts advise that judges are efficient because they know the law.³⁷² Additionally, Baum claims the judicial system has routine complex cases for which

³⁶³ Luoma, 820.

³⁶⁴ Baum, “Fortieth Annual Administrative Law Symposium,” 1543.

³⁶⁵ Gulick and Urwick, *Papers on the Science of Administration*, 24.

³⁶⁶ Ramji-Nogales, Schoenholtz, and Schrag, “Refugee Roulette,” 389.

³⁶⁷ Legomsky, *Specialized Justice*, 14.

³⁶⁸ Legomsky, “Restructuring Immigration Adjudication,” 1650.

³⁶⁹ Baum, “Fortieth Annual Administrative Law Symposium,” 1535.

³⁷⁰ Legomsky, “Learning to Live with Unequal Justice,” 467.

³⁷¹ Legomsky, “Restructuring Immigration Adjudication,” 1694.

³⁷² Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1390.

specialization provides the benefit of efficiency.³⁷³ Being familiar with a specific type of case and its surrounding circumstances creates opportunities for efficiency. Furthermore, Sari et al. contend that specialists could spot anomalies more easily than non specialists and that their audit results tended to be of higher quality.³⁷⁴ Thus, the strategic method could result in better quality decisions.

In the context of federal courts, Baum concludes that courts with more specialized judges would require fewer of them to hear cases.³⁷⁵ Along another line of thought, Luoma and Tompkins argue that cases requiring greater problem-solving would benefit from a strategic model that would separate processing routine cases from those demanding more complex thinking.³⁷⁶ Another strength would be Smith's demonstration that specializing the work of pin-makers resulted in increased productivity.³⁷⁷ The strategic method is beneficial for staffing, for work that requires complex thinking, and for worker productivity.

2. Weaknesses

The strategic work assignment method, however, also poses several weaknesses. Employees lose the task variety that challenges them and gives them “the opportunity to learn.”³⁷⁸ This lack of task variety could lead to employee burnout. Additionally, specialization would miss the global perspective. Cases in immigration court that cross multiple areas of law would lose the generalist perspective that could best serve these cases.³⁷⁹ Employees would have a narrower perspective, preventing them from seeing larger trends.

³⁷³ Baum, “Fortieth Annual Administrative Law Symposium,” 1543.

³⁷⁴ Sari, Diyanti, and Wijayanti, “The Effect of Audit Tenure,” 193.

³⁷⁵ Baum, “Fortieth Annual Administrative Law Symposium,” 1535.

³⁷⁶ Luoma, “Model-Based Organizational Decision Making,” 817; Tompkins, *Organization Theory and Public Management*, 61.

³⁷⁷ Tompkins, *Organization Theory and Public Management*, 77.

³⁷⁸ Froehlich et al., “On the Relation between Task-Variety,” 116–17.

³⁷⁹ Legomsky, “Forum Choices for the Review of Agency Adjudication,” 1390.

The strategic assignment of work carries dangers, not just weaknesses. For example, Legomsky warns that a purely specialized court would result in an “unhealthy concentration of power,” and the outcome of the case could reflect the personal influences of the decision-maker.³⁸⁰ Thus, a specialized court could inject bias, reducing the quality of decisions. Further, Legomsky and Baum agree that specialization can have limited application. For example, Legomsky argues that specialist judges cannot easily shift roles, while Baum asserts that specialization is not suited for time-constrained or highly specialized cases.³⁸¹ In these ways, the strategic method could result in weaker decision-making and reduce employee flexibility.

Although the strategic method has significant weaknesses, its strengths outweigh the weaknesses. Identifying similarities and anomalies in documents is critical to fraud detection. Likewise, the case studies at the SSA and FEMA show they adopted a strategic method after they experienced large-scale fraud.³⁸² The formation of more specialized teams suggests that the strategic method is more beneficial for fraud detection. The literature strongly supports the idea that using a strategic work assignment method could benefit fraud detection and boost USCIS in several ways. The most significant benefit is the ability to identify similarities due to repetition.

3. Case Studies

The SSA and FEMA case studies provide insight and support for the strategic method. Both the SSA and FEMA rely on the knowledge of their workers to detect fraud. The SSA depends on its examiners who review medical documentation to detect fraud.³⁸³ However, after the Puerto Rico and New York fraud cases were exposed in 2008 and 2009, the SSA determined that it was necessary to create a specialized fraud unit to combat fraud

³⁸⁰ Legomsky, 1400.

³⁸¹ Legomsky, “Restructuring Immigration Adjudication,” 1704; Baum, “Fortieth Annual Administrative Law Symposium,” 1548.

³⁸² *Preventing Improperly Paid Federal Assistance*, 40, *Preventing Disability Scams*, 13–27.

³⁸³ Bertoni, *SSA Disability Benefits*, 26.

so that there would not be additional large-scale fraud cases.³⁸⁴ Although no publicly available information addresses the effectiveness of these units, no information suggests that the units have been ineffective or that the agency dissolved the units. Both the SSA and FEMA recognize the need for specialization to combat fraud; both agencies have had specialized teams for at least 10 years.³⁸⁵ In addition, FEMA created specialized teams in 2011 to work more complex cases.³⁸⁶ A 2014 GAO report for the SSA noted that frontline staff need enhanced as well as regular trainings to gain the expertise needed to detect potential fraud.³⁸⁷ Both the SSA and FEMA have created specialized teams. The GAO highlighted that expertise gained through training is needed for fraud prevention. The examples show the potential benefits that support the recommendation to use the strategic method.

Although the literature does not address the quality of fraud detection efforts at the SSA or FEMA, the SSA conducts quality reviews. In her 2014 testimony before Congress, SSA Acting Commissioner Carolyn Covin indicated that the SSA conducts quality assurance reviews to ensure that the processes at the SSA are completed correctly.³⁸⁸ In addition, she noted that they conducted quality reviews to determine whether the training provided was beneficial and whether employees were following training in their work.³⁸⁹ Based on the experience at the SSA and FEMA, USCIS would benefit from having specialized adjudication and fraud teams. Thus, the SSA and FEMA case studies support the argument that the strategic method is necessary for effective fraud detection.

³⁸⁴ *Preventing Disability Scams*, 10.

³⁸⁵ *Preventing Improperly Paid Federal Assistance*, 40, *Preventing Disability Scams*, 10.

³⁸⁶ *Preventing Improperly Paid Federal Assistance*, 40.

³⁸⁷ Bertoni, *SSA Disability Benefits*, 26.

³⁸⁸ *Preventing Disability Scams*, 18.

³⁸⁹ *Preventing Disability Scams*, 32.

4. Benefits for USCIS

The section details the strengths and weaknesses of the strategic method as it might be applied to I-130 petition adjudication at USCIS. The most significant benefit of the strategic method is that it allows ISOs to become specialists, increasing their ability to spot anomalies and fraud documents. Seeing the same documents more frequently would allow ISOs to spot potentially fraudulent documents and easily identify situations outside the norm. Although these scenarios do not always result in fraud, they are fraud indicators. Referring these scenarios to the fraud unit ensures appropriate investigation of potential fraud.

Although the INA governs USCIS, policy memos and guidance address more specific scenarios. Specializing in adjudicating petitions from one or two countries or specific scenarios would allow ISOs to recognize legitimate civil documents and understand related guidance better. A better understanding of the laws, policies, and guidance would likely improve the consistency of ISO decisions. Dividing the ISOs who adjudicate I-130 petitions into units based on country would facilitate discussion of similar petitions with other ISOs in their units, allowing them to recognize patterns and fraud indicators. Thus, the likelihood that ISOs would consistently adjudicate petitions with similar fact patterns increases.

A strategic model would allow ISOs to build expertise in their assigned country or region. Reviewing civil documents from the same country or region would give ISOs more experience researching and adjudicating petitions with scenarios specific to that country. Specialization allows ISOs sufficient time to research a country and to understand its process of issuing civil documents. By increasing their knowledge about specific countries and their conditions, ISOs can make more informed decisions from an in-depth knowledge of a country, its civil documents, its government, and its culture.

Jonathan Casper, the USCIS liaison to the Homeland Security Investigations (HSI) Forensic Document Lab, provides insight into document analysis. He notes that “document examination and analysis is a complicated and intensive skill to become proficient in for a

variety of reasons.”³⁹⁰ Casper indicates that the time to become proficient can be mitigated by assigning ISOs to review documents from “a specific geographic location.”³⁹¹ He notes that passports and travel documents are subject to International Civil Aviation Organization standards. However, universal standardization is lacking for most civil documents, complicating the review of that document absent knowledge of that country and its document production laws. Casper concludes that “even for an experienced analyst this can be both an exhausting and difficult transition to have to constantly encounter documents emanating from a global scale rather than a specified geographic region, which again would allow for direct study to be far more feasible and in turn would increase proficiency of examination and analysis of documents.”³⁹² As noted by Casper, the strategic method would be beneficial for document examination and evaluation.

The ISOs would also have more time to research complex cases and review precedent decisions that help them understand all applicable policies, increasing the likelihood of rendering a correct decision. The division of work into units based on country or region would allow USCIS to benefit from the expertise and specialization the ISOs would gain. Specialization would help ISOs work complex cases and prevent appeals and litigation from incorrect decisions. Using specialized teams like FEMA would help ISOs better understand the types of documents provided with benefit requests and recognize potential fraud indicators in those documents.

Familiarity with a country’s civil documents ensures that ISOs make consistent decisions. Consistency ensures that ISOs take the same action in the same scenario each time, which is important based on the number of petitions ISOs process. The number of petitions processed per day by ISOs is not publicly available. However, the USCIS Annual Statistical Report indicates that USCIS processed 702,300 I-130 petitions in FY 2022.³⁹³

³⁹⁰ Jonathan Casper, email message to author, April 30, 2024.

³⁹¹ Jonathan Casper, email message to author, April 30, 2024.

³⁹² Jonathan Casper, email message to author, April 30, 2024.

³⁹³ U.S. Citizenship and Immigration Services, *Annual Statistical Report FY2022*, 9.

In the current random assignment model, the sheer number of petitions processed makes it unlikely that an ISO who only occasionally encounters civil documents or a specific situation from a particular country would remember previous petitions. The infrequency would also mean forgetting how the civil documents from a specific country look. However, the petitions that ISOs see daily become routine. By specializing, seeing civil documents from the same country or encountering the same situations daily would increase an ISO's efficiency. ISOs would not need to remember what they did in a specific scenario because they have likely worked on a petition that fits that scenario recently. Consequently, they could process cases more quickly, which would help the agency decrease and prevent backlogs. Likewise, ISOs who see the same civil documents daily can spot anomalies more quickly, increasing fraud detection rates.

In addition, a strategic method may reduce requests for evidence. ISOs issue a request for evidence when they need additional information or evidence to establish the petitioner and beneficiary's eligibility. Petitioners have 12 weeks to respond to a request for evidence. The more familiar an ISO is with the civil documents of a specific country, the less likely they are to request additional evidence to clarify the document, leading to more efficient processing times.

The quality of adjudication using the strategic method would likely increase. ISOs who see civil documents from the same country are better able to note discrepancies and anomalies in those documents. This familiarity would likely ensure that potential fraud is investigated, and the correct decision is made in every case. Uniformity increases fraud detection, which deters others contemplating fraud. However, more specialized training would be required at USCIS to ensure all ISOs have specialized knowledge in a specific country or region to recognize potential fraud specific to that country or region.

Complex petitions are scenarios rarely seen. The more routine petitions ISOs adjudicate, the fewer times they have to "start from scratch" when adjudicating those petitions. Working routine petitions allows ISOs to become more efficient and spend additional time adjudicating complex petitions without sacrificing efficiency.

The strategic method could also reduce the number of ISOs needed to adjudicate. ISOs who do not need to start new with each petition they adjudicate are able to work more efficiently and, thus, increase productivity. More efficient employees would prevent a backlog of cases waiting for adjudication, raising management and USCIS's customer satisfaction.

5. Drawbacks for USCIS

Despite the many benefits of the strategic method, drawbacks exist. Focusing on the same country or region provides less task variety. As a result, ISOs may experience burnout or become bored with the work, affecting productivity and morale. Additionally, the narrow workload loses the global view, hindering ISOs' ability to see global fraud trends.

Another concern is that ISOs may develop a bias either towards or against the country or region assigned. Either instance could affect adjudication, but supervisory review could mitigate it. When ISOs deny a petition, a supervisor reviews the decision. Any concerns with bias would be noted and remedied through established internal procedures. In addition, petitioners can appeal denials of I-130 petitions to the Board of Immigration Appeals, which renders a decision on the I-130 petition independent of USCIS' decision.³⁹⁴

For management, the strategic method is not as flexible nor as broadly applicable as the random method. Assigning work using the strategic method requires significant coordination. It would require ISOs to acquire expertise in an assigned country or region. Acquiring expertise requires additional training and research time, reducing ISOs' productivity in the short term. In addition, the ISOs may take more time to apply this additional knowledge to their adjudications, further affecting production.

Like the SSA, USCIS conducts quality assurance reviews on ISOs' decisions. The results of the quality assurance reviews can highlight a knowledge gap or lack of training.

³⁹⁴ "Questions and Answers: Appeals and Motions," U.S. Citizenship and Immigration Services, September 2, 2021, <https://www.uscis.gov/forms/all-forms/questions-and-answers-appeals-and-motions>.

A review of the results of the quality reviews after the implementation of a strategic method would validate its usefulness.

Like FEMA, USCIS created the Senior Immigration Services Officer position. According to USAJobs.gov, “Senior Immigration Services Officers adjudicate complex and precedent setting cases, liaise, provide technical guidance on adjudications, assist with policy and program development and implementation, and maintain the integrity of U.S. immigration laws, policies, and programs.”³⁹⁵ SCOPS has several Senior ISOs per division. However, the number of ISOs is far greater. Although the Senior ISOs adjudicate complex petitions, they also assist ISOs who adjudicate them.

Both the SSA and FEMA created specialized fraud teams. Although a specialized fraud team at USCIS would be beneficial, implementing it would be challenging because SCOPS has fewer IOs (fraud officers) than ISOs. The IOs would need to be assigned potentially fraudulent petitions from multiple countries rather than one or two countries, which could decrease the benefit of having a specialized team. However, the IOs would benefit from increasing their knowledge of a specific country.

The literature documents several important strengths of the strategic method. The most important is the detection of similarities and anomalies due to repetition, which would allow the ISOs to detect fraud more easily. Weaknesses exist, but the literature and case studies do not show that the weaknesses outweigh the strengths.

C. HYBRID METHOD

Another method of assigning work is the hybrid method, which combines the random and strategic methods. The hybrid method has strengths and weaknesses noted in the random and strategic methods.

³⁹⁵ “Immigration Services Officer [GS-13],” USAJOBS, accessed March 16, 2024, <https://www.usajobs.gov:443/GetJob/ViewDetails/780755500>.

1. Strengths and Weaknesses

The literature supports a hybrid method. Regev and Wegmann note that the hybrid method can assist organizations adapting to changing conditions.³⁹⁶ In the context of training AF officers, Workinger advocates for a balance between the wide view of a random method with the expertise of the strategic method.³⁹⁷ Furthermore, Legomsky argues that a hybrid method would remedy the lack of task variety, “staleness,” and potential bias, two weaknesses of the strategic method.³⁹⁸ On the other hand, Legomsky argues that a weakness of the hybrid method is that expertise would take longer to obtain if all workers are not working on a “single subject.”³⁹⁹ However, this weakness does not outweigh the strengths of the hybrid method.

2. Benefits for USCIS

The hybrid method could be beneficial to USCIS in several ways. Using the hybrid method would increase the specialized knowledge of ISOs about the civil documents in the petitions from assigned countries. It would also maintain the flexibility to adjudicate any petition from any country.

A hybrid unit would also ensure that ISOs do not become bored due to a lack of variety in their workload. The hybrid unit would balance the adjudication of more complex petitions and more straightforward petitions, providing ISOs exposure to a broader variety of petitions and reducing employee burnout. Tompkins advises that employees who use “their skills and abilities in accomplishing challenging tasks” feel competent.⁴⁰⁰ Also, assigning work using a hybrid method ensures that workers remain flexible and can pivot to adjudicating any I-130 petition as agency needs dictate. Such occasions include an influx of filings prior to a change in filing fees or policy or changes in visa availability as reported

³⁹⁶ Regev and Wegmann, “Why Do We Need Business Process Support?,” 365.

³⁹⁷ Workinger, “Air Commando Intel,” 1.

³⁹⁸ Legomsky, *Specialized Justice*, 42.

³⁹⁹ Legomsky, 40.

⁴⁰⁰ Tompkins, *Organization Theory and Public Management*, 38.

on the DOS Visa Bulletin.⁴⁰¹ Most importantly, all employees specializing in at least one country or area would be able to detect fraud indicators more easily and increase productivity, both of which are important to USCIS.

3. Drawbacks for USCIS

The hybrid method offers few drawbacks for USCIS. As with the strategic method, the ISOs would require training and may take additional time to apply their newfound knowledge. While this may affect ISO productivity initially, this drawback is temporary.

The literature in Chapter III discusses the strengths and weaknesses of the work assignment methods. This section analyzes the key benefits and drawbacks of each method for USCIS. Table 5 summarizes the key benefits for USCIS.

⁴⁰¹ The Department of State Visa Bulletin determines when a visa can be issued based on the petition's priority date. The priority date, generally the date the petition is filed with USCIS, is issued at the time the petition is approved. Current and previous visa bulletins are located on the Department of State website at <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin/2024/visa-bulletin-for-april-2024.html>.

Table 5. Key Benefits for USCIS

Key Benefits for USCIS	Random	Strategic	Hybrid
Broad perspective	✓		
Reduced bias	✓		
Exposure to a variety of cases	✓		✓
Knowledge of multiple countries	✓		✓
Adapt to changing conditions	✓		✓
No additional training needed	✓		
Easy to assign work	✓		
Flexibility for the organization	✓		✓
Current knowledge on all policy	✓		✓
Increased knowledge of the worker		✓	✓
Greater knowledge of countries and regions		✓	✓
Increased detection of fraud indicators		✓	✓
Specialized knowledge of certain countries		✓	✓
Consistency in decisions		✓	✓
Efficiency in adjudication		✓	✓
Increased knowledge of the worker		✓	✓
Better quality decisions		✓	✓

The hybrid method combines the best of both worlds and provides a more significant benefit to USCIS than the random or strategic methods of assigning work. The hybrid method benefits from the consistency, efficiency, knowledge, and quality found in the strategic method of assigning work. Some specialization would remain, which would help ISOs identify fraud more easily. Assigning some of the work with a random method exposes ISOs to a wide variety of work, which increases their overall knowledge. Combining the two methods would produce a well-rounded and productive employee while providing flexibility for management to shift workloads and adjudicate all petitions in a reasonable time. Therefore, USCIS should adopt the hybrid method of assigning work for I-130 petitions.

D. CONCLUSION

USCIS, the SSA, and FEMA rely on frontline workers to identify fraud, yet fraud is still persistent. The literature and the SSA and FEMA case studies demonstrate the potential benefits of using a strategic or hybrid method to assign work at USCIS to help ISO detect potential fraud. The hybrid method combines the benefits of the random and strategic methods, thereby offering the most significant benefits. It also has the fewest drawbacks, mainly the time required to acquire knowledge and expertise. However, additional knowledge and expertise are benefits once they are obtained. This analysis shows that the hybrid work assignment method would be most beneficial for fraud detection efforts at USCIS.

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VI. RECOMMENDATIONS AND CONCLUSION

Fraud is not unique to USCIS; fraud schemes have been conducted against other government agencies. Recent fraud prosecutions for large-scale marriage fraud demonstrate that the current fraud detection methods at USCIS could be improved. This thesis investigated the strengths and weaknesses of different methods for work assignments and the benefits and drawbacks of using them at USCIS to assign I-130 petitions. The thesis concludes that I-130 petitions should be assigned using a hybrid work assignment method, a method in which some petitions are assigned by country or region, and some are assigned randomly.

The hybrid work assignment method would allow ISOs to become specialized in reviewing the civil documents of a specific country while ensuring efficiency in processing petitions. In conjunction with the hybrid work assignment method, specialized training for ISOs on a specific country's civil documents and conditions would provide a more robust understanding of the civil documents a country issues to its citizens and the country's conditions. This knowledge would enable ISOs to identify potential fraud more easily. This thesis recommends implementing a pilot program using the hybrid work assignment method based on the analysis presented. Additionally, this thesis recommends specific training for fraud based on fraud risk profiles. Finally, this thesis advocates for USCIS to incorporate data analytics into its fraud strategy.

A. RECOMMENDATIONS

1. Implement a Pilot Program Using the Hybrid Work Assignment Method

The SSA and FEMA have taken a geographically regional approach to adjudicating benefit requests. This approach at USCIS would allow ISOs to specialize in adjudicating I-130 petitions from specific countries or region. The literature notes that specialization enhances consistency, efficiency, knowledge, and quality. The literature analysis supports a hybrid approach combining a strategic method of assigning work focusing on specialization with a random method of assigning work, which exposes ISOs to a broad

range of petitions and ensures flexibility for the agency. Thus, this author proposes implementing a pilot program that includes a geographic approach.

When implementing a new strategy, a pilot program provides an avenue of feedback to consider before making a policy permanent. A pilot program using the hybrid work assignment method should be implemented at USCIS. Under the pilot program, ISOs would adjudicate a combination of I-130 petitions from their assigned country and I-130 petitions randomly assigned. Ideally, the work should be assigned 50 percent through the random method and 50 percent through the strategic method. Management can adjust the pilot parameters during the pilot in designated review periods.

As part of the pilot, ISOs would receive fraudulent document training from the USCIS liaison at the HSI Forensic Document Lab for the country(s) they are assigned. SCOPS should work with the USCIS liaison on designing the training to ensure it meets the training objective of teaching ISOs about the primary types and sources of civil documents issued by their assigned country. The pilot should be measured by determining the increase in the number of fraud referrals, denials, denials for fraud, and approvals for each ISO compared to their average adjudication rate for I-130 petitions over the past three years. The pilot will measure the increase in fraud detection and efficiency.

Management would determine the duration of the pilot program. However, it would ideally be at least nine to 12 months to ensure that ISOs would have time to render a final decision on cases for which they sent a fraud referral to FDNS or for which they sent a request for evidence or notice of intent to deny to the petitioner. A more extended pilot would likely yield better results as refinements and adjustments can be made at the designated review periods. Management can choose to extend or expand the pilot if the results are positive or if more data is needed to decide the effectiveness of the pilot. A pilot implementation plan should state the impact of the pilot, address how concerns with stakeholders will be mitigated, and include a timeline for implementation.

2. Increase Fraud Training for Staff

Both the SSA and FEMA rely on their staff to detect fraud. In 2014, 78,000 SSA staff received mandatory anti-fraud training.⁴⁰² USCIS relies on its ISOs as the agency's primary fraud detectors. As such, the ISOs need an in-depth understanding of fraud, particularly the types of document fraud committed in specific countries. Understanding the types of civil documents a country issues and seeing examples of legitimate documents can help ISOs identify fraud indicators. Understanding a country's document fraud trends also assists with fraud detection. Literature supports increasing a worker's knowledge in a specific area, which could help workers identify fraud indicators such as similarities and anomalies.

Staff could receive monthly training or quarterly training, whichever training personnel can support, from the USCIS liaison to the HSI Fraudulent Document Laboratory on document fraud for countries that FDNS has identified as high fraud countries. Ideally, the IOs would receive the same training to be better prepared to process the resulting fraud referrals. The GAO previously made a similar recommendation. In 2015, the GAO recommended that "fraud-specific information that is tailored to the program and its fraud risk profile" be conveyed to officers.⁴⁰³ A well-trained staff enhances fraud detection. ISOs who can spot anomalies in civil documents send them to the fraud unit for investigation. Additionally, the ISOs can work more quickly because they are familiar with the documents, increasing their overall productivity. While training requires time that would otherwise be spent on adjudication, a well-trained staff is more productive. Thus, this author recommends increasing the fraud training provided to both ISOs and IOs. Additionally, the effectiveness of the anti-fraud training should be measured, a step that the SSA failed to take.⁴⁰⁴

⁴⁰² Office of the Inspector General, Social Security Administration, *The Social Security Administration's Anti-Fraud Training*, 6.

⁴⁰³ Lord, *A Framework for Managing Fraud Risks*, 42.

⁴⁰⁴ Office of the Inspector General, Social Security Administration, *The Social Security Administration's Anti-Fraud Training*, 10.

3. Incorporate Data Analytics

The SSA and FEMA have recognized that relying solely on staff to detect fraud is unrealistic. Major fraud schemes at both agencies have exposed the risk of a human-only approach to fraud detection. Research shows that an increase in fraud cases calls for more sophisticated fraud detection methods.⁴⁰⁵ Both agencies have incorporated data analytics as part of their fraud detection strategy.

Most I-130 petitions are filed in ELIS and thus contain multiple data points on which data analytics should be run, including names and addresses. IOs could review analytics results to determine if specific cases should be sent to the fraud unit and reviewed before adjudication. As filing patterns change and fraud trends evolve, continuous monitoring of the analysis parameters will be necessary.

One caveat is that USCIS' ELIS system does not currently use data analytics. The PIA would need to be updated to allow for ELIS to “discover or locate a predictive pattern or an anomaly.”⁴⁰⁶ The Office of Information Technology (OIT) would need to lead the effort to update the PIA in consultation with the Office of Privacy, the Office of the Chief Counsel, FDNS, SCOPS, FOD and Refugee, Asylum and International Affairs Directorate. USCIS should request that OIT update the PIA so it can conduct data analytics on ELIS data.

B. LIMITATIONS

This thesis was limited to publicly available data about USCIS, the SSA, and FEMA operations, fraud processes, fraud statistics, and policies regarding fraud. Many fraud data and internal policies about how these federal agencies conduct their fraud work exist. However, most of this information does not reside in the public domain. Access to these policies and data would have provided a more robust picture of fraud issues and how each agency handles fraud. Thus, the information in this thesis represents only a small portion of the information about how these agencies handle fraud.

⁴⁰⁵ Mahanti and Neogi, “COVID-19, Fraud, and Compliance,” 23.

⁴⁰⁶ Department of Homeland Security, *Privacy Impact Assessment for the USCIS Electronic Immigration System (USCIS ELIS)*, 21.

Additionally, this thesis only considered stand-alone I-130 petitions, which only SCOPS adjudicates. Field offices under the jurisdiction of FOD adjudicate I-130 petitions that are filed concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status. Concurrently filed petitions are subject to an interview, whereas the stand-alone petitions may not receive an interview at USCIS. Adjudicating petitions according to a strategic method at FOD is not as feasible as the volume of petitions at SCOPS is far greater as is the number of ISOs. The strategic method of work assignment could be challenging to manage at FOD.

C. ADDITIONAL RESEARCH / FUTURE RESEARCH

The research from this thesis can be applied to other agencies, specifically agencies that process benefits for individuals. Agencies can implement a pilot program that addresses fraud issues specific to their agency. If USCIS implements this thesis, the results could be analyzed, and suggestions for improvements in conducting the pilot could be provided for the benefit of other agencies. Government agencies could also create a pilot implementation plan based on completed pilots at other agencies.

An experimental approach could also be taken. USCIS could implement the pilot program and review the results. Although USCIS does not publicly release fraud statistics, the results from the pilot could be analyzed internally, and general results could be released. USCIS could compare the results to the fraud findings at DOS as it also adjudicates benefits requests from nationals of other countries. The findings from the pilot and DOS could inform future decisions about how petitions at USCIS are assigned.

Further study of how other government agencies utilize data analytics could be conducted. Lessons learned from other agencies could inform decisions about the most effective fraud detection techniques. Information about the implementation process and the results from other agencies could save government agencies time and money when establishing a pilot program. Additionally, the results from the pilot could inform other agencies as they look for ways to strengthen their fraud detection efforts.

Beyond this thesis, the reasons foreign nationals use fraudulent documents when submitting a benefit request to USCIS could be studied. The study's results may provide

an understanding of why fraud is committed, which can help agencies predict where fraud may occur and focus on fraud prevention. Additionally, research on fraud detection processes at immigration agencies in other countries could be studied. A review of the best practices and how those could be implemented at USCIS would improve the integrity of our immigration system.

D. CONCLUSION

Fraud detection is essential to ensure the integrity of the U.S. immigration system. USCIS has been afflicted by several large-scale fraud cases, highlighting the need for different detection methods. Accurately identifying fraud strengthens national security, allowing the public to have faith in our immigration system. USCIS must uphold the integrity of the immigration system and its mission of ensuring “the right applicant receives the right benefit in the right amount of time, while preventing the wrong individuals from obtaining benefits.”⁴⁰⁷ This research shows that a hybrid method of assigning work offers the most significant benefits with few drawbacks. The hybrid work assignment method will benefit fraud detection at USCIS and provide efficiency and flexibility for the agency.

⁴⁰⁷ “Eduardo Aguirre: Director of U.S. Citizenship and Immigration Services, 2003 – 2005,” Commissioners and Directors, December 8, 2021, <https://www.uscis.gov/about-us/our-history/explore-agency-history/commissioners-and-directors/eduardo-aguirre>.

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