

**ICE and USCIS Could Improve
Data Quality and Exchange to
Help Identify Potential Human
Trafficking Cases**





DHS OIG HIGHLIGHTS

ICE and USCIS Could Improve Data Quality and Exchange to Help Identify Potential Human Trafficking Cases

January 4, 2016

Why We Did This Audit

We conducted this audit to determine how human traffickers used legal means to bring potential victims to the United States. We also assessed whether improvements in data quality and exchange could help Department of Homeland Security (DHS) better identify human traffickers.

What We Recommend

We made one recommendation to Immigration and Customs Enforcement (ICE) and two recommendations to U.S. Citizenship and Immigration Services (USCIS) to improve the quality and exchange of human trafficking data.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

Our match of ICE and USCIS data from 2005 to 2014 indicated that work and fiancé visas were the primary means by which 17 of 32 known traffickers brought victims into the United States. In addition, we determined that 274 subjects of ICE human trafficking investigations successfully petitioned USCIS to bring 425 family members and fiancés into the United States. Available data could not confirm whether or not these cases actually involved human trafficking.

ICE and USCIS could improve data quality to facilitate the ability to identify instances of human trafficking. For example, ICE had to extensively manipulate its case management system to provide reasonably reliable data for matching purposes. USCIS did not always collect names and other identifiers of human traffickers that victims provided in their visa applications. Further, USCIS employees did not routinely share with ICE the data they collected on potential human traffickers. Without concerted DHS efforts to collect and share information, the risk exists that some human traffickers may remain unidentified and free to abuse other individuals.

Management Response

ICE and USCIS concurred with all three recommendations. We considered recommendations 1 and 2 open and resolved and recommendation 3 open and unresolved.



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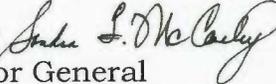
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

January 4, 2016

MEMORANDUM FOR: Jonathan Carver
Chief Financial Officer, Homeland Security
Investigations
U.S. Immigration and Customs Enforcement

Don Neufeld
Associate Director, Service Center Operations
U.S. Citizenship and Immigration Services

FROM: Sondra McCauley 
Assistant Inspector General
Office of Information Technology Audits

SUBJECT: ICE and USCIS Could Improve Data Quality and
Exchange to Help Identify Potential Human Trafficking
Cases.

Attached for your action is our final report, *ICE and USCIS Could Improve Data Quality and Exchange to Help Identify Potential Human Trafficking Cases*. We incorporated the formal comments provided by your office.

The report contains three recommendations aimed at improving the quality and exchange of human trafficking data. U.S. Immigration and Customs Enforcement and U.S. Citizenship and Immigration Services concurred with all three recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 2 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Further, based on information provided in your response to the draft report, we consider recommendation 3 open and unresolved. As prescribed by the Department of Homeland Security Directive 077-01, *Follow-Up and Resolutions for the Office of Inspector General Report Recommendations*, within 90 days of the date of this memorandum, please provide our office with a written response that includes your (1) corrective action plan, and (2) target completion date for the recommendation. Also, please include responsible parties and any other supporting documentation necessary to inform us about the status of the recommendation. Until your



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response is received and evaluated, the recommendation will be considered open and unresolved.

Please send your response or closure request to OIGTAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Tuyet-Quan Thai, Director, at (425) 582-7861.

Attachment



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Abbreviations

CBP	U.S. Customs and Border Protection
CFDO	Center Fraud Detection Operations
CLAIMS3	Computer Linked Application Management System
DHS	Department of Homeland Security
FY	fiscal year
HAVEN	Humanitarian Adjudication for Victims Enterprise Nationwide
ICE	U.S. Immigration and Customs Enforcement
OIG	Office of Inspector General
USCIS	U.S. Citizenship and Immigration Services
VTVPA	<i>Victims of Trafficking and Violence Protection Act</i>



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Background

Every year, millions of men, women, and children are trafficked in countries around the world, including the United States. Human trafficking is a heinous crime akin to modern day slavery, involving the exploitation of people for labor or prostitution through the use of force, fraud, or coercion. Although the available data are not reliable, human trafficking victims in the United States are estimated to be in the hundreds of thousands. Most of the victims are U.S. citizens, but many others are foreign nationals brought into the country for exploitation.

To combat human trafficking, Congress passed the *Victims of Trafficking and Violence Protection Act (VTVPA) of 2000* (Pub. L. 106-386). Among other provisions, the Act created the T nonimmigrant status (T visa) to provide temporary immigration benefits to foreign nationals and aliens who are victims of severe forms of trafficking in persons.¹ To be eligible for a T visa, victims must (a) be in the United States on account of trafficking; (b) face extreme hardship involving unusual and severe harm if removed; and (c) with two exceptions, comply with reasonable requests for assistance from law enforcement in the investigation or prosecution of the acts of trafficking.² Congress also allows human trafficking victims to receive U nonimmigrant status (U visa) if they meet certain requirements. The U visa provides immigration relief for victims of more than 20 qualifying crimes, such as extortion, abduction, domestic violence, and rape, as well as human trafficking, peonage, and involuntary servitude.

Combating human trafficking is an enormous effort requiring the participation of multiple departments and agencies, and spanning public education and social services, to law enforcement and prosecution. Within the Department of Homeland Security (DHS), several components play important roles and maintain data that may be helpful to combat human trafficking. In particular, U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations is responsible for investigating human trafficking, coordinating with local law enforcement, arresting traffickers, and coordinating services to help human trafficking victims. Homeland Security Investigations maintains its

¹ The VTVPA defines severe forms of trafficking in persons as sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

² Exceptions are made for victims who are less than 18 years old or unable to cooperate due to physical or psychological trauma.



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human trafficking data in TECS.³ The system contains information on known human traffickers and other persons of interest investigated or interviewed in the course of a human trafficking investigation.

Further, U.S. Citizenship and Immigration Services (USCIS) helps protect victims of human trafficking by providing an avenue for potential immigration relief. When data were collected for this report, USCIS managed applications for T visas and petitions for U visas in a system called Humanitarian Adjudication for Victims Enterprise Nationwide (HAVEN). In addition, as part of its overall role of overseeing the nation's immigration system, USCIS maintains immigrant and nonimmigrant applications and petitions—such as work and family reunification visa requests—in the separate Computer Linked Application Information Management System (CLAIMS3).

Our audit objectives were to determine how individuals charged or convicted of human trafficking used legal means to bring victims to the United States, and to identify data quality and exchange issues that may hinder efforts to combat human trafficking.

Results of Audit

We found that known human traffickers used work and fiancé visas to bring victims into the United States legally. We matched ICE's database of human traffickers against all available data on visa petitions submitted to USCIS. We thereby identified 17 of 32 instances in which known human traffickers used work and fiancé visas to bring victims into the country legally. The remaining 15 cases involved foreign national victims who entered the United States illegally or overstayed their visitor visas. An additional 274 individuals were subjects of ICE human trafficking investigations who successfully petitioned USCIS to bring 425 family members and fiancés into the United States. Available data could not confirm whether or not these investigations actually involved human trafficking.

ICE and USCIS could improve data quality to better identify possible instances of human trafficking. ICE had to extensively manipulate its system to extract reasonable data for our matching purposes. For example, after more than one year and four separate attempts, ICE was unable to consistently provide us with data extracts that contained all necessary information, such as name and

³ TECS (not an acronym) is an automated enforcement and inspections system that provides a large database of information for law enforcement and border inspection purposes, and serves a case management function for ICE. TECS supports DHS and other Federal users, and can exchange information automatically with several U.S. government systems.



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date of birth, or record counts that reconciled with each other. We also found that USCIS did not consistently enter into its information system the names and other identifying information for human traffickers when the victims provided such information with their T or U visa application. Often, the victims' statements were the only documentation available that contained identifying information on alleged human traffickers.

While cooperation existed between USCIS and ICE in some human trafficking cases, more consistent data sharing and coordination could improve ICE and USCIS' ability to identify instances of human trafficking. For example, when ICE employees identified a human trafficker, they did not always advise USCIS regarding the victims they identified. In turn, in selected instances where USCIS captured names of traffickers from the victims, USCIS did not have a process to routinely share this information with ICE. Without concerted DHS efforts to collect and share information, the risk exists that some human traffickers may remain unidentified and free to abuse other individuals.

We made three recommendations to help ICE and USCIS improve the quality and exchange of human trafficking data.

Work and Fiancé Visas Were Exploited for Human Trafficking to the United States

Work and fiancé visas were the predominant means that human traffickers used to bring victims into the United States legally. We made this determination based on matching ICE's human trafficking data against USCIS' data on visa petitions. Specifically, 17 of 32 known human trafficking cases we identified involved the use of nonimmigrant work visas and fiancé visas; the remaining 15 victims entered the United States illegally or overstayed their visitor visas.

Labor trafficking cases often involved multiple victims. For example, in a well-publicized labor trafficking case, a recruiter worked with a lawyer to entice hundreds of individuals to the United States with promises of lucrative teaching jobs. The victims paid thousands of dollars in recruiting and other filing fees. Upon their arrival in the United States, the trafficker coerced the victims into taking menial low-paying jobs by threatening the health and welfare of the victims and their families. In 2009, ICE initiated an investigation of the trafficker and the lawyer. Subsequently, a number of victims filed T visa applications. In 2013, USCIS' Center Fraud Detection Operations (CFDO) referred additional supporting evidence to ICE, expanding the initial



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investigation to multiple states.⁴ According to news sources, the trafficker remains on the run from law enforcement. Although evidence in the file indicated the lawyer was potentially involved in H1B visa⁵ fraud in hundreds of cases, investigation of this individual stalled in 2013.

As another example, fiancé visas were used to lure human trafficking victims to the United States as part of marriage fraud schemes.⁶ The traffickers confiscated the victims' passports and subjected them to involuntary servitude, forced labor, and/or forced sex. In one case, upon arrest and prosecution, three individuals pled guilty to marriage fraud, forced labor trafficking, and forced labor organization. Suspects involved in another case were not prosecuted due to a lack of sufficient evidence.

Victims who enter the United States illegally are sometimes kidnapped or smuggled into the country, and then forced into involuntary servitude and prostitution. In these cases, the traffickers impose physical and psychological abuse, including threats of harm to the victims and their family if they refuse to obey. In one case that ICE investigated, the human traffickers had been placed into deportation proceedings and had either been removed or were pending removal.

Family reunification visas also were possibly used to bring victims into the country. From 2005 through 2014, 274 of over 10,500 (3 percent) of the subjects of ICE human trafficking investigations successfully petitioned USCIS to bring family members and fiancés to the United States. Because ICE data included investigations that were still ongoing and the data does not reflect whether the final conviction resulted in a human trafficking or lesser charge, ICE could not tell us exactly how many of the 274 individual visa petitioners were human traffickers. However, ICE data showed that 18 of the 274 had been arrested for trafficking-related crimes.

For example, 11 of the 18 suspects had been arrested and/or convicted for sex trafficking of children. The other 7 were arrested for labor trafficking, peonage, or involuntary servitude. According to USCIS data, none of the family members involved in these 274 cases filed T visa applications alleging that they had been victimized. Consequently, we could not confirm whether suspected human

⁴ The Center Fraud Detection Operations is the local office of USCIS' Fraud Detection and National Security Directorate.

⁵ H1B visas are used to bring skilled workers in specialty occupations into the United States on a temporary basis.

⁶ Marriage fraud generally involves entering into an arranged marriage in order to circumvent existing laws.



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traffickers victimized family members and fiancés that they petitioned to bring into the United States.

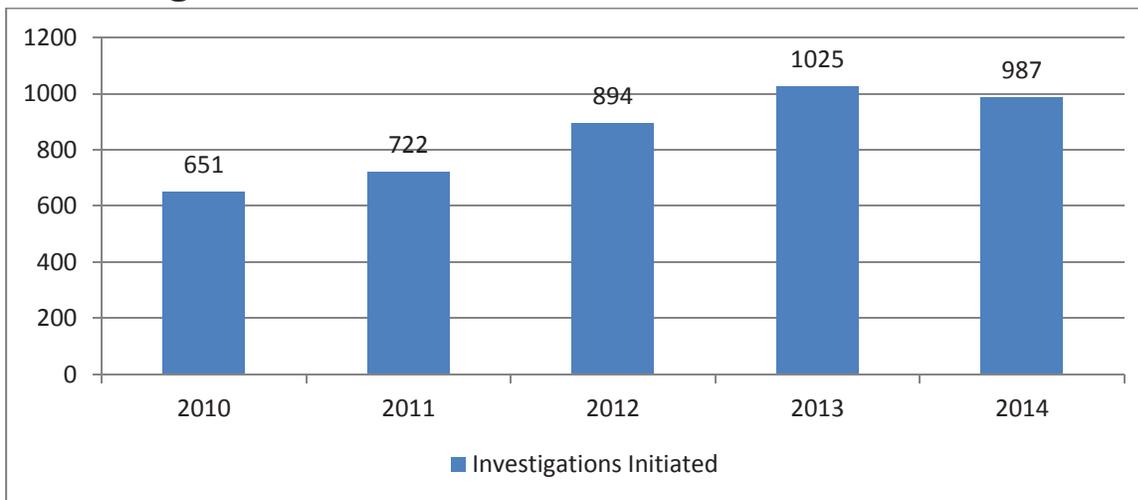
Human Trafficking Data Quality Issues

ICE and USCIS could improve data quality to facilitate data matching and identification of possible instances of human trafficking. For example, ICE had to extensively manipulate its system to provide us with reasonably reliable data for our data matching and analysis. USCIS did not always collect names and other identifiers of human traffickers that victims had provided in their T visa applications. Due to incomplete data, we were limited in our ability to match, analyze, and draw conclusions from the components' databases.

Available ICE Human Trafficking Data

ICE's data included foreign and U.S. traffickers and other persons of interest, such as those encountered during ICE human trafficking investigations who may not be confirmed traffickers. The number of human trafficking investigations that ICE initiated has generally increased annually over the past 5 years. ICE officials we interviewed attributed this annual increase to public awareness campaigns, training, and partnerships with other Federal, State, and local law enforcement. Figure 1 shows that ICE generally initiated an increasing number of investigations with a nexus to human trafficking every year from 2010 through 2013, with only a slight decrease in 2014.

Figure 1: ICE Investigations Initiated Annually Involving Human Trafficking



Source: Office of Inspector General (OIG) analysis of reported ICE investigations with a nexus to human trafficking for fiscal years (FY) 2010 through 2014.

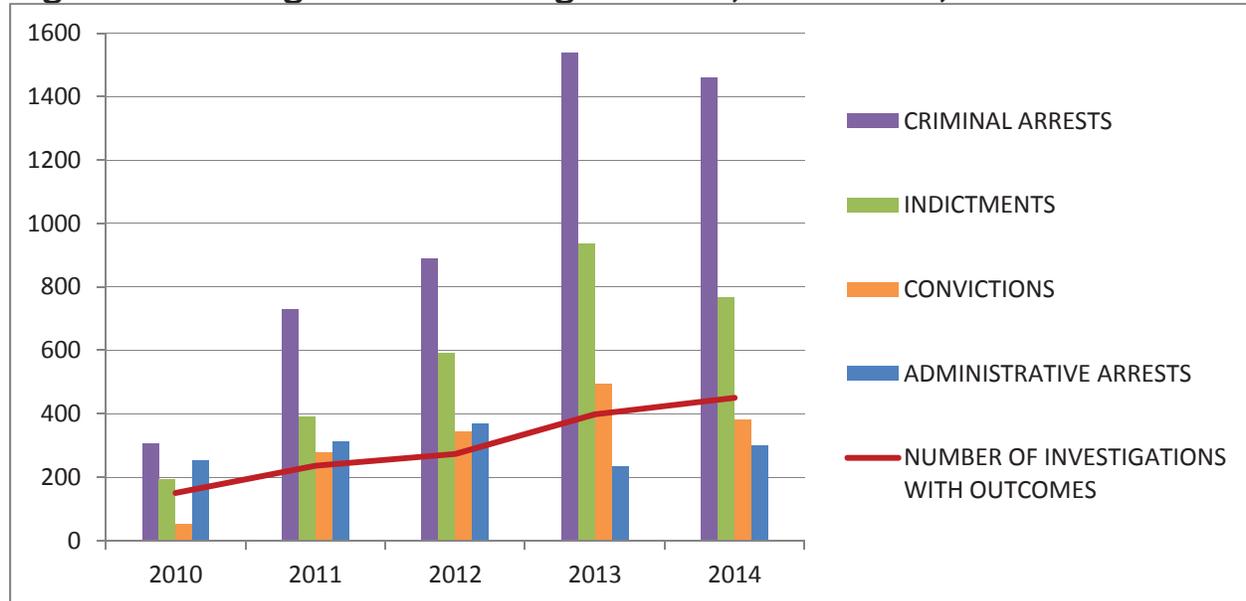


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Only a fraction of the ICE human trafficking investigations initiated resulted in apprehension or formal accusation of the suspects. For example, although Figure 1 (page 5) shows that more than 1,000 investigations were initiated in 2013, according to Figure 2 below, fewer than 400 of the investigations for that same year resulted in arrests, indictments, and/or convictions (shown below as “number of investigations with outcomes”).

Figure 2: Investigations Resulting in Arrest, Indictment, or Conviction



Source: OIG analysis of ICE human trafficking investigations with arrests, indictments, or convictions.

*Note: The number of arrests, indictments, and convictions are shown by the year each case was initiated. Administrative arrests are typically used for immigration violations, such as cases where ICE encounters illegal aliens during human trafficking investigations.

Further, the data related to investigations depicted in Figure 2 may include multiple individuals who were arrested and indicted for a single investigation. For example, in 2013 fewer than 400 of the 1025 initiated investigations resulted in over 1,500 criminal arrests, more than 900 indictments, and more than 400 convictions.⁷ The trend from year to year illustrates that, on average, human trafficking investigations yielded increasingly more arrests. According to ICE officials, most ICE human trafficking investigations involved victims who were U.S. citizens.

⁷ Not all criminal charges led to convictions for trafficking offenses as defined in 18 U.S.C. Chapter 77.



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Quality Issues with ICE Data

Data quality issues may hamper ICE's ability to routinely share human trafficking data with other DHS components. The information system that ICE used to manage human trafficking investigations did not readily provide usable data for our matching and analysis.

Specifically, we asked ICE to provide data from TECS on active and completed human trafficking investigations, including records of arrests, indictments, or convictions from March 2003 to present. ICE officials explained that TECS was an antiquated system that would require extensive manipulation to extract usable data for matching purposes. After more than a year and four separate attempts, ICE was unable to provide us with a complete set of data containing all necessary information such as name and date of birth. With each attempt, the results varied widely. Specifically,

- **August 2014:** ICE provided us a data extract of 648 investigations from October 1, 2003, to August 14, 2014 (the date OIG received the first data set from ICE). We questioned the completeness of the extract as the 648 investigations spanning 12 years equated to fewer than 50 investigations per year. This number did not appear reasonable based on our prior discussions with ICE management concerning its investigative human trafficking caseload.
- **September 2014:** ICE provided another extract, this time listing 901 investigations from October 1, 2003, to September 18, 2014. Although the data included an additional 253 investigations, this number was still relatively small. Further, almost all of the additional 253 investigations provided were not initiated during the 1-month period between the first and second extract, but were additional cases from 2004 through 2014. For example, the second extract provided in September 2014 identified 103 investigations initiated in 2004 that were not included in the first extract provided in August 2014.
- **November 2014:** We asked Customs and Border Protection (CBP), which manages TECS, to provide an independent extract of its own on human trafficking cases. CBP provided us 2,068 investigations—significantly greater than the previous two ICE data extracts.
- **April 2015:** ICE provided us with another data extract. This time, the data contained a record of 2,269 investigations, including nearly all of the 2,068 investigations that CBP had provided in November 2014.

Although in some instances the number of records extracted was similar, the underlying details on the investigative cases differed—sometimes by as much as 50 percent. For example, with the April 2015 data extract, more than 1,300



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records were missing names and dates of birth of the suspects involved. Ultimately, by combining all data sets provided by CBP and ICE, we were able to compile usable data for matching against USCIS data and further analysis.

In September 2015, subsequent to our data matching and analysis, ICE provided an additional data set in an effort to demonstrate that its data were complete. The September data set contained 1,966 investigations resulting in one or more human trafficking arrests. However, the data were incomplete because they did not identify the individuals arrested, indicted, and/or convicted for human trafficking. Without an information system that allows for repeatable extracts of reliable data, ICE is challenged in its ability to effectively leverage the data to combat human trafficking.

Available USCIS Human Trafficking Data

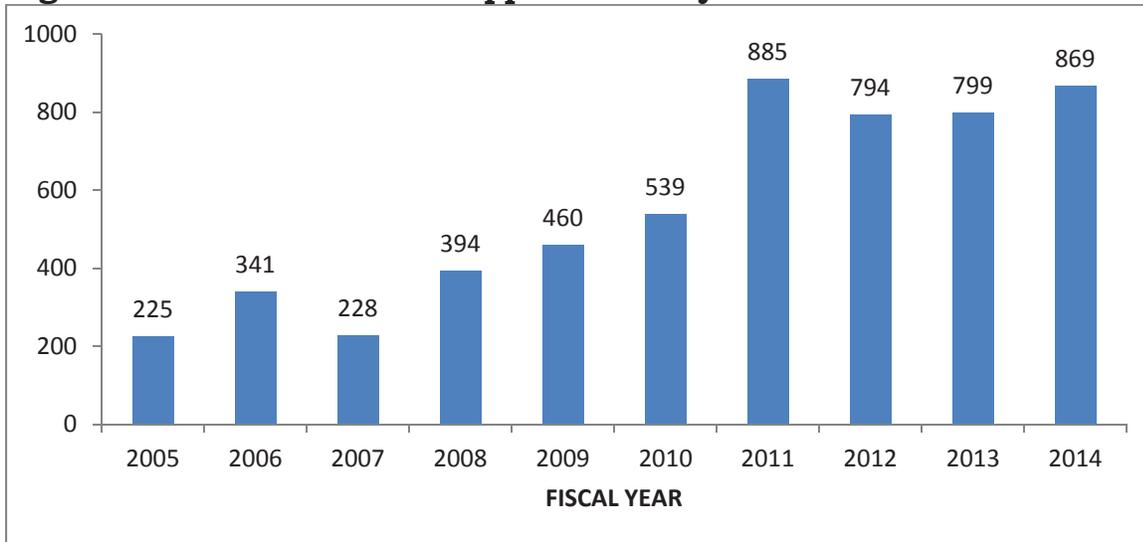
USCIS data on trafficking victims were limited to foreign national victims who had applied for T or U nonimmigrant status. This included individuals who had entered the United States legally as visitors, temporary workers, or others without lawful status.⁸ According to USCIS data, fewer than 1,000 foreign national victims applied for T visas each year from 2005 to 2014. Figure 3 shows a steady increase in T visa applications for this timeframe. However, this number remains small in comparison with the estimated hundreds of thousands of human trafficking victims in the United States, and is far below the 5,000 T visas that Congress sets aside for human trafficking victims every year.

⁸ USCIS human trafficking data do not include lawful permanent residents who are not eligible for T or U nonimmigrant status and United States citizens who do not require temporary immigration benefits.



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Figure 3: Number of T Visa Applications by Fiscal Year



Source: OIG analysis of USCIS T visa application data FY 2005 through September 2, 2014.

As depicted in table 1, our analysis of USCIS data from October 1, 2005, through September 2, 2014, showed that 3 percent of T visa applicants were minors while 61 percent were between 30 and 49 years old. T visa applicants were evenly divided by marital status and almost equally divided in terms of gender. Further, 41 percent of T visa applicants were from three Asian countries. The Philippines had the highest number of applicants (20 percent), followed by Mexico with 16 percent. Most T visa applicants did not report the method by which they entered the United States, although 10 percent self-reported they had no lawful status at the time of application. While the information pertains only to those victims who applied for T visa status, it does shed some light on the characteristics of foreign national victims and their origins, and could be useful in identifying human trafficking activity.⁹

⁹ Table 1 reflects USCIS T visa application data and therefore provides an incomplete picture of the characteristics of human trafficking victims in the United States. Specifically, table 1 does not include information on human trafficking victims who are U.S. citizens or lawful permanent residents, victims who filed U visa petitions, or foreign national human trafficking victims who had not filed T visa applications.



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Table 1: Characteristics of T Visa Applicants

Gender	Marital Status	Age at time of Application	Country of Citizenship	Type of Entry into U.S.
55% Female	46% Married	3% <18 Years	20% Philippines	69% Unknown or not reported
45% Male	46% Single	28% 18–29 Years	16% Mexico	17% Work visas
	5% Divorced	61% 30–49 Years	13% India	10% Unlawful entrants
	3% Other	8% 50–78 Years	8% Thailand	4% Students, visitors, or other
			43% All other countries not listed	

Source: OIG analysis of USCIS T visa applicants from October 1, 2005, through September 2, 2014.

We did not include data on U visa petitioners in our analysis as this information was not well defined; we could not easily distinguish between human trafficking victims and other types of victims for our matching purposes. Although we found 57 U visa petitions where human trafficking could be easily identified in the applications, other applicants may have marked “other” as the qualifying crime in the application package when human trafficking was involved.

Quality Issues with USCIS Data

Like ICE, USCIS also needs to address data quality issues before its human trafficking information can be easily shared. Of foremost concern was the fact that USCIS did not systematically enter information on alleged human traffickers into HAVEN, its system for managing T and U applications and petitions. Specifically, to adjudicate a T or U visa application or petition, USCIS relied on extensive information in the victim’s physical file. The file often contained a narrative in which the victim described the trafficking crime and included the names and other personally identifiable information on his or her traffickers. USCIS entered this information into HAVEN if the traffickers were family members so that USCIS could deny derivative benefits if the family



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member subsequently applied for status.¹⁰ However, USCIS did not require that names and other personally identifiable information on human traffickers be captured in HAVEN if the traffickers were not family members.

Our review of USCIS case files identified instances where children who were sold, brought to the United States, and forced into involuntary servitude named the perpetrator as well as other potential victims in their T visa application. Although this information was extremely important, it was not captured in the USCIS database.

We found that fewer than 1 in 4 victims filed Form I-914, Supplement B (Supplement B) as part of their T visa application packages. Supplement B is a certification from law enforcement that USCIS considers to be primary evidence that an applicant is or has been a victim of a severe form of trafficking in persons and has complied with any reasonable request from law enforcement for assistance in an investigation or prosecution of human trafficking. Supplement B is not a required piece of evidence, but USCIS strongly advises applicants to submit it. Information from Supplement B was entered into USCIS' database as part of T visa applications, providing crucial and easily retrievable information on human trafficking activities.

Despite strong USCIS recommendation, few T visa applicants filed Supplement B. More specifically, our analysis showed that only 22 percent of 5,534 T visa applicants from October 1, 2005, through September 2, 2014, filed this form. T visa files we reviewed indicated that some applicants provided information about their cooperation with law enforcement on documents other than a Supplement B, such as police reports and personal statements included in their visa application packages. However, this information was not captured in USCIS information systems and could not easily be retrieved. Without the ability to capture and maintain information about human traffickers provided in supporting documentation for T visa applications, the risk exists that traffickers may remain unidentified and free to abuse other individuals.

Human Trafficking Data Exchange Issues

We found that ICE and USCIS cooperated on a limited basis to exchange human trafficking data. According to ICE officials, investigators routinely consulted with USCIS to verify immigration status of any foreign national involved in an investigation. In turn, when USCIS discovered a potential

¹⁰ A derivative immigration benefit is an immigration benefit that certain family members can receive based on their relationship to a principal beneficiary and certain other requirements. The T visas allow certain family members to acquire derivative immigration benefits based on a principal applicant's T nonimmigrant status.



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human trafficking scheme that warranted investigation, USCIS referred the suspected trafficking scheme to ICE. According to USCIS officials, such human trafficking schemes typically were identified by the few immigration services officers who worked in common locations and could readily communicate and share notes regarding T visa applications they adjudicated. The officers watched for recurring names, potential trends, or patterns that raised questions or red flags regarding potential victimization of individuals being brought to the United States. Upon identification of suspected human trafficking cases, the immigration services officers referred their concerns to the USCIS CFDO offices colocated with USCIS service centers. CFDO offices were subsequently responsible for collecting supporting evidence and performing preliminary investigations before referring the cases to ICE.

We found that opportunities existed for improved data exchange between ICE and USCIS. For example, ICE did not always advise USCIS of the victims they identified in the course of human trafficking investigations. Further, ICE did not always consult with USCIS to determine if traffickers, particularly employers, brought other potential victims to the United States. Armed with such information, ICE could widen the scope of its investigations, obtain additional evidence against the traffickers, and also help victims who may need assistance.

For its part, USCIS could share T visa application data to support ICE investigations. As previously stated, in cases where perpetrators of human trafficking were family members, USCIS generally captured this information in HAVEN, as provided by T visa applicants on their personal statements. For example, in 2011, numerous applicants indicated that their parents or spouses were responsible, culpable, or complicit in trafficking schemes. In some cases, parents sold their children who were brought to the United States and forced into slave labor or prostitution to pay off their travel debts. USCIS captured this information in a "Case Note" field in HAVEN so that culpable family members would be denied derivative immigration benefits if they tried to apply. While this information was readily available in its system, USCIS did not have a process for sharing it with ICE for law enforcement purposes.

USCIS officials informed us that while no specific procedures existed for sharing T visa applications, a process had been implemented for sharing human trafficking information in U visa applications. Specifically, when USCIS received a U visa application containing a human trafficking claim, immigration services officers emailed this information to ICE to take investigative action. One CFDO official we interviewed agreed that USCIS officers should likewise share with ICE any available information on human traffickers provided by T visa applicants.



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Expanded and more consistent data sharing and coordination could allow ICE and USCIS to take more proactive actions and improve their ability to identify instances of human trafficking. Ultimately, such data sharing could assist ICE in its mission of bringing the perpetrators to justice and referring their victims for social services and other assistance.

Recommendations

We recommend that the Associate Director, Service Center Operations, USCIS:

Recommendation 1: Develop and implement procedures to capture the names and other identifying information on human traffickers found in victims' statements, which are submitted with T and U petitions, in USCIS information systems.

Recommendation 2: Collaborate with ICE to institute a mutually acceptable procedure for transferring USCIS data on alleged human traffickers to ICE.

We recommend that the Executive Associate Director, Homeland Security Investigations, ICE:

Recommendation 3: Collaborate with USCIS to identify a mutually acceptable procedure for obtaining names and other identifying information on alleged human traffickers that is available in USCIS systems.

OIG Analysis of Management Comments

We obtained written comments on a draft of this report from the Chief Financial Officer of U.S. Immigration and Customs Enforcement. We have included a copy of the comments in their entirety in appendix B. We also obtained technical comments to the draft report, which we incorporated into the final report, where appropriate.

ICE and USCIS agreed with our recommendations to improve the quality and exchange of data to help identify potential human trafficking cases. Specifically, USCIS concurred with two recommendations and ICE concurred with one recommendation.

USCIS Comments to Recommendation #1: USCIS concurs with this recommendation. USCIS stressed that Congress enacted special and very strict confidentiality protections for individuals with pending or approved T or U



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applications or petitions. As such, USCIS plans to exercise necessary caution as it works to implement this recommendation. Specifically, USCIS plans to determine how to capture the information provided by victims in their written statement and consider how to include this information in data system(s). These data systems will provide for consistent policies and practices for referring and tracking information. USCIS expects that this process will be completed by the end of FY 2017.

The actions USCIS proposes should fulfill the intent of this recommendation. This recommendation is considered resolved, but will remain open until USCIS provides documentation that the planned corrective actions are completed.

USCIS Comments to Recommendation #2: USCIS concurs with this recommendation. USCIS again stressed that Congress placed strict protections on information from individuals with pending or approved T or U applications or petitions. These provisions include strict limitations on the ability of Federal agencies to share information related to these applicants and petitioners. However, USCIS and ICE plan to establish a Joint Coordination Working Group to address information sharing, data sharing, screening and vetting processes, as well as updating the accompanying policies and procedures. USCIS expects this process will be completed by the end of FY 2017.

The actions USCIS proposes should fulfill the intent of this recommendation as exceptions allow for the disclosure of information, referred to above, for legitimate law enforcement purposes. This recommendation is considered resolved, but will remain open until USCIS provides documentation that the planned corrective actions are completed and can demonstrate that information on alleged human traffickers available in USCIS systems is shared with ICE.

ICE Comments to Recommendation #3: ICE concurs with this recommendation. ICE Homeland Security Investigations plans to run alleged human traffickers through USCIS systems such as Computer Linked Application Information Management System (CLAIMS) data on immigrant and nonimmigrant petitions to identify human trafficking perpetrators who filed visa applications with USCIS. Further, ICE Homeland Security Investigations plans to issue a broadcast message to the field offices informing them of the USCIS systems checks. ICE Homeland Security Investigations will also continue to collaborate with USCIS on human trafficking investigations.

The action ICE proposes partially fulfills the intent of this recommendation. Our recommendation was designed to ensure that ICE obtains information on alleged human traffickers that are unknown to ICE but available in USCIS



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systems. The actions ICE proposes do not explain how ICE intends to obtain the names and other information on alleged human traffickers collected by USCIS. The Joint Coordination Working Group, previously mentioned in USCIS' response to recommendation 2, could be a conduit whereby ICE and USCIS could arrive at a method for transmitting the names of alleged human traffickers in USCIS systems to ICE. This recommendation will remain open and unresolved until ICE provides more information about its corrective action plan and timeline for obtaining data that USCIS captures in its systems on alleged human traffickers. Additional documentation confirming that corrective actions have been accomplished will be necessary to close this recommendation.



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Appendix A

Objectives, Scope, and Methodology

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspections, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

The objectives of our audit were to (1) determine how individuals charged or convicted of human trafficking used legal means to bring potential victims to the United States, and to (2) identify data quality and exchange issues that may hinder efforts to combat human trafficking.

We reviewed applicable laws, regulations, and procedures related to human trafficking, including U.S. Immigration and Customs Enforcement's (ICE) and U.S. Citizenship and Immigration Services' (USCIS) roles and responsibilities. In addition, we reviewed prior reports and testimony related to human trafficking, including USCIS, ICE, U.S. Department of Justice, U.S. Department of State, and U.S. Government Accountability Office reports and/or testimony, as well as Congressional Research Service reports, and Human Smuggling and Trafficking Center Reports.

We conducted site visits to USCIS and ICE locations in St. Albans, VT, Seattle, WA, and Washington, DC. During the site visits, we interviewed USCIS and ICE officials and walked through processes and procedures for investigating human traffickers and adjudicating T visa applications filed by human trafficking victims. We also conducted physical file reviews at USCIS in St. Albans and at ICE in Seattle to compare case file information with information available in the components' databases.

We received human trafficking data from ICE and USCIS. From ICE, we received TECS data on human traffickers and other persons of interest encountered in the course of human trafficking investigations. We conducted data reliability assessments, such as verifying that the data were representative of the fieldnames. For example, if the fieldname represented a date, a date had to be present in the field and so forth. ICE did not provide us with a record count as part of its data feed to us. After extensive testing and comparison with TECS data feeds that CBP provided, we concluded that sufficient data were available for matching with USCIS data. From USCIS, we received HAVEN data



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containing human trafficking victim applications.¹¹ We found the HAVEN data sufficiently complete and reliable for the purposes of our audit.

We matched TECS data on human trafficking investigations with Computer Linked Application Information Management System data on immigrant and nonimmigrant petitions to identify human trafficking perpetrators who had filed visa applications with USCIS. We also matched ICE and USCIS data to identify individuals who entered the United States as a result of immigrant and nonimmigrant visas. We then compared the results with USCIS T visa applications. To conduct our match, we used last name, first name, date of birth, social security numbers, and alien registration numbers. We limited our results to visa petitions filed by human traffickers to bring foreign nationals into the United States.

We conducted this performance audit between March and October 2015 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.

¹¹ The sharing of information was in compliance with 8 USC 1367 confidentiality protections because the information was shared within the Department of Homeland Security only.



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Appendix B
Management Comments to the Draft Report

Office of the Chief Financial Officer

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



**U.S. Immigration
and Customs
Enforcement**

November 24, 2015

MEMORANDUM FOR: Sondra McCauley
Assistant Inspector General
Office of Information Technology Audits

FROM: Jonathan Carver
Chief Financial Officer
U.S. Immigration and Customs Enforcement

SUBJECT: Management Response for OIG Draft Report, "ICE and USCIS Could Improve Data Quality and Exchange to Help Identify Potential Human Trafficking Cases" dated October 28, 2015 (OIG Project No. 14-032-ITA-ICE, USCIS)

Thank you for the opportunity to review and comment on the subject draft report. U.S. Immigration and Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS) appreciate the Office of Inspector General's (OIG) work in planning and conducting its review and issuing this report on the quality and exchange of data to better identify human traffickers. The draft report contained three recommendations with which ICE and USCIS concur.

For the first two recommendations, OIG recommended that USCIS's Associate Director for Service Center Operations Operations:

Recommendation 1: Develop and implement procedures to capture the names and other identifying information on human traffickers found in victims' statements, which are submitted with T and U petitions, in USCIS information systems.

Response: Concur. Congress enacted special and very strict confidentiality protections that apply to individuals with pending or approved T or U applications or petitions. Therefore, USCIS must exercise an abundance of caution as it works to implement this recommendation. USCIS will first determine how to capture this information, given that the information provided by victims is in a written statement and not formatted as a data collection instrument. Next, USCIS must consider how to transfer this information to the appropriate office within USCIS for inclusion into data system(s) that, in turn, will provide for consistent policies and practices for referring and tracking information.

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We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. Estimated Completion Date (ECD): September 30, 2017.

Recommendation 2: Collaborate with ICE to institute a mutually acceptable procedure for transferring USCIS data on alleged human traffickers to ICE.

Response: Concur. As described in the response to Recommendation 1, Congress enacted strict protections to information on individuals with pending or approved T or U applications or petitions. These provisions include placing strict limitations on the ability of federal agencies to share information related to these applicants and petitioners. USCIS and ICE are establishing the Joint Coordination Working Group (JCWG), which will coordinate component relations in a mutually beneficial manner between USCIS and ICE. Areas to be addressed including information sharing, data sharing, screening and vetting processes, and updating the accompanying policies and procedures.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. Estimated Completion Date (ECD): September 30, 2017.

For the third recommendation, OIG recommends that ICE's Executive Associate Director for Homeland Security Investigations (HSI):

Recommendation 3: Collaborate with USCIS to identify a mutually acceptable procedure for obtaining names and other identifying information on alleged human traffickers that is available in USCIS systems.

Response: Concur. ICE HSI will ensure that alleged human traffickers are run through USCIS systems such as Computer Linked Application Information Management System (CLAIMS) data on immigrant and nonimmigrant petitions to identify human trafficking perpetrators who had filed visa applications with USCIS. ICE HSI will issue a broadcast message to the field offices informing them of the USCIS systems checks. ICE HSI will continue to collaborate with USCIS on human trafficking investigations.

We request that this recommendation be considered resolved and open pending completion of the aforementioned activities. Estimated Completion Date (ECD): June 30, 2016.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Should you have any questions, please contact Michael Moy, Senior Portfolio Manager, at (202) 732-6263. We look forward to working with you in the future.



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Department of Homeland Security

Appendix C
Office of Information Technology Audits Major Contributors to
This Report

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Appendix D
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