



## USCIS Tip Form Fact Sheet

March 29, 2019

On February 15, 2019, the Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS) [published a proposed form](#) for notice and comment to collect information from the general public regarding purported immigration fraud. The publication of this form signals another dangerous and insidious shift in USCIS's transformation from an agency serving immigrants and adjudicating their applications into an enforcement agency working in tandem with Trump's deportation force. Inviting the public to submit unsubstantiated reports of fraud about individual immigrants is a demonstration of deep cynicism about our immigration system and fulfills the Trump Administration's racist agenda of casting immigrants as suspect and criminal.

### **Encourages Abuse and Profiling**

There are already existing mechanisms with questionable effectiveness that raise confidentiality and safety concerns for reporting fraud. There is no justification for further formalizing this process. The form has no criteria or guidelines for submitting fraud requests and will encourage abuse by individuals seeking to harm immigrant communities. For example, Muslim, Arab, Iranian, Middle Eastern, and South Asian Americans are facing heightened levels of harassment and violence nationwide according to the Federal Bureau of Investigations (FBI), and these numbers are severely underreported by the FBI's own admission. The implementation of a tip form that allows for unsubstantiated reporting to USCIS, the agency with jurisdiction over immigration benefits, creates a high likelihood that bias and bigotry will play a role in reporting. Reported individuals face increased scrutiny, surveillance, and potential loss of government benefits without any due process or sufficient evidence. This form gives people another government-sanctioned tool by which to submit unsubstantiated and unsolicited information to harass and intimidate immigrants and people of color without consequence.

### **Violates Due Process and Inhibits Transparency**

This form is overbroad and vague, does not require an individual making a tip to provide their name or contact information, and does not even require that an allegation be made in connection with an application for benefits. The form also provides no definition of "fraud," which has a complex definition under the Immigration Act and in case law. It is unclear how the information collected through this form will be used in adjudications and it gives applicants for benefits zero opportunity to learn about derogatory information lodged against them or refute any allegations. Complicating the adjudications with anonymous and unfounded allegations of fraud in a system that already suffers from backlogs and lack of transparency will harm applicants and their families. In addition, the unsubstantiated information provided may be shared liberally with other law enforcement agencies. Given the impact such information could have on adjudications it is inconceivable that the government does not require even basic evidentiary standards to be met.

### **Violates Confidentiality and Endangers Survivors**

Congress created special immigration protections in the Violence Against Women Act (VAWA) for survivors of domestic violence, sexual assault, human trafficking and other forms of violence. At the same time, it created statutory confidentiality protections that prohibits adverse determinations based on information solely provided by a perpetrator or a member of a perpetrator's household or family member. This is a vital recognition that perpetrators will try to manipulate legal systems against survivors. Through this form, DHS threatens the statutory protections in VAWA and unlawfully gives perpetrators another tool for abuse, further endangering survivors.

### **What Can You Do?**

- Submit a [comment to the Federal Register](#) by April 16th.
- Raise the issue with Members of Congress and impress upon them how this form will negatively impact your communities.

