Using State Department's Internal Fraud Reports As a Diplomatic Tool to Combat Visa Fraud

By Phillip Linderman

The use of best practices in combatting visa fraud is a specialized topic, and one that is often lost in the bigger subjects, such as fighting illegal immigration or securing our land frontiers. This is regrettable since visa fraud was directly linked to the mistakes in the 9/11 terrorist attacks debacle. The central lesson of 9/11 was that the disaster could have been avoided through good visa screening and vetting practices, but instead U.S. government sloppiness was exploited by foreign national fanatics. Although the Department of State made valuable corrections in visa processing after the 2001 terrorism attacks, in recent years, too many institutional practices that prioritize visa issuance over security have become the norm.

Much of this vulnerability is tied to managing the massive visa demand from countries lacking rule of law and in which widespread corruption, often tied to bogus official documents, make it extremely difficult for U.S. consular officers to determine the bona fides of visa applicants. In FY 2024, vast numbers of U.S. visas were issued, from all categories, in the Philippines (298,956 visas issued), Guatemala (105,356), India (1,138,361), Nigeria (70,621), Vietnam (177,117), Ecuador (246,649), Colombia (473,304) and Mexico (11,582,194), just to name a few countries in which widespread corruption is rife across local societies, including in institutions that issue official documents.

In all these countries, and many more, U.S. consular officers are forced daily to assess countless visa applicants who present fraudulent documents, have dubious evidence of family relations, and questionable educational and work histories all connected to document authenticity. This is particularly challenging with birth and marriage certificates. U.S. consular and diplomatic staff spend considerable time and effort in trying to verify such documents, sometimes using screening tools such as DNA testing and background field investigations. But visa applicant numbers are too large and foreign government corruption is too widespread; in

many countries corrupt officials issue authentic documents to unauthorized persons, making fraud virtually impossible to detect. The sad result is that the number of legal immigrants today in the U.S. who have used such tactics to gain their entry into the country would probably shock most Americans.

In part because the deception is "legitimized" in official documents and because pressures on the American side to issue visas is always intense – much greater than pressure to refuse – many foreign nationals inevitably enter the United States having deceived consular officials. They enter American society as visitors, students, or even permanent immigrants facing the normal cultural and linguistic challenges, plus having little to no concept of American values rooted in basic rule of law.

Not surprisingly, there are no reliable datapoints on visa applicants linked to undiscovered fraud that has enabled their entry into the United States; it is significant that Secretary of State Marco Rubio, indicating that current leadership in the department is reexamining consular past practices, revoked over 100,000 visas in 2025. There are many concerning statistics. For example, federal authorities estimate more than one million people, many of them foreigners present in the country, are using Social Security numbers belonging to someone else. It is unrealistic to expect foreigners to obey American laws and respect our legal norms and practices if they have entered our country using deception and false information in the first place.

Increasingly, in certain immigrant communities, such as the recent example of Somalis in Minnesota, these imported questionable value systems, corrupt practices, and disregard for legal norms are direct challenges to the rule of law in the United States. This is particularly true in contemporary American society where increasingly immigrant arrivals are not even expected to assimilate into our customs and way of life. Our age of "diversity over all" is leading to the incorporation of value systems that are inconsistent with established American norms.

Combatting visa fraud is often framed as how to best address specific vulnerabilities in the many complicated categories of U.S. visas. Many experts and policymakers rightly examine these vulnerabilities across the more than 150 different kinds of U.S. non-immigrant and immigrant visas. Special mention should be given to State Department's so-called "diversity visa program." Historically, some 20 million people around the planet yearly submit entries to the State Department in the hope of being selected for one of the annual 50,000 visas awarded. The ruthless paperchase to be picked as a DV winner has produced in numerous countries sophisticated criminal enterprises that fleece vast numbers of desperate, would-be migrants. For years, U.S. policymakers have basically ignored comprehensive reports documenting the high levels of criminal activity surrounding the program. Pretending as if they are connected to U.S. authorities, foreign fraudsters perpetrate crimes against their fellow countrymen by using phony websites, bogus emails, and other confidence games. The scale of the criminality is enormous. Much of this fraudulent activity, although committed in the name of a federal government program, never reaches the United States, but it thoroughly shames our country's good name, as many victims (wrongly) believe corrupt U.S. officials must also be complicit. Congress should end this program.

While some visa categories, like the DV program, should be eliminated, a strategy to address widespread fraud vulnerabilities associated with individual U.S. visa categories is not the best approach. Fraud vulnerabilities in most countries go beyond the particulars of a single visa category; the deception is deeply interwoven into bogus official documentation, available in corrupt countries for an illicit fee, that creates false identities, bogus family relationships, dummy educational standards, and whitewashed criminal pasts.

While there is a need to address specific vulnerabilities in certain visa categories, this paper will urge that U.S. policymakers instead adopt a strategy of going on the offensive in the fight against visa fraud by challenging government authorities in high fraud countries wholistically. The Department of State should use its considerable diplomatic firepower to call out and shame foreign governments that ignore, allow, or are complicit in the activities of their nationals to corrupt the American visa process.

It is important for the Congress and American visa policymakers to understand that the State Department, through its Bureau of Consular Affairs (CA), and Bureau of Diplomatic Security (DSS), is engaged in trying to counter visa fraud, but much of State's efforts are static, small measures designed to deal just with the individual bogus visa applicant. State's DSS has very few cases in which it cooperates with local authorities to prosecute visa fraud. Much more can be done. The issue needs to be elevated to the U.S. bilateral agenda in selected countries to challenge host-government authorities to address their ignored responsibilities or in some cases complicity in fraud perpetrated by their citizens.

In addition, the mindset of many career diplomats at State requires rebalancing so that much higher priority is placed on interrupting and deterring fraudulent travel and immigration, versus their status quo tendency simply to prioritize issuing visas. Past practices inside the Consular Affairs Bureau, over decades, have rewarded posts that quickly process visa applications, avoid waiting lines and backlogs, and respond to the pressures of a powerful domestic lobby in the U.S. that constantly wants visas to be issued – and fast. This one-sided attitude needs to change so that security concerns have at least equal footing against the "must-issue" mindset that is ingrained and still dominant inside CA. There are too few voices in Washington that speak out to support those consular officers who resist the pressure to issue visas despite their reservations.

Another dramatic datapoint is the overstay rate of non-immigrant visa holders. Official statistics for FY 2024 (released in July 2025), indicate a non-immigrant visa overstay rate in the United States of over half a million, and the actual number is likely far higher. Foreign visitors who deceived our legal system to enter certainly feel no obligation to respect our laws when they are required to leave.

The Immigration and Nationality Act (INA) does require visa applicants to carry the burden of proof on matters such as presenting authentic birth certificates, police and medical records. However, in high fraud countries, corrupt practices have in effect flipped the burden of proof back on to consular officers who must show why the "official" documents are bogus. In practice, fraudulent visa applicants can present "official" paperwork (e.g., birth or marriage certificates) to claim their visa benefit because local authorities, for a bribe or illicit favor, will issue such documentation with untrue or falsified information. Thus, malfeasant applicants can present to consular officers the needed birth, death, marriage, or divorce document issued directly from the local ministry although it contents are untrue.

Faced with a relentless parade of such "official" documentation, and similar fraud schemes, many line consular officers, who must fulfill their production quotas mandated by their supervisors, have too little time to fight fraud.

Their State Department supervisors, typically concerned about avoiding visa backlogs and rewarded for keeping the visa issuance process "moving," are reluctant to systematically authorize the denial of such visas. It is difficult for post fraud prevention units to investigate and "prove" that a local ministry is issuing fraudulent documents or that police records from the local constabulary are all routinely fabricated for a fee. Thus, the INA's mandate that the visa applicant carries the burden of proof can, through such corruption, be pushed on to the consular officer to figure out.

These and other factors explain why it is necessary to examine the fraud environment wholistically in specific foreign countries and adapt a U.S. diplomatic response that deals with the country. The building blocks for such a new comprehensive U.S. diplomacy already exist: they are the country fraud reports that consular sections write annually but CA keeps restricted for internal use. These reports are not classified documents, but are considered "Sensitive, But Unclassified" (SBU). The department's Foreign Affairs Manual (FAM) directs consular fraud prevention units to track incidents, trends, and malfeasance over years as part of their regular workflow, but senior policymakers in Foggy Bottom hardly know this potentially valuable diplomacy tool is there.

Through these annual reports, consular sections in embassies and consulates abroad, particularly those with fraud prevention units, are compiling, country by country, a wealth of information on fraud patterns, malfeasance, and corrupt practices. These reports could provide the State Department leadership the needed records to tag high fraud countries, curtail the privileges of their nationals to apply for U.S. visas, and engage in diplomacy to make foreign governments responsible for what their nationals are doing.

Historically, State Department leadership has declined to make public or use these reports as a diplomatic tool in bilateral relationships. That has not stopped consular officers, drawing on the insights available in these reports and their own

experiences in the field, from referring to "high fraud" countries. By custom and tradecraft, certain countries are known inside CA for their broken judicial systems, widespread corruption, and constant assault of bogus visa applicants on embassy consular sections. This informal list of countries is no national secret and is made up of those where economic, corruption and out-bound migration pressure exists. The list would currently include countries such as Bangladesh, Brazil, China, Dominican Republic, Ecuador, Ghana, Haiti, India, Mexico, Nigeria, the Philippines, Russia, and Vietnam. There are more.

Rarely, if ever, does the unremitting flow of bogus visa applicants rise to be an issue on the bilateral agenda. Historically, Foggy Bottom would instruct the embassy not to raise the matter, even assuming that the leadership at post were inclined to do so. Instead, U.S. officials live with visa fraud like the weather, and host government authorities wash their hands of the problem as if they have nothing to do with it. The number of investigations, globally, that host country law enforcement officials undertake against the local fraud rings and corrupt document bureaucrats are very few. U.S. diplomats are forced to accept host government protestations that dealing with visa fraud is the embassy's problem.

Circumstances like this are the reason that policymakers need to concentrate State Department to evaluate country fraud conditions and to draw consequences when those circumstances are unacceptable for visa adjudication. Such an approach of grading fraud and corruption in a country is certainly not novel. Organizations like Transparency International (TI) use a non-U.S. centric framework to evaluate all the countries in the world according to their perceived levels of corruption. TI publishes annual reports that analyze where high levels of fraud are prevalent across a country's institutions, considering all aspect of corruption both in government and society.

CA's annual fraud reports could and should form the basis of systematic U.S. diplomacy to push back on high visa fraud countries, particularly where host governments ignore or are complicit in such practices. Congress should mandate that the State Department publish these fraud reports. Foreign governments that ignore or in some cases even participate in visa fraud against the United States should find the privileges of their nationals to apply for US visas appropriately restricted or in some cases even terminated. The INA empowers the president to use statutory authority, such as INA 212(f), to freeze visa processing.

Using State's fraud reports as the basis of an annual review of corruption and other malfeasance that directly affects the U.S. visa process would offer the Secretary of State and the President an objective metric to draw on to fight back against high fraud countries and trigger 212(f). It is perhaps the most powerful operational tool available to go on the offensive against such visa fraud. Moreover, since the fraud reports are already annually written by State Department consular sections in virtually all our diplomatic post abroad, producing this report would not impose any additional reporting responsibilities on the State Department.

The result of this initiative would force State Department to elevate visa fraud as formally part of the bilateral relationship with those countries of concern. Senior State Department officials, who in the past have deemed such fraud and corruption matters as not significant enough to include in the bilateral agenda, would be forced to reframe their diplomacy. Secretary of State Marco Rubio, unlike many of his predecessors, is taking a keen interest in visa matters and has demonstrated a willingness to revoke visas in which those cases in which the visa holders have not conducted themselves in a manner consistent with their visas. This initiative would give Secretary Rubio more ammunition to make his public case. The policy would be a major step towards returning the rule of law to U.S. visa processing, having lasting impact on disturbing fraud trends in immigrant communities in our country.