

United States Senate

April 27, 2026

The Honorable Markwayne Mullin
Secretary
Department of Homeland Security
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

Dear Secretary Mullin:

I write concerning the U visa program that appears to operate as a de facto amnesty program for hundreds of thousands of illegal aliens. Congress originally created this program to assist law enforcement with investigating and prosecuting serious crimes. Instead, criminal illegal aliens are reportedly exploiting loopholes to gain permanent legal status.

Criminal organizations have reportedly staged fake crimes so fraudsters can qualify for U visas. In one example, eleven Indian nationals staged armed robberies at convenience stores so store clerks could falsely claim they were victims of a crime on their immigration applications.¹ Additionally, Illinois and California passed state laws which require their law enforcement agencies to presume all U visa claims are valid and sharply limit officer discretion.

As of June 2025, more than 400,000 U visa petitions remain pending at United States Citizenship and Immigration Services (USCIS), even though Congress limits approvals to 10,000 principal visas per year. This massive backlog forces legitimate victims, especially women and children fleeing domestic violence and sexual assault, to wait six to ten years for relief, with some forced to wait more than 15 years. Meanwhile, USCIS's policies grant full work authorization and deferred action to hundreds of thousands of applicants, some here illegally with fraudulent claims.

In fact, a USCIS study of petitioners revealed that 79 percent had never held lawful status and many had prior deportation proceedings.² Another DHS Office of the Inspector General report found that 66 percent of U visa applications rested on closed criminal cases, meaning applicants could not possibly assist law enforcement as is the intent of the program.³ These applicants are likely able to work and receive benefits solely because they applied for a U visa. Many law enforcement agencies report that the program provides little prosecutorial benefit while imposing heavy administrative burdens.

I commend President Trump for his strong leadership in defending our homeland by aggressively deporting criminal illegal immigrants and restoring law and order. The failures within this program undermine law enforcement, burden state and local police, and leave genuine crime victims waiting years for justice. To help Congress improve and restore integrity to the program, I respectfully request the following information:

1. What, if any, new or modified authorities does DHS require to close loopholes within the U visa program? These may include tying law enforcement certifications exclusively to active investigations, prohibiting USCIS from accepting certifications for closed cases or those past the statute of limitations, or enabling USCIS to conduct full background checks against U visa applicants before granting benefits.
2. How can Congress assist in reducing the backlog of more than 400,000 U visa petitions?

I look forward to working with you on this matter.

Sincerely,



Tom Cotton
United States Senator

¹ <https://www.justice.gov/usao-ma/pr/eleven-indian-nationals-charged-visa-fraud-conspiracy>

² https://www.uscis.gov/sites/default/files/document/reports/U_Visa_Report_-_Demographics.pdf

³ <https://www.oig.dhs.gov/sites/default/files/assets/2022-01/OIG-22-10-Jan22-Redacted.pdf>