



# U.S. Citizenship and Immigration Services

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WRITTEN TESTIMONY

OF

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**U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

FOR A HEARING ON

**“OVERSIGHT OF  
U.S. CITIZENSHIP AND IMMIGRATION  
SERVICES”**

BEFORE

**THE HOUSE JUDICIARY SUBCOMMITTEE  
ON IMMIGRATION AND BORDER SECURITY**

**DECEMBER 9, 2015**

**1:00 PM**

**2141 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC**

Chairman Gowdy, Ranking Member Lofgren, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to testify about the state of U.S. Citizenship and Immigration Services (USCIS) and discuss several critical issues important to this Subcommittee.

I continue to be extremely grateful to the Members of this Subcommittee for your continued strong interest in USCIS and its programs. Having last appeared before the full Committee over a year ago, I am pleased to report on the tremendous work the agency has done on issues that are important to all of us.

USCIS has a proud history of providing benefits to individuals from all over the world. These benefits support fundamental values and needs of our nation, be they economic, humanitarian, or otherwise in the public interest. USCIS delivers these benefits while being ever vigilant for those who seek to undermine the integrity of our immigration system—or worse—those who seek to do us physical or economic harm. USCIS is only able to accomplish its complex and vital mission through the efforts of its thousands of dedicated public servants who each day administer a complex immigration system fairly and professionally.

I fully appreciate that our ability to overcome challenges and take full advantage of our potential requires close relationships with our partners, including Congress and this Subcommittee, in particular. As evidence of these relationships, I can point to the more than 86,000 congressional inquiries we received and almost 11,000 engagements with congressional staff that USCIS participated in during Fiscal Year 2015. I trust that the information and assistance that we have shared with you over the past year, as well as the information I provide you today, is informative and responsive.

As I told you last year and as it still stands true today, I take very seriously the trust that has been given to me. Our Agency embodies our core principles of transparency, integrity, consistency and efficiency; this ensures we are effective stewards of the resources we manage. I will continue to ensure that USCIS delivers the appropriate benefits to the right people while ensuring that benefits are denied to those who are ineligible. I also assure you that USCIS will continue to do its work efficiently and ensuring the highest level of security.

### **Priorities**

In my time at USCIS, I have discussed with the management team what I see as our top priorities. I would like to lay them out here for you, and then, for each, describe the work that USCIS has done and is doing to realize our goals.

### **Executive Actions**

Besides the safety and security of the American people, my top priority is to implement the President's Executive Actions on Immigration. On November 20, 2014, Secretary Jeh Johnson announced a series of executive actions to crack down on unauthorized

immigration at the border; prioritize deporting those most dangerous to our nation; improve our legal immigration system for families, employers, students, entrepreneurs and workers; and on a case-by-case basis, consider for deferred action certain undocumented immigrants under two initiatives— Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), and expanding the population of individuals eligible for Deferred Action for Childhood Arrivals (DACA). While DAPA and expanded DACA are on hold pursuant to a court injunction, USCIS and our partners in the Department of Homeland Security (DHS) and other departments have been working to implement the other parts of our executive actions.

- Provisional Waivers: On July 22, 2015, DHS published a proposed rule to expand eligibility for provisional waivers to all individuals who are statutorily eligible for a waiver of certain unlawful presence grounds of inadmissibility.

Under current regulations, eligibility for a provisional unlawful presence waiver is limited to those who are immediate relatives of U.S. citizens and who can show extreme hardship to their U.S. citizen spouses or parents. By making the process available to all individuals who are statutorily eligible for an unlawful presence waiver, DHS is expanding the population of those who can potentially qualify for this waiver, thereby promoting family unity and improving administrative efficiency.

The comment period closed on September 21, 2015. DHS and USCIS are reviewing the comments received and are currently working on the final rule.

- Visa Modernization: On November 21<sup>st</sup>, 2014, President Obama issued a Presidential Memorandum on “Modernizing and Streamlining the U.S. Immigrant Visa System for the 21<sup>st</sup> Century.” In this Memorandum, the President directed the Secretary of State and the Secretary of Homeland Security to lead an interagency effort to develop recommendations, in consultation with stakeholders and experts. To further this effort, USCIS published a Request for Information in December 2014 asking for suggestions to meet the Administration’s call to:

- (1) reduce government costs, improve services for applicants, reduce burdens on employers, and combat waste, fraud, and abuse in the system;
- (2) ensure that policies, practices, and systems use all of the visa numbers that Congress provides for and intends to be used, consistent with demand; and
- (3) modernize the information technology infrastructure underlying the visa processing system with the goal to reduce redundant systems, improve the experience of applicants, and enable better oversight.

Approximately 1,650 individuals and organizations responded with many helpful suggestions.

After conducting a thorough review of options, in July 2015, the White House issued its report, “Modernizing & Streamlining Our Legal Immigration System for the 21<sup>st</sup> Century,” which included specific recommendation to modernize our system for

efficiency and accessibility, streamline our legal immigration system, and strengthen our humanitarian system.

USCIS is the lead on many of these initiatives. We are making good progress towards making our legal immigration system better.

- Task Force on New Americans: Recognizing the value of undertaking deliberate immigrant and refugee integration efforts, President Obama created the White House Task Force on New Americans in November 2014. The Task Force includes 18 federal departments, agencies, and White House offices. I'm honored to serve as co-chair of the Task Force, along with Cecilia Muñoz, Director of the White House Domestic Policy Council. On April 14, 2015, the Task Force submitted to President Obama its report titled, *Strengthening Communities by Welcoming All Residents: A Federal Strategic Action Plan on Immigrant & Refugee Integration*. The report establishes an immigrant integration strategy to help build welcoming communities across our nation and improve opportunities for new Americans to contribute to society to their fullest potential. Bringing new Americans together with their communities will strengthen the fabric of our nation and bolster our global competitiveness. The report provides an action plan that establishes 16 core goals that will be achieved, in part, through 48 recommended actions that Task Force members will pursue to help build welcoming communities, strengthen existing pathways to naturalization and promote civic engagement, support skill development, foster entrepreneurship, safeguard workers, and expand opportunities for linguistic integration and education.

In response to the recommendations of the White House Task Force on New Americans, USCIS announced a series of initiatives in September to improve customer service, highlight the rights and responsibilities of citizenship, and support aspiring citizens. These include online preparation and study tools, competitive grants supporting citizenship and immigrant integration, the ability to pay the naturalization fee with a credit card, a multilingual citizenship public education and awareness campaign, and new partnerships to strengthen engagement with customers at the local level.

To better facilitate federal and local collaboration of civic, economic, and linguistic integration, the Task Force launched the Building Welcoming Communities Campaign in September 2015. This campaign assists local communities in building welcoming communities for immigrants and refugees and providing them with the tools they need to succeed to the benefit of their local community and our nation. As of today, 47 communities have signed onto this campaign. In the coming weeks, the Task Force will submit a status report to the President on progress made since the release of the action plan in April.

- Extreme Hardship: On October 7, 2015, USCIS posted draft extreme hardship guidance on USCIS' website for public comment. The comment period ended on Monday, November 23, 2015, and USCIS is currently reviewing the comments.

Several provisions of the Immigration and Nationality Act (INA) authorize discretionary waivers to overcome certain grounds of inadmissibility. To qualify for the waiver, an eligible individual must demonstrate extreme hardship to specified qualifying relatives, such as U.S. citizen or lawful permanent resident (LPR) family members.

Over the years, the public has requested that USCIS clarify the extreme hardship standard, and on November 20, 2014, Secretary Johnson directed USCIS to develop such guidance.

The INA does not define “extreme hardship,” but the federal courts and Board of Immigration Appeals have developed certain principles that govern the extreme hardship determination.

Building on these principles, USCIS drafted guidance that outlines factors USCIS officers consider when determining whether the extreme hardship standard has been met. The draft guidance applies to extreme hardship determinations under existing statutory waiver authority and does not create new authority to waive grounds of inadmissibility. The burden of proof continues to lie with the applicant to demonstrate that he or she meets the statutory requirements and merits a favorable exercise of discretion.

- Improvements to Employment-Based Immigrant and Nonimmigrant Programs: DHS will propose, through a rulemaking, to allow certain beneficiaries of approved Immigrant Petitions for Alien Worker (Form I-140) to obtain general work authorization. We will also propose to implement through regulation various provisions of the American Competitiveness in the Twenty-first Century Act of 2000 (AC21) and thereby clarify long-standing USCIS policy with respect to AC21. In doing so, consistent with that statute, DHS will propose to clarify which nonimmigrants are exempt from the numerical H-1B cap, increase job flexibility for certain workers, and provide increased guidance on the maximum period of admission for H-1B nonimmigrants. DHS will also propose to clarify protections for certain H-1B whistleblowers.

Same/Similar: On November 20, USCIS issued draft guidance to clarify when positions are considered to be in “a same or similar occupational classification” to promote consistency and efficiency in section 204(j) portability adjudications. Section 204(j) of the INA, 8 U.S.C. § 1154(j), permits individuals who have long pending employment-based adjustment of status applications to change jobs without impacting the validity of their approved immigrant visa petitions for workers, as long as the new job is in the same or a similar occupational classification as the original job offer. Once implemented, this guidance should help individuals with pending adjustment of status applications who are unable to adjust due to visa unavailability to change employers, seek new job opportunities, or even accept promotions while they wait to become permanent residents, consistent with existing statutory authority.

## **Effectively Managing the Refugee Admissions Program**

Another top priority focuses on our Refugee Admissions Program.

USCIS, working with other government partners, remains steadfastly committed to fulfilling its humanitarian mission to protect vulnerable refugees from around the world while maintaining the integrity of the process and ensuring the highest levels of security.

In Fiscal Years 2013, 2014, and 2015, USCIS and the State Department have succeeded in nearly reaching the annual refugee admissions ceiling of 70,000. This accomplishment reflects a worldwide commitment to refugee protection, as well as intense and committed efforts by all the interagency partners to improve, refine, and enhance the security vetting regime for refugee applicants, while maintaining its integrity and rigor. To that end the refugee security screening and vetting process has been significantly enhanced over the past few years. Refugees are subject to the highest level of security checks of any category of traveler to the United States, including the involvement of the National Counterterrorism Center, the Federal Bureau of Investigation's (FBI) Terrorist Screening Center, the Department of Homeland Security, the Department of State and the Department of Defense. All refugees, including Syrians, are admitted only after successful completion of this stringent security screening regime.

USCIS is prepared to work closely with the State Department and other interagency partners to support a larger refugee admissions program of 85,000 arrivals in FY 2016, including at least 10,000 Syrian refugees, while assiduously maintaining the integrity of the program and our national security. We will also continue to carefully monitor the security situation in the locations in which we travel to ensure the safety of our officers, program partners and refugee applicants.

The Central American Minors (CAM) Refugee and Parole Program provides certain minors in El Salvador, Guatemala and Honduras a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States. This program allows certain parents lawfully present in the United States to request a refugee resettlement interview for unmarried children under age 21 in Guatemala, El Salvador, or Honduras. In some situations, the in-country parent of the qualifying child may also be eligible for consideration under the refugee program. Individuals considered for refugee status or parole will undergo the same rigorous background checks as all refugees. All refugee and parole applicants will be required to complete an in-person interview with a trained immigration officer.

## **Continue Progress in Transformation**

Another priority is to modernize USCIS business and customer interaction processes. Over the past year we have made progress toward moving our workload to an electronic environment. All applications to replace a green card are now being processed in our new system. We also rebuilt and improved mechanisms for new immigrants by providing greater flexibility in paying the USCIS Immigrant Fee. At the end of FY 2015,

approximately 16% of the volume of casework we process was achieved in the new system. We are now developing the capability to process all citizenship and naturalization applications as well as temporary protective status and deferred action applications and requests in an electronic environment. By the end of FY 2016 we anticipate at least 30% of USCIS workload volume will be in the new system.

### **Improving Customer Service**

My final priority focuses on improved customer service and public engagement.

Public Engagement – Recognizing the need for transparency, we continue to emphasize the importance of communication and outreach, which is evident through our implementation of a robust stakeholder engagement program. Our Customer Service and Public Engagement Directorate maintains an open and accessible platform where a broad array of stakeholders are informed of, and are given the opportunity to comment on, immigration policy and operations as they are being developed. We also keep our customers informed about USCIS issues and activities. Each year, our Public Engagement Team hosts thousands of engagements with the immigration stakeholder community on a wide variety of topics such as parole options, business programs, humanitarian benefits, citizenship, and the Task Force on New Americans. Our engagements are conducted in person, by phone, through webinars, and through social media.

In Fiscal Year 2015, we hosted or participated in more than 3,700 local engagements and in 73 national engagements, reaching nearly 200,000 people. We also provide outreach to our stakeholders and customers in their own languages to share information about the services and benefits we offer. We have expanded our in-language engagements to include Spanish, Chinese, Creole, Korean, Vietnamese, Arabic, and Urdu. We are actively engaging with the community in new ways by seeking stakeholder feedback through our crowd-sourcing tool, USCIS Idea Community. We also have instituted a very successful monthly Twitter “office hours” session where we answer stakeholder questions about customer service.

Online Tools – USCIS is mindful of changing customer demographics and preferences. We are developing a successful multifaceted digital experience to better reach and serve our customers. Our prior customer service model did not adequately implement emerging technologies or reflect customers’ needs. We are designing, in collaboration with our customers, a new online customer service experience known as myUSCIS.

Early this year, we launched the first of several tools for public use:

- The Help Center is a quick and easy way for customers to search for information about immigration benefits. This tool gets smarter over time via user feedback and use.

- The Explore My Options feature helps alleviate anxiety about the immigration process by using information from the customer to provide some immigration options for them to consider. The tool then narrows the options available.

Since its initial launch, myUSCIS has grown and evolved. One feature we recently launched is a tool to locate doctors who are authorized to conduct the immigration medical exams for people who seek adjustment of status. We have also deployed tools that help people pursuing U.S. citizenship easily to locate an ESL or citizenship class in their neighborhood and take an interactive practice civics test.

Our work with myUSCIS is just beginning. Over the next year, we will launch enhanced features to schedule an appointment at a local office, get timely case updates, and locate an authorized legal services provider. We will also create ways for our customers to communicate with USCIS online, and we will launch multiple forms in our e-filing platform.

- Emma: Last week we launched “Emma,” another innovative element of our strategy to improve our customers’ digital experience. Emma is a computer-generated virtual assistant designed to help our customers find answers to their questions and to navigate through the USCIS.gov website. Because Emma uses natural language, customers feel as if they are speaking with a real person. We are the first DHS component to introduce a virtual assistant, and, in so doing, we have provided a new channel for our customers to engage with USCIS and to access trusted information.
- National Call Center: Our national call center handles an average of 1.2 million customer calls each month. Most of these calls are requests for general information, which Emma can handle quite easily. Currently, Emma can answer many common questions, and her knowledge base is growing. For the questions that Emma cannot answer, our development team works to analyze them so Emma can give more informative responses in the future. We are confident that the quantity and quality of Emma’s answers will grow exponentially in a short time.
- Customer Management Information System: In the past year, USCIS has deployed the Customer Management Information System (CMIS) to nearly two-thirds of domestic field offices. CMIS enables USCIS to improve the customer experiences within field offices by providing real time data to office leadership on the time spent in the customer interview process. The system indicates how long customers have waited before being called, how long they spent with an officer, and the general outcome of the interview. In addition to managing the customer experience, CMIS data is extremely valuable in planning and allocating office resources according to quantitative data being collected by the system. The data will be used to increase efficiencies within the interviewing experience. All domestic field offices will be using the system by the end of February 2016.



## **Operations Updates**

Beyond the work done in these priority areas, USCIS continues to process the more than eight million requests, applications, and petitions it receives each year. In order to accomplish this massive volume of work, USCIS established a new service center. USCIS signed an occupancy agreement with the General Services Administration (GSA) for 280,039 rentable square feet of GSA-leased office space in Arlington, VA. USCIS announced that the Crystal City Facility, named the Potomac Service Center (PSC), will become the fifth USCIS Service Center. While the “move-in ready” building was initially leased for processing anticipated requests under DAPA, USCIS has shifted existing workloads and funded vacant positions from the existing Service Centers and the National Benefits Center to the PSC to increase processing capacity, address existing case backlogs, and provide relief to the existing service centers that are currently operating above maximum capacity. Additionally, USCIS is using space at the PSC to hold Basic Training for incoming USCIS officers.

Over the last year, USCIS experienced some challenges with workload balance. While USCIS can anticipate some workload spikes or troughs, world events sometimes cause workloads for which USCIS cannot plan. Workload surges and new immigration benefit types may require re-prioritization of work until the agency can expand capacity. Changes in the demand for immigration benefits are extremely difficult to predict accurately. However, USCIS remains committed to maximizing operational efficiency by maintaining a flexible and nimble organization structure that is strengthened by adding additional staff capacity and rebalancing workloads to help mitigate the possibility of backlogs that could result from such unforeseen changes in demand.

In FY15 USCIS focused its efforts to meet its Government Performance and Results Act goals for the Form N-400, Application for Naturalization. The Form N-400 cycle time was reduced from 5.5 months at the end of FY14 to 5 months at the end of FY15, meeting the cycle time goal. This achievement was made without sacrificing quality or integrity.

## **USCIS Anti-Fraud and National Security Screening Efforts**

USCIS remains committed to ensuring that immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud the U.S. immigration system. In keeping with this commitment, USCIS has instituted a robust system of programs, procedures, and security checks, led by the Fraud Detection and National Security Directorate (FDNS). At its core, this system ensures that every application for an immigration benefit is screened before it is adjudicated.

FDNS has taken a number of recent steps to enhance its operational effectiveness, including:

### *Fraud Detection Enhancements*

- Expanding and providing standardized guidance regarding the External Source Site Visit (ESSV) program. Under the External Source Site Visit (ESSV) Program, Department of State (DOS) Consular Officers located overseas can request domestic site visits to verify critical elements of visa applications and petitions. If a Consular Officer encounters a visa application which raises questions with fraud or eligibility that cannot be resolved at the consular post, a site visit to the petitioning individual or organization located stateside may help resolve the issue. FDNS Immigration Officers are posted full-time at Department of State's Kentucky Consular Center (KCC) and National Visa Center (NVC) to facilitate the exchange of information between DOS and USCIS.
- Expanding the Administrative Site Visit and Verification Program (ASVVP) to include L-1A Intracompany transferees, while continuing to conduct unannounced pre- and post-adjudication site visits on religious worker and post-adjudication site visits on H-1B petitions. During these site visits, FDNS officers verify information submitted with petitions, confirm the existence of the petitioning entity, review public records, take photographs, and speak with organizational representatives and the beneficiary. FDNS has conducted over 90,000 ASVVP site inspections since 2009 when this program was created.

Ensuring officers are provided with current information on fraud trends and patterns through the use of intelligence reporting and mandatory anti-fraud training. To that end, FDNS has implemented an updated intelligence report tracking and dissemination method via an agency-wide communication mechanism, and enhanced its ability to share immigration-related intelligence reporting with U.S. Government counterparts. The agency is harnessing technology to better enable identification of imposters, criminals, and others who are attempting to circumvent the immigration system.

- Implementing field-wide the Customer Profile Management System Identity Verification Tool (IVT), an Internet-based tool that retrieves, processes, and displays biometric and biographic data from the Automated Biometric Identification System. IVT displays applicant photos and information allowing visual verification of identity and biometric capturing prior to adjudication. IVT ensures that the immigration benefit is granted to the correct individual.
- USCIS is currently in the planning stages of centralizing the adjudication of Special Immigrant Juvenile (SIJ)-related petitions and applications. Centralization will better leverage and develop the expertise of personnel adjudicating SIJ benefits, to ensure consistency and better identify fraud indicators and trends.
- FDNS Training Division added thirty-eight hours of criminal investigation for non-law enforcement officers to the FDNS Officer Basic and Journeyman training courses. The training is conducted by Federal Law Enforcement Training Centers (FLETC) personnel.

## *National Security, Screening, and Vetting Enhancements*

To ensure national security and public safety threats are recognized and addressed, USCIS continues to conduct a combination of automated and manual biographic and biometric background checks. In support of these screening efforts, FDNS partners closely with law enforcement and intelligence community agencies, including the FBI's Joint Terrorism Task Forces and all State and Major Urban Area Fusion Centers, and has detailed FDNS officers to U.S. Customs and Border Protection's National Targeting Center, U.S. Immigration and Customs Enforcement's Document and Benefit Fraud Task Forces, and Forensic Laboratory, the National Counterterrorism Center, the Terrorism Screening Center, the Department of State's Kentucky Consular Center and National Visa Center, INTERPOL's National Central Bureau, and others.

### **Asylum and Credible Fear Claims**

The influx of migrants across the Southwest border for the last couple of years has resulted in significant increases in apprehensions and expedited removals. In the expedited removal process, USCIS plays an important role in ensuring that those who are being persecuted and qualify for asylum are not improperly returned to their home countries. Our specially-trained asylum officers interview individuals who express a fear of return during the expedited removal process to determine whether they have a credible fear of persecution or torture. Individuals who meet the credible fear threshold are placed in removal proceedings before an immigration court, where they can apply for asylum or other relief. Individuals found not to have a credible fear of persecution may request review of that finding by an immigration judge. USCIS coordinates closely with our DHS partner agencies, CBP and ICE, to screen individuals for credible fear as part of the expedited removal process.

Over the last four years, the number of credible fear claims has climbed sharply from 13,880 in FY12 to 48,052 in FY15. USCIS has pursued a number of strategies to address this increased caseload, including:

- Expanding asylum officer staffing by 110 new positions in FY15 and by 260 officers since 2012;
- Deploying 30 officers on temporary assignments throughout the year to Southwest border detention facilities;
- Maximizing overtime; and
- Maintaining a remote adjudication capability that enables asylum officers to process credible fear cases from any location.

As a result of these efforts, USCIS has aggressively expanded our adjudicative capacity and accelerated processing times, maintaining an average processing time of 10 days or less for credible fear and reasonable fear. In addition, as part of the federal government's coordinated response on the southwest border, USCIS has deployed additional asylum officers to key detention facilities along the border. Our ability to timely process credible fear claims saves valuable detention resources, enables the entire expedited removal

process to operate more efficiently, and most importantly, minimizes detention of potential asylees and victims of torture.

These efforts have not come without costs. Resources have been diverted from our affirmative asylum caseload to the credible fear caseload, causing our pending affirmative asylum caseload to grow from 15,526 cases at the end of FY12 to over 108,000 cases at the end of FY15. In order to help reduce the pending caseload, the expansion of the Asylum Corps continues, and this quarter USCIS is in the process of onboarding 72 additional asylum officers. We will continue to identify ways to maximize our resources, work efficiently, and enhance quality as we work to address both the credible fear and affirmative asylum caseloads.

USCIS is also supporting efforts to address the flow of unaccompanied children across the Southwest border. While unaccompanied children are not subject to expedited removal and therefore do not enter the credible fear process, USCIS has initial jurisdiction over asylum applications filed by unaccompanied children under the Trafficking Victims Protection Reauthorization Act of 2008. In FY15, USCIS has received 14,218 asylum applications from unaccompanied children—approximately seventeen percent of the asylum applications received overall by USCIS in FY15. Of the 10,763 unaccompanied children asylum cases adjudicated on the merits in FY15, 41.2% (4,439) have been granted asylum status.

USCIS also adjudicates Special Immigrant Juvenile (SIJ) petitions filed by unaccompanied children. In FY15, over 11,500 SIJ petitions were filed.

USCIS remains strongly committed to supporting the government-wide response to the migration flows on the Southwest border, including ensuring those who have protection claims are provided the opportunity to have those claims heard. At the same time, USCIS remains committed to preventing immigration fraud, including in asylum and other humanitarian adjudications. In the last several years, USCIS implemented several organizational changes that strengthen our ability to combat asylum fraud including the creation of a dedicated Fraud Detection and National Security (FDNS) branch at Asylum Division Headquarters; doubling the FDNS immigration officer corps nationally at the eight Asylum Offices; and the establishment of an interagency working group to investigate and prosecute asylum fraud including partners from DHS Homeland Security Investigations and DOJ Executive Office for Immigration Review and Executive Office for United States Attorneys. These developments, and numerous successful criminal convictions in recent years, demonstrate the Department's commitment to asylum fraud detection and prevention.

### **International Operations – Intercountry Adoptions, Haitian Family Reunification Program, and Filipino World War II Veterans Parole**

USCIS plays a critical role in the intercountry adoptions process in coordination with the Department of State. The International Operations division within USCIS provides services to U.S. citizens living abroad and U.S. families who travel abroad to adopt

children. The National Benefits Center has a very unique and highly specialized line of customer service for prospective adoptive parents. Domestically at the National Benefit Center there are a team of officers who work with prospective parents and adjudicate orphan-related Forms I-600A and I-600 and Hague-related Forms I-800A and I-800. Overall USCIS has seen a decrease in the number of petitions for intercountry adoptions. In FY15, filings decreased by 17.8 percent from the previous fiscal year.

Over the past two years, USCIS has realigned its international footprint to better optimize its international presence and resources by adjusting staffing levels in certain international locations and closing three offices, given the significant reduction in workload in those offices following the centralization of the filing and adjudication of waiver applications in the United States. USCIS will be closing an additional office in December. USCIS also has enhanced the integrity of its programs by expanding the use of secure boarding foils in lieu of travel letters for certain benefit types in partnership with the Department of State.

USCIS has worked with the Government of Guatemala, in partnership with the Department of State, to facilitate resolution of long-pending adoption cases filed by U.S. citizens. Guatemala has made significant progress in the past year and only 5 cases remain pending from approximately 3,000 that were in process when the Hague Adoption Convention entered into force for the U.S. on April 1, 2008. In addition, USCIS has worked in partnership with the Department of State and the government of Haiti to develop a smooth transition process for pending adoption cases after the Government of Haiti joined the Hague Adoption Convention. USCIS has participated with the Department of State in joint delegations to the Democratic Republic of the Congo (DRC) to try to resolve the continuing suspension on exit permits preventing adopted children from leaving the DRC and stands ready to provide any further technical assistance to enable these children to join their new families in the United States as soon as possible.

In December 2014, USCIS announced via *Federal Register* Notice that it would implement a Haitian Family Reunification Parole (HFRP) Program to enable certain beneficiaries of approved immigrant visa petitions to receive a discretionary grant of parole to enter the United States up to approximately two years before their immigrant visas become available. The program is intended to expedite family reunification through safe, legal, and orderly channels of migration to the United States, increase existing avenues for legal migration from Haiti, and help Haiti continue to recover from the devastation and damage suffered in the January 12, 2010 earthquake.

In addition, USCIS is developing the criteria and process for certain Filipino WWII veterans to seek parole for their family members to join them in the United States while they await visa availability. As announced in the report *Modernizing & Streamlining our Legal Immigration System for the 21<sup>st</sup> Century*, DHS is creating a parole policy that will allow certain family members of Filipino-American veterans to request parole to come to the United States to provide support and care to their Filipino veteran family members who are U.S. citizens or Lawful Permanent Residents. It is estimated that there are between 2,000 and 6,000 Filipino-American veterans who fought under the American

flag during World War II and are living in the United States at this time. Many are separated from their family members who must await many years to immigrate to the United States because of the annual limit on the number of available family-based immigrant visas. USCIS intends to announce and implement this program in the spring of 2016.

### **Temporary Protected Status**

Under the INA, the Secretary of Homeland Security has discretionary authority to designate a country for Temporary Protected Status (TPS) after consulting with other appropriate federal agencies, including the Department of State. As the Department of Homeland Security component responsible for administering the TPS program, USCIS plays a significant role in the designation process.

Currently, thirteen countries are designated for TPS: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, South Sudan, Sudan, Syria, and Yemen. In response to emerging humanitarian and protection needs, several of these countries have been newly designated since I last testified before the full Committee, and I would like to highlight those. Guinea, Liberia, and Sierra Leone were designated in November 2014 due to the outbreak of Ebola virus disease in West Africa. Nepal received its initial designation for TPS in June 2015 following a devastating magnitude 7.8 earthquake. And Yemen is the latest country to receive TPS, having been designated in September 2015 because of the ongoing armed conflict. Additionally, Syria and South Sudan were redesignated for TPS in April 2015 and November 2014, respectively, increasing the number of nationals of those countries eligible for TPS.

Applicants for TPS undergo thorough security checks, and individuals with certain criminal records or who pose a threat to national security are not eligible. Those who are granted TPS are authorized to work, may request travel authorization, and cannot be removed from the United States for the duration of their status. TPS does not provide a way for individuals who are not residing in the United States at the time of designation to come to the United States, nor does it provide a means by which beneficiaries may bring family members into the United States.

### **EB-5**

USCIS continues to take steps to improve operational capacity and program integrity in the EB-5 immigrant investor visa program. In FY15, USCIS's Immigrant Investor Program Office expanded the number of adjudications staff by 37% and grew the number of support staff by 20% from the prior fiscal year.

There was a marked increase in EB-5 filings as FY15 drew to a close, presumably due to the potential sunset of the regional center program, the high demand for visa numbers and the desire to lock in a priority date. Absent reauthorizing legislation, the EB-5 regional center program will lapse on December 11, 2015.

In FY15, USCIS more than doubled the embedded Fraud Detection and National Security staff devoted to EB-5 and more than tripled the number of overseas verification requests sent to post in support of the adjudication of EB-5 applications and petitions. USCIS is also preparing to launch a domestic site visit pilot program in support of EB-5-related adjudications in FY16.

Stakeholder engagement continues to be a critical part of efforts to improve both program efficiency and integrity and in FY15 USCIS offered a new series of EB-5 informational series to enhance engagement with the stakeholder community. In April 2015, the Secretary of Homeland Security approved protocols related to the ethical administration of the EB-5 program. USCIS provided training on these protocols to all DHS and USCIS employees and contractors involved in policymaking, evaluation, or review of the EB-5 program or the adjudication of any particular EB-5-related petitions or applications.

### **E-Verify**

E-Verify is a critical program within the Department that encourages and assists employers in their compliance with our immigration-related employment eligibility verification laws. We are doing everything we can not only to optimize performance of the system but to ensure its integrity and accuracy, improve ease of use, and expand customer services. I am committed to building on the success of this program that enrolls approximately 1,200 new employers per week, with more than 70,000 enrolled in total in FY 2015. In the past FY, almost 32,000,000 queries were run through the system, representative of cumulative total of more than 622,000 employers enrolled.

USCIS continues to improve E-Verify's accuracy by increasing the number of databases checked by the system and introducing quality control enhancements designed to reduce the likelihood of data entry errors. In FY15, we expanded the RIDE Program (Records & Information from Department of Motor Vehicles for E-Verify) an ongoing E-Verify initiative that links E-Verify with state departments of motor vehicles (DMVs) and other state public safety offices in conjunction with the American Association of Motor Vehicle Administrators. RIDE allows E-Verify to validate the authenticity of driver's licenses and state identification cards presented by employees as Form I-9 identity documents. RIDE helps to reduce document fraud and boosts the accuracy of E-Verify employment eligibility verification. In FY15, RIDE added Nebraska and North Dakota to the rolls with Mississippi, Florida, Idaho, and Iowa. Wisconsin was just added in November FY 2016.

USCIS continues to implement improvements to E-Verify, with a specific focus on the scalability of E-Verify's technical infrastructure for future expansion. To that end, a Program Management Office was established to oversee this operation, which is classified as a major information technology investment for the department. Closely following an approved acquisition strategy and baseline life-cycle cost estimate, the underlying E-Verify system architecture will be decoupled to ultimately deploy a modernized system.

In an effort to ensure that employee rights are protected, USCIS continues to offer services for job seekers. In FY15, USCIS deployed myE-Verify, a website that provides information and tools that serve the needs of workers and job seekers, in both English and Spanish, in all 50 states, the District of Columbia, and U.S. territories. myE-Verify incorporates the previously released Self Check which allows workers to verify personal information against the same records E-Verify checks. Job seekers can confirm that their records are in order or, if a mismatch occurs, learn how to make updates before accepting a position of employment with an E-Verify enrolled employer. Additional features rolled into this online suite of services include the capability to create a unique, secure personal myE-Verify account by allowing users to protect their identities and the fraudulent use of their SSNs by self-locking their SSNs in E-Verify. There is also a case history feature, which allows the account holders to see when and where their identity was used in both E-Verify and Self Check, along with the ability to track the status of their E-Verify case. Finally, within the site there are multi-media resources for workers and jobseekers to learn about employee rights.

Lastly, USCIS is working to establish a formal process within E-Verify by which individuals can request a review of their final case outcomes in order to help reduce erroneous results. Initial planning has begun with an E-Verify Paperwork Reduction Act notice and request for comment published in the Federal Register to include the proposed Final Nonconfirmation (FNC) review process, which will allow a case to be re-opened once an employee calls DHS/Verification (or SSA), returning the final response to the employer electronically in the form of a Case Status Alert in E-Verify instead of issuing a hard copy letter.

### **Unlicensed Practice of Immigration Law**

Immigration services scams are a serious national problem. Anyone can fall prey to a scam, including U.S. citizens and lawful permanent residents. We have made fighting these scams one of our highest priorities. Our agency is committed to educating applicants about immigration fraud, warning them of the potential dangers and common tactics, and ensuring that they know how they can find qualified legal advice and assistance with their immigration forms.

This past summer, we celebrated the fourth anniversary of the launch of our efforts to combat these scams through the Unauthorized Practice of Immigration Law (UPIL) Initiative. In Fiscal Year 2015, we hosted about 1,600 national and local UPIL engagements, reaching more than 106 thousand people with the intent of raising awareness in local communities and equipping applicants with the information they need to protect themselves from such deceptive practices. We continue to leverage our long-standing relationships with federal and local partners to combat UPIL.



## **Conclusion**

I appreciate the support and interest of this Subcommittee in our efforts, and working with you on these and other matters critical to the transparency, integrity, consistency and efficiency of our immigration system and the work of USCIS.

I look forward to your questions.