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August 13, 2004

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United States Senate

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Committee on Appropriations
House of Representatives

The Honorable F. James Sensenbrenner, Jr.
Chairman
The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Subject: *Immigration Benefits: Eleventh Report Required by the Haitian Refugee
Immigration Fairness Act of 1998*

This report responds to certain requirements of the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998¹ that authorized certain Haitian nationals and their dependents to apply to adjust their status to legal permanent residence. Section 902(k) of the act requires the Comptroller General to report every 6 months on the number of Haitian nationals who have applied and been approved to adjust their status to legal permanent residence. The reports

¹P.L. 105-277, 112 Stat. 2681-538.

are to contain a breakdown of the number of Haitians who applied and the number who were approved as asylum applicants, parolees, children without parents, orphaned children, or abandoned children; or as the eligible dependents of these applicants, including spouses, children, and unmarried sons or daughters. Reports are to be provided until all applications have been finally adjudicated. This is our eleventh report.²

RESULTS IN BRIEF

Through June 30, 2004, United States Citizenship and Immigration Services (USCIS), formerly part of the Immigration and Naturalization Service (INS), had received a total of 38,548 HRIFA applications and had approved 11,917 of these applications.³ The Executive Office for Immigration Review (EOIR) had 1,418 applications filed and had approved 454 of them. Details on the categories of the applicants and approvals are provided in this report.

BACKGROUND

Haitian applicants are to send their applications to USCIS's Nebraska Service Center in Lincoln, Nebraska. A contractor at the service center is responsible for processing the applications up to the point of their adjudication by USCIS examiners. An application may be adjudicated at the service center or in a USCIS district with jurisdiction over the area where the alien applicant resides. Generally, applications that are complete and evidentially sufficient can be adjudicated at the service center, according to USCIS officials. If an interview is required or other issues need to be resolved, the application is to be forwarded to the appropriate USCIS district, where the applicant can be interviewed and the application adjudicated. Data on Haitian applicants are to be entered in USCIS's Computer Linked Application Information System (CLAIMS).

²The previous reports were (1) *GAO, Immigration Benefits: Applications for Adjustment of Status Under the Haitian Refugee Immigration Fairness Act of 1998*, [GAO/GGD-99-92R](#) (Washington, D.C.: Apr. 21, 1999); (2) *Immigration Benefits: Second Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO/GGD-00-25R](#) (Washington, D.C.: Oct. 19, 1999); (3) *Immigration Benefits: Third Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO/GGD-00-122R](#) (Washington, D.C.: Apr. 14, 2000); (4) *Immigration Benefits: Fourth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-01-118R](#) (Washington, D.C.: Oct. 20, 2000); (5) *Immigration Benefits: Fifth Report Required by the Haitian Immigration Fairness Act of 1998*, [GAO-01-651R](#) (Washington, D.C.: Apr. 20, 2001); (6) *Immigration Benefits: Sixth Report Required by the Haitian Immigration Fairness Act of 1998*, [GAO-02-114R](#) (Washington, D.C.: Oct. 22, 2001); (7) *Immigration Benefits: Seventh Report Required by the Haitian Immigration Fairness Act of 1998*, [GAO-02-600R](#) (Washington, D.C.: Apr. 18, 2002); (8) *Immigration Benefits: Eighth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-03-240R](#) (Washington, D.C.: Oct. 22, 2002); (9) *Immigration Benefits: Ninth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-03-681R](#) (Washington, D.C.: April 21, 2003); (10) *Immigration Benefits: Tenth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-04-189R](#) (Washington, D.C.: October 17, 2003).

³On March 1, 2003, INS was transferred from the Department of Justice to the Department of Homeland Security. Within Homeland Security, the adjudication of HRIFA benefits is the responsibility of USCIS.

Haitian nationals who are eligible for HRIFA should file their applications with EOIR rather than USCIS if they have (1) a proceeding pending before the Immigration Court or the Board of Immigration Appeals or (2) a pending motion to reopen or reconsider filed on or before May 12, 1999. Thus, Haitian nationals who are in deportation, exclusion, or removal proceedings, and whose cases have not been administratively closed, are to file their HRIFA application with EOIR, not USCIS.⁴ Data on Haitian applicants are to be entered in EOIR's case-tracking system, the Automated Nationwide System for Immigration Review (ANSIR).

The deadline for principal applicants to file an application for adjustment of status under HRIFA was March 31, 2000. Dependents of principal applicants have no application deadline.⁵

HRIFA APPLICATIONS RECEIVED AND APPROVED BY USCIS

Through June 30, 2004, USCIS data showed that it had received 38,548 HRIFA applications at its Nebraska Service Center, all of which had been entered into CLAIMS. The categories and numbers of these applicants are shown in table 1. Through June 30, 2004, USCIS had approved 11,917 applications for adjustment of status under HRIFA.

Table 1: HRIFA Applications and Categories of Applications Received and Approved by USCIS, through June 30, 2004

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	17,325	6,228
Principal	Parolee	8,902	2,744
Principal	Child without parents	1,228	138
Principal	Orphaned child	240	26
Principal	Abandoned child	481	28
Dependent	Spouse	3,532	829
Dependent	Child	6,487	1,841
Dependent	Unmarried son or daughter	353	83
Total		38,548	11,917

Source: USCIS data.

HRIFA APPLICATIONS FILED WITH AND APPROVED BY EOIR

Through June 30, 2004, EOIR data from ANSIR showed that 1,418 HRIFA applications had been filed with EOIR, of which 454 had been approved for adjustment of status. Table 2 provides information on the categories and numbers of HRIFA applicants and approvals.

⁴EOIR was not transferred to the Department of Homeland Security and remains part of the Department of Justice.

⁵The Legal Immigration and Family Equity Act (title XI of P.L. 106-553, as amended by title XV of P.L. 106-554) went into effect on December 21, 2000. This act amended HRIFA to waive certain grounds of inadmissibility for aliens applying for relief under HRIFA. Finalized regulations implementing these changes to HRIFA went into effect on June 4, 2002.

Table 2: HRIFA Applications and Categories of Applications Filed with and Approved by EOIR, through June 30, 2004

Principal or dependent	Category of applicant	Number of applications in ANSIR	Number of applications approved
Principal	Asylum	794	242
Principal	Parolee	353	109
Principal	Child without parents	72	27
Principal	Orphaned child	10	5
Principal	Abandoned child	10	4
Dependent	Spouse	118	43
Dependent	Child	52	19
Dependent	Unmarried son or daughter	9	5
Total		1,418	454

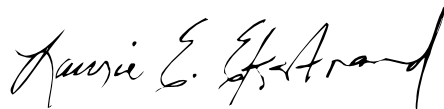
Source: EOIR data.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives for this report were to determine (1) the number and categories of applicants who filed applications with USCIS or EOIR and (2) the number and categories of applicants whose applications were approved by USCIS or EOIR. To attain these objectives, we relied on USCIS and EOIR to provide us with data from their CLAIMS and ANSIR systems, respectively, on applicants and the number of approvals. We assessed the reliability of the data by reviewing existing information about the data and the system that produced them, and we questioned agency officials knowledgeable about the data. We determined that the data were sufficiently reliable for the purposes of this report. We conducted our work between June and August 2004, in accordance with generally accepted government auditing standards.

We provided the Departments of Justice and Homeland Security with a draft of this report for comment. The Departments had no comments on this report.

We are providing copies of this report to the Attorney General and the Secretary of the Department of Homeland Security and will make copies available to others upon request. If you have any questions about this report, please contact me at (202) 512-8777. The key contributor to this assignment was Tanya Cruz.



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 Director, Homeland Security
 and Justice Issues

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