

TESTIMONY OF
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U.S. CITIZENSHIP AND IMMIGRATION SERVICES

BEFORE
THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON HOMELAND SECURITY

MARCH 16, 2010

Chairman Price, Ranking Member Rogers and Members of the Subcommittee, I appreciate the opportunity to appear before you today to testify about our budget request for fiscal year (FY) 2011 and several critical issues important to both U.S. Citizenship and Immigration Services (USCIS) and this Subcommittee.

Since joining this agency seven months ago, I have witnessed first-hand not only the challenges in managing an effective and efficient immigration services organization, but also the tremendous promise of our mission and the dedication of thousands of employees who administer our nation's immigration laws each day. I fully appreciate that our ability to overcome the challenges and take full advantage of our potential requires a close relationship with our partners, including Congress and this Subcommittee.

I am extremely grateful to the Members of this Subcommittee for the continued strong support of USCIS and its programs. You took the critical step this year in helping us reform our fee structure by providing appropriations for asylum and refugee activities so that the cost of the programs will not be borne by unrelated fee-paying customers of USCIS. You provided funding to expand and improve E-Verify and expand upon our important collective work to successfully integrate immigrants into our communities. We have also worked closely with you on our financial plan to help us manage operations in the current difficult financial environment.

Our budget request for FY 2011 builds on these important steps. The budget request seeks \$2.8 billion in funding, of which \$2.4 billion is financed through fee revenue and \$386 million is funded with appropriations. The appropriations request is \$162 million above the FY 2010 enacted level. This increase largely accounts for our request for fully funding the asylum and refugee programs through appropriations. USCIS continues to face a marked decline in fee revenue from levels projected prior to the downturn in the economy. The budget request for fee-financed programs reflects both cost and fee-financing adjustments in response to a changed revenue environment for the foreseeable future.

The details of adjustments to fee-financed programs that will be provided in a rulemaking currently under review which will enable USCIS to use the \$50 million appropriation for asylum and refugee processing that the Subcommittee supported in the FY 2010 Department of Homeland Security (DHS) Appropriations Act.

USCIS Response to the Tragedy in Haiti

Before I discuss some of the details of our budget request, I first want to speak briefly about the USCIS response to the tragic earthquake in Haiti. The overall response of our government to the Haitian crisis was swift, decisive, and comprehensive. I am extremely proud of the role USCIS employees served in this response, both on the ground in Haiti and in the United States as events unfolded and since that time.

Many USCIS employees worked tirelessly to ensure that Haitian orphans were safe and well cared-for. The commitment of these employees to the well-being of others has been inspiring. This collective spirit and drive in response to the crisis is perhaps best exemplified by the actions and sacrifice of the USCIS Field Office Director stationed at the U.S. Embassy in Port-au-Prince, Mr. Pius Bannis. Mr. Bannis worked all hours, providing food and shelter to children without regard to his own needs, while evaluating and processing travel papers for a steady stream of desperate and scared Haitians.

Other employees worked day and night to build the significant operation necessary for us to extend Temporary Protected Status (TPS) to eligible Haitian nationals in this country. Just three days after the earthquake, Secretary Napolitano announced the designation of TPS for Haitian nationals living in the United States on or before Jan. 12. Through February, USCIS has received nearly 25,000 applications for Haitian TPS. We have worked assiduously since Jan. 12 to ensure our ability to adjudicate TPS applications in a timely manner.

USCIS continues to actively support other aspects of the humanitarian relief effort, including granting humanitarian parole to individuals needing urgent medical care and adjudicating the petitions of Haitian's who have relatives living legally within the United States. For the immediate future, our priority will remain focused on the needs of orphans who were adopted or were in the process of being adopted prior to the earthquake. We will address other issues as the long-term federal response continues to evolve. I promise to do everything I can to ensure USCIS continues a strong focus on this tragedy in collaboration with our federal, state and local partners.

Management Priorities

Our response to the Haitian crisis has shed light on operational areas in which we excel and, at the same time, has helped us identify areas in which management improvements are needed. To a broader extent, I have been working every day with my management team to identify areas across the USCIS operational enterprise that requires greater focus. Specifically, I have asked my management team to emphasize the need to align our operations with a focus on our guiding principles of integrity, consistency, efficiency, and transparency. These priority principles are steering efforts to improve operations and outcomes, and help us determine our resource needs.

With respect to transparency, the President called on USCIS last year to overhaul our communications with our customers. We implemented a vastly improved website to improve the ability of USCIS customers to access the information and assistance they

need. The redesigned USCIS.gov website is more customer-centric, providing customers with a “one-stop shop” for immigration services and information. The clarity of language has been improved, customer service tools have been made more accessible, and navigation throughout the website has been simplified. In addition, applicants are able to get updates on the status of their applications via e-mail, text message, and online.

We have also emphasized transparency through implementation of a robust and improved stakeholder engagement program. Our new Office of Public Engagement is working to ensure our external partners are included in the consideration of policy and process development, and we plan to keep our customers fully informed of USCIS issues and activities. The Office already has held numerous collaboration sessions with the immigration stakeholder community on a broad variety of topics such as the redesign of the medical certification for disability exceptions form, the development of a new fee waiver form, Haitian TPS and issues affecting vulnerable populations including special immigrant juveniles. On Haitian TPS alone, the Office has hosted 139 community engagement events on Haiti, with over 14,200 stakeholders in attendance.

In support of a greater emphasis on integrity and issues of concern to national security, a January realignment of USCIS offices elevated our fraud detection unit into a newly-established Fraud Detection and National Security Directorate. The Directorate will report directly to me, demonstrating our continued commitment to eliminating fraud, identifying national security threats, and sharing information with our law enforcement and intelligence partners.

I also understand how crucial the uniform application and interpretation of policies across USCIS is to our mission of providing the public with the highest possible level of service. To enhance consistency and integrity, we are undertaking a complete review of policy and operational guidance. USCIS recognizes that policies applied inconsistently impede the ability to deliver our commitment to fairly administer immigration benefits. This initiative will enable USCIS to ensure the consistent application of policies across all our offices.

Consistent with Secretary Napolitano's Department-wide Efficiency Review, USCIS is implementing several common-sense initiatives. Among other things, USCIS is reducing non-mission critical travel, subscriptions and printing; maximizing the use of government space for meetings; and improving utilization of refurbished information technology.

USCIS has also implemented other cost-cutting measures that will improve operational efficiency, such as a reduction in centrally located training that will help reduce associated travel costs. A balanced workforce strategy, also consistent with a Department-wide initiative, will help USCIS reduce unnecessary workforce-related costs over time. USCIS also has begun the process of validating the conversion of numerous contract positions to federal staff.

We have established a new umbrella management organization that will help improve management accountability. This improved focus on our guiding principles of

transparency, integrity, consistency, and efficiency will help USCIS achieve program outcomes that support the Department's mission of enforcing and administering immigration laws.

Consistent with these management improvements, USCIS will also stress quality improvements as a benchmark in the administration of the immigration system. At the same time, processing times for application and petition workload will continue to be an important indicator of performance. With few exceptions, processing times currently equal or beat the standards set in our 2007 fee rule after USCIS finished working through the post-fee rule application surge. I expect processing times to remain equal or above current standards during this year.

E-Verify

The FY 2011 budget requests \$103.4 million for E-Verify, and I expect we also will use approximately \$21 million of multi-year funds appropriated in prior years for this program during FY 2011. E-Verify is a critical program within the Department that helps U.S. employers maintain a legal workforce by allowing them to electronically verify the employment eligibility of newly hired employees. We are doing everything we can not only to optimize performance of the system but to ensure its integrity and accuracy, improve its ease of use and expand customer services. I am committed to continuing to build on the success of this program that continues to enroll an average of 1,400 new employers per week in addition to the more than 189,000 current employers already enrolled at over 700,000 worksites. In

addition, in 2009, E-Verify usage by new federal contractors became a government-wide requirement.

I want to take a moment to discuss our efforts to bolster E-Verify's ability to detect identity fraud. During a recent study of data from a three month period in 2008, the Westat Corporation found that E-Verify's accuracy continues to improve. In this evaluation, Westat found that in approximately 96% of the cases, the E-Verify findings were consistent with the workers' true employment authorization status. Further, the study found that of the cases submitted to E-Verify, 6.2% of the workers were actually unauthorized and, of that subset, E-Verify detected slightly less than half as unauthorized. The study concluded that this rate is not surprising in light of E-Verify's current limited ability to detect identity fraud.

We are working hard to improve E-Verify's ability to detect identity fraud. USCIS has already added DHS-issued photos to the system allowing for a biometric comparison for authorized workers and we are in the process of adding passport photos to E-Verify's photo tool. We have also significantly enhanced our capabilities to monitor system use for evidence of identity fraud, and we are developing tools that will allow workers to lock their own Social Security Number in E-Verify until they are changing jobs. However, even with these steps it is important to understand the limitations of the current system. The largest pool of available biometrics are state driver's license photos. Access to these photos would improve E-Verify's ability to effectively combat identity fraud. However, even with this limitation we are examining biometric and biographic options to further

strengthen verification of employees and to reduce misuse, fraud, identity theft and abuse.

It is important to note that E-Verify is but one tool in the Department's efforts to ensure a lawful workforce, and the crime of identity fraud is combated by a full complement of enforcement tools, including the I-9 audit program. USCIS is working this year and in FY 2011 to implement a series of improvements consistent with the \$30 million in two-year funding the Congress provided in the FY 2010 appropriations bill. System algorithms are being improved for better data matching in order to continue to reduce inaccurate initial results. USCIS is also developing Self-Check functionality within E-Verify to help employees proactively identify and resolve data issues outside of the hiring process that could help prevent data mismatches with the E-Verify system.

Fee Surcharge Reductions

This year, Congress appropriated \$50 million in funding to cover the FY 2010 fourth quarter costs of asylum and refugee programs for which beneficiaries are not charged fees. The costs of these programs are applied as surcharges on the fees of applicants for other immigration benefits. The FY 2011 budget requests a \$207 million appropriation to fully fund these programs.

In addition, the FY 2011 budget requests \$41 million in new appropriations to expand the fee reform efforts to include the elimination of fee surcharges reflecting the cost of the Systematic Alien Verification for Entitlements program and the Office of Citizenship. The costs of these

programs do not bear a direct relationship to the operational costs of the applications and petitions of persons receiving immigration benefits and should not be part of the cost structure affecting fee levels.

Immigrant Integration

The budget requests \$11 million for immigrant integration, the same level as FY 2010. I greatly appreciate the strong support of the Subcommittee in the significant expansion of this important program in FY 2010. Our continued success as a nation of immigrants depends on the ability of lawful newcomers to permanently settle in communities and enjoy the rights and freedoms that define our nation. American society must remain open and welcoming to immigrants and provide essential tools and support for them to gain a sense of belonging and ownership in the future of our country. This program helps support these goals.

The FY 2011 request would make possible up to \$8 million in competitive grants to organizations preparing immigrants for citizenship, helping these individuals gain the knowledge necessary to become successful citizens. Remaining base and requested funding within our Office of Citizenship will support the continuation of efforts to promote the rights and responsibilities of citizenship through educational materials and training resources for immigrants and organizations. USCIS will continue to fund integration tools to enhance English language learning, expand the capacity of volunteers to prepare immigrants for citizenship, improve access to information on citizenship education opportunities and resources, and fund a citizenship-focused public awareness effort.

Additionally, USCIS will work with other Federal agencies to coordinate activities and funding to ensure that Federal resources are maximized to effectively and efficiently achieve integration goals.

I expect that through our efforts which began in FY 2009 and will continue in FY 2011, USCIS will be well-positioned to support the achievements of organizations providing resources to underserved immigrant communities in support of better integration of immigrants into our nation. In FY 2009, we awarded 13 grants totaling \$1.2 million. In FY 2010, I expect that USCIS will award approximately 50 grants totaling \$7 million. We have developed a rigorous grant review and evaluation process to ensure this important investment will benefit not only those directly receiving services, but the nation as a whole.

Transformation

No project is more important to long-term operational improvement and efficiency than Transformation, a program that will modernize our immigration benefit processing system. This Subcommittee has heard much about USCIS Transformation for the last several years with unfortunately very few results to date. I share the disappointment of those who would rather see this critical effort further along. Our Transformation program is now proceeding on a carefully developed path that is mindful of the challenges and focused on avoiding the customary mistakes of large transformational projects.

For much of the last year of the Transformation program, USCIS and its key contractor have focused on the critical project and procurement planning that is necessary for long-term

program success. That planning resulted in a significant shift in the Transformation system improvement deployment strategy among immigration benefit types. A re-sequencing of the schedule to focus first on non-immigration benefit types will result in a process that follows the natural immigration lifecycle and will enable the use of electronic adjudications earlier. This will strengthen the impact of the first deployment and immediately show a clear tie to mission results.

Our operating plan for FY 2010 assumed more than \$322 million for the Transformation program and related activities. We are still working to refine resource needs for this year and FY 2011 and finalize a revised program plan. The budget request provides \$164 million in estimated new premium processing fee revenue for Transformation in FY 2011.

Challenges and Path Forward

As I suggested earlier, in the midst of significant successes, USCIS has significant challenges that it is working to overcome. The most immediate is a drop in fee revenue. The important actions this Subcommittee has taken and the spending reductions and efficiencies we are continuing to implement will help us through this year. I can assure you I will keep you apprised of the status of this situation and our operational planning.

I am committed to maintaining a strong focus on improving our performance in all program areas even in the face of fiscal challenges. We must be more efficient out of respect for the customers who pay fees and the taxpayers who support our operations. USCIS activities must be more transparent than they have in the past, and we need to work closely with our

stakeholders and the public to deliver the customer service and immigration benefits that we expect and our customers deserve. Fraud detection activities require an improved strategic direction and focus. The Transformation program will require continuous and intense management review, especially during these formative stages, to ensure optimal functionality will be delivered on time and within budget.

Again, I appreciate your support of all of these efforts. I look forward to working with you on these and other matters critical to the integrity, efficiency, consistency, and transparency of our immigration system and the work of USCIS. I am happy to answer any questions you may have.

Alejandro (Ali) Mayorkas,
Director, U.S. Citizenship and Immigration Services

Background Experience/Significant Achievements:

Nominated by President Obama on April 24, 2009 and unanimously confirmed by the U.S. Senate on August 7, 2009, USCIS Director Alejandro Mayorkas oversees the administration of the world's largest immigration service. Mayorkas has served as the United States Attorney for the Central District of California and previously was a partner in the law firm of O'Melveny and Myers LLP. Last year, he was named one of the 50 Most Influential Minority Lawyers in America by the National Law Journal. Mayorkas previously served as an Assistant U.S. Attorney for the Central District of California from 1989 to 1998.

Education:

Mayorkas holds a J.D. from Loyola Law School and a B.A. from the University of California at Berkeley.