U.S. Citizenship and Immigration Services

DIRECTOR'S REMARKS

15th Annual Immigration Law and Policy Conference

Organized by the Migration Policy Institute

Georgetown Law

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Editor's note: The correct credible fear projection for this year is 90,000.

< Andrew Selee>

- Welcome to the fifteenth annual immigration law and policy conference. I'm Andrew Selee I'm the president of the Migration Policy Institute and it's my pleasure to welcome you here this morning. Let me say how pleased we are at MPI to have organized this conference together with our partners at the Catholic Legal Immigration Network Clinic in Georgetown Law.

- This is the again the fifteenth time we've done this. We've been partners in this endeavor the entire time and thanks to Dean William Trainer, who you will hear from later today, for hosting us here at Georgetown Law and thanks especially Professor Andy Shoenholtz for, Andy where ever you are there, for your partnership in this through the years and all the staff actually at that clinic in Georgetown Law and MPI that have participated in this. We should call out particularly the events and communications staff at Georgetown Law and I also want to single out from CLINIC Jean Atkinson and Jill Bussey who have been fantastic partners in this effort. Good morning good to have you here. And from our side Doris Meisner,

Muzaffar Chishti and Michelle Middlestat and Lisa Dixon as well. And a round of applause for all of them for putting this together.

- Our goal with this conference is to present a range of viewpoints that are shaping today's immigration policy debates. We believe that it's vital to have a forum where people who approach these issues from very different ideological assumptions and professional pursuits can come together and discuss immigration policy issues in a thoughtful and civil way. We make a special effort to bring together current and former policy makers, activists, academics, journalists, and others were involved actively in discussing, debating, and deciding on immigration policy issues.

- It's no secret that immigration is moved to the fore in public debates and in political debates in this country. There was a recent Gallup poll that said that it was the number one issue on Americans' minds. You can believe that or not and you can say sometimes it's a symbol for other things were talking about, but clearly we're at a different place than we were even two or three or four or five years ago. Immigration is a front-and-center issue in a way that rarely has been in the history of this country, certainly the recent history.

- We're hopeful you'll find today's line of topics and speakers from multiple perspectives and positions interesting. We had to make some choices because of how salient the issues are and how many issues are on the table. We know we've left out some things are important, but hopefully

you'll find this a particularly useful set of issues that we've chosen to address this time.

- Before turning to our keynote speaker, I'd like thank all of you for coming. We're looking forward to your active participation, your questions, and comments during the sessions today and thank you to all of those who traveled to get here. I know there's a number that came from long distances, including from California and elsewhere, to be with us today. And with that I'd be happy to welcome this year's keynote speaker U.S. Citizenship and Immigration Services Director Francis Cissna.

- He's been director of USCIS since October 2017. He served in several senior positions in the Department of Homeland Security. He was detailed to the Senate for a period of time as well, and works on the legislative side of these issues. Early in his career, he was a Foreign Service officer. He worked at the U.S. consulate in Haiti and the U.S. embassy in Sweden on immigration and visa matters. And he was a lawyer in private practice as well.

- He's been known for his incredibly detailed knowledge of immigration policy and law. Since he earned his law degree right here at Georgetown Law, we're delighted to welcome him back to a place where undoubtedly, he spent many days and nights bent over the law books preparing for his career. This session will be moderated by my colleague Doris Meisner, who needs no introduction in this group, which will prevent me from

introducing her. Doris is a senior fellow at the Migration Policy Institute and the Director of the U. S. Immigration Policy Program. Also twice commissioner of Immigration Naturalization Service, first as acting commissioner under Ronald Reagan and later as confirmed commissioner under President Clinton. With that let me turn it over to Director Cissna. Welcome! Good to have you here today.

<Director Cissna>

- Well good morning everybody. So I have a lot to talk about and I'm going to try to get through as much as I can in the next 25 minutes or so, and then we'll take some questions. I think maybe take some questions from Doris, from the panel, and then maybe open it up if there's time to people from the audience as well.

- So again good morning. We'd like to thank MPI and CLINIC for inviting me to be part of this 15th Immigration Law and Policy Conference. I've attended this conference myself many times as a DHS official and as a private citizen in the past. So I'm intimately familiar with the conference and what a good experience it should be for all of you as well.

- I've been the director at USCIS as Andrew said for almost a year, and I'm proud of the work we're doing to administer the nation's lawful immigration system. We have, as our other mission goals, safeguarding the integrity of that immigration system and of course protecting the

homeland on behalf of the American people, which is a mission goal that echoes one of the goals of DHS proper.

- My three main priorities for USCIS focus on homeland security, faithfully administering our nation's immigration laws, and moving the agency into an electronic world. More specifically, I want to bring USCIS into the 1990s. I want to get there, and from a technological perspective, get us right there, so that we are where we should be.

- I will go through a number of current policies and issues that you all are probably very familiar with, and I believe my comments will demonstrate USCIS' commitment to those three priorities. First, the issue of public charge. You probably all heard in the news about the proposed public charge regulation and what that might mean for immigration in this country.

- I would like to speak a little bit about that now, and how I view this regulation, this proposed regulation.

- Self-sufficiency has been a basic principle of U.S. immigration legislation since the earliest immigration laws. Indeed, you probably may know that at the time of the 1996 welfare Reform Act, there was a part of that law that was codified in U. S. statute. I think it's 8 USA 1601 where the Congress set forth several principles of self-sufficiency for immigrants.

- And going back to the late 1880s, the public charge grounds of inadmissibility has been in law and has, to different levels over the course of the time since then, been enforced. Despite this long history, public charge has not been defined in statute or in regulations, and there has been insufficient guidance on how to determine if a foreign national who is applying for a visa, admission, or adjustment of status is likely at any time become a public charge.

- Federal law generally requires that the foreign nationals seeking to come to or remain in the United States be able to support themselves financially and not be dependent on the public to meet their needs. Specifically section 212A4 of the INA, the Immigration and Nationality Act, makes inadmissible quote "any alien who, in the opinion of the consular officer at the time of application for a visa or in the opinion of the Secretary Homeland Security or the Attorney General, at the time of application for admission or adjustment of status is likely at any time to become a public charge."

- Inadmissibility based on the public charge ground is determined by considering at least the mandatory factors that are set forth in section 212A4, and making a perspective determination of the applicant's likelihood of becoming a public charge. This determination is based on a review of the totality of the alien's circumstances, including these mandatory factors: age, health, family status, assets, resources, financial status, and education and skills.

- The statute also permits the consideration of a sufficient affidavit of support. DHS recently posted to its website a notice of proposed rulemaking related to the public charge grant of inadmissibility. The proposed rule, I don't think has been published yet in the Federal Register but it should be very soon, within days if it hasn't already been today or Friday.

- The proposed rule, if finalized, would change the standard that DHS uses when determining whether an alien is likely in any time to become a public charge and is therefore inadmissible and ineligible for a visa, admission, or adjustment of status. The proposed rule, once published, will allow the public to comment for 60 days and provide input on how the public charge ground of inadmissibility should be administered.

- This rule, if finalized, would apply to aliens seeking admission to the U.S. from abroad on immigrant or nonimmigrant visas, aliens seeking to adjust their status to that of a lawful permanent resident from within the United States, and aliens within the United States who hold a nonimmigrant visa and seek to either extend their stay or change from nonimmigrant status.

- This rule would not impact the vulnerable alien populations that Congress exempted from the public charge ground of inadmissibility, including refugees, asylees, Special Immigrant Juveniles, trafficking and crime victims, VAWA beneficiaries, and certain other beneficiaries of

humanitarian programs. In addition, DHS is proposing to limit how the rule would apply to active duty and reserve members of the military, and their spouses and children, as well as certain children of the U.S. who will acquire citizenship upon admission in the U.S., or shortly thereafter.

- It is incumbent upon the U.S. government to evaluate applications in a manner consistent with federal law, and I believe the public charge regulation is a necessary step to achieving that goal. Indeed, that regulation is necessary as I just said there is no definition for public charge in the statute or the regulations. An attempt was made back in the late 1990s to, well a proposed rule was published back then, but never finalized. I think this regulation for the first time will definitively state what that means, what public charge means.

- The statutory provision at 212A4 is there, it is a ground of you inadmissibility, it needs to be administered and we can't administer it or enforce it if there's no definition, if there's no standard according to which to administer it. So I think it is appropriate and correct that we issue this regulation, and it is appropriate that the regulation be put out for public comment for 60 days. So during that period, please comment away. I anticipate will get an enormous volume of comments given the great interest in this regulation, and we look forward to that, genuinely. We will take the time we need to go through all the comments and put out a final rule as quickly as possible thereafter. But for right now, as soon as the reg. is published, like I say it should be imminently, please do comment.

- Next I'd like to talk briefly about humanitarian benefits and our mission in that regard, specifically refugees and asylum. The United States is a global leader when it comes to assisting individuals fleeing persecution including refugees and asylum seekers. To appreciate the extent of our nation's generosity, we must look at our humanitarian response as a whole to include an accounting of our asylum program.

- Each year the United States provides protection to tens of thousands of new asylees and allows those awaiting adjudication of the cases to remain in the United States. Right now, there are roughly 700,000 total asylum cases awaiting adjudication. Then you combine the 320,000 or so that are in the USCIS backlog with the roughly similar number that is in the Department of Justice immigration court backlog.

- In addition, USCIS recently expanded the availability of citizenship preparation services throughout the country with two grant opportunities of 10 million dollars.

- For refugees and asylees, one of the grant opportunities will fund four organizations to provide individualized services to lawful permanent residents who entered the United States under the U. S. Refugee Admissions Program or were granted asylum. This is a new feature of the grant program that many of you are familiar with, doubtless.

- As you recall in previous years, we would allocate an amount of money, sometimes it was statutorily appropriated. Now it isn't. So we take it out

of our fee funds, but the amount presently is around 10 million dollars. And a number of organizations apply and receive the grant monies for services in helping aliens naturalize.

- This year, for the first time, we wanted to set aside some of the grant money for organizations that help people naturalize, who originally came in as asylees and refugees. So focusing on that population, again this is a new thing and I imagine it will expand in future years, but for now we have four organizations that will be funded under that new prong of the grant program. Refugees, more specifically the refugee resettlement process, is a multi-agency effort that involves the Department of State, Department of Health and Human Services, or HHS and DHS, and our vetting partners in the intelligence and law enforcement community.

- While the Department of State manages the U.S. Refugee Admissions Program, USCIS is the one who conducts the interviews overseas and is responsible for determining who is eligible to resettle as a refugee in the United States. Throughout the refugee program's history, we have continually looked for ways to improve, refine, and streamline the security vetting process for refugee applicants.

- This administration recognizes that nothing is more important than protecting our national security. Over the past year at the direction of the president, USCIS together with the Department of State, federal law enforcement, and the intelligence community, conducted extensive

reviews and introduced new measures to make the U.S. refugee resettlement program more secure.

- While necessary, those changes have increased the time that it takes to process refugees for resettlement. With respect to setting the annual refugee ceiling, the proposed refugee resettlement ceiling for fiscal year 2019 takes into account the operational realities associated with implementing these new security measures to protect national security and public safety.

- To repeat, though the number is not final yet, the president has not signed the proclamation for the refugee number for the next fiscal year. Whatever that number is, it will absolutely be driven principally by the capacity of my agency and the law enforcement security vetting partners that my agency interacts with in vetting and screening refugees to ensure that that number is not a fictitious number. It has to be a real number based on operational reality and how many people we think that we can really, that we really are going to be able to admit in the next fiscal year. Not how many people we're going to interview or how many people were going to process. How many people will be admitted in the next fiscal year or we think will be admitted, given operational reality.

- Asylum, one of the operational challenges we are currently addressing, is the historically unprecedented surge in the number of aliens seeking asylum in the United States. UNHCR notes that the United States led the

world in a number of new asylum applications in 2017. Since fiscal year 2009, USCIS has approved more than a 100,000 applications for asylum for persons already in the United States.

- According to Customs and Border Protection, your CBP, before 2013, approximately one out of every 100 arriving aliens claimed credible fear and sought asylum in the United States. Today, one out of every 10 claims credible fear. In fiscal year 2017, CBP apprehended nearly 100,000 families from El Salvador, Guatemala, and Honduras. Of those, nearly 99 percent remain in the United States today.

- The number of asylum cases pending adjudication by USCIS has swelled by more than 850, eight five zero, percent since the end of fiscal year 2013 as a result of the increased number of affirmative asylum filings by unaccompanied minors and the tripling in the overall number of new affirmative asylum filings during the same five-year period. Lengthy backlogs in asylum processing can undermine the integrity of our asylum system and reward systemic fraud and abuse. They delay the legal protections for individuals with valid asylum claims for years.

- Since early 2017, USCIS has been detailing refugee officers to assist the Asylum Division with challenges associated with surges at the U. S. southern border, where migrants know that they can exploit a broken system to enter the U.S., avoid removal, and remain in the country. Members of the Refugee Corps have demonstrated the highest level of

professionalism during the recent period when the extraordinary circumstances on the border have required many of them to be detailed to asylum offices, or to the border region to work on credible fear screenings.

- Supplementing asylum operations with qualified officers borrowed from the Refugee Corps is a good way to increase capacity quickly, particularly when responding to the crisis on our southern border which is exacerbated by our broken asylum system. However, the more efficient and effective organizational model is to focus staff on doing the work that they were hired to do.

- We're working very hard to equip the Asylum Division with permanent staff, sufficient permanent staff, to address its workload needs so that the Refugee Corps staff can focus on refugee resettlement work. However, we will continue to detail some refugee officers to assist with asylum work on a smaller ad hoc scale in the next fiscal year.

- Let me say on that, the situation we find ourselves now with respect to asylum processing, in particular the credible fear cases that we see at the southern border, are indeed substantial. The flow of people that we have to process for credible fear claims is, I think, potentially going to exceed the highest level of credible fear cases we saw, which is back in fiscal year 2016.

- We may be, by the end of this fiscal year which is, well it already ended, if when we see the numbers it may be that we reach approximately 900,000

[sic] credible fear cases that we processed. This is incredible and it is a huge number, as I say, that rivals if doesn't exceed the number that we had in fiscal year 16. This has put an extraordinary strain on the asylum system. As I said, we have had to move people from refugee to asylum work to help handle that. I went down to the southern border a couple months ago and talk to the credible fear screeners down there. The circumstances in which they work are challenging, but as I said they remain highly professional and dedicated to their work.

- I hope, anticipate, that the refugee officers should not have to be detailed that much longer to the asylum work in fiscal year 19 but we shall see. At the same time, we are hiring up in the Asylum Division to ensure, as I said, that all the USCIS staff working on both ends of the humanitarian work that I just described do what they were hired to do. Another reform that we recently implemented just a few months ago to help our processing of the affirmative asylum claims is last in, first out. This means that we have the 320,000 case backlog, but we still have incoming cases that are flowing at a large rate and we want to stay on top of the incoming cases.

- Diverting resources to that for now taking cases as they come in and adjudicating them as quickly as possible hoping that the backlog doesn't increase, and we have had success with this. In the past few weeks, the past couple of months, the cases that have been coming in, the affirmative

asylum cases, we have stayed on top of and we've been able to adjudicate all those cases within normal processing times.

- The backlog of 320,000 cases, for the first time in many years, was actually reduced couple weeks ago and it keeps on reducing in small numbers, but the point is it reduced for the first time in a long time. I think last in, first out is paying dividends and I know that this technique of addressing asylum backlogs was pioneered back in the 90s, during Miss Meisner's tenure and I actually would commend MPI's recent report on recommendations for fixing the asylum system, which came out last week I think it was. It was a very good report. I read the whole thing. There's some good recommendations in there and we will take a look seriously at MPI's recommendations.

- Another matter relating to this, if you are familiar with, is the matter of A-B decision. On June 11, 2018, the attorney general published a precedent decision called Matter of A-B, which addresses what asylum applicants must demonstrate to show that they were persecuted or have a well-founded fear of persecution based upon their membership in a so called particular social group.

- Shortly thereafter, USCIS issued formal implementation guidance to asylum and refugee officers on how to apply that decision while processing reasonable fear, credible fear asylum, and refugee claims. I think at this time, we're looking at the nature of the cases that are coming

across the border to determine what impact matter of A-B has had or will have. It's not entirely clear yet what that impact will be but we're monitoring statistics to determine that. In the meantime our officers are implementing it, administering it and as they should because it is a precedent decision.

- Very quickly a few other points on some odds and ends that I know are of interest. Request for evidence. A 2013 policy memorandum, USCIS policy memorandum, limited denials without Requests for Evidence or Notices of Intent to Deny, or NOIDs, unless there was "no possibility" of approval. This "no possibility" policy limited the adjudicators' discretion to duplicate cases based on the record.

- The effect of the "no possibility" policy was that only statutory denials, such as a denial where a nonexistent benefit was requested, would be issued without an RFE or a NOID. As I've traveled to the field offices around the country, the USCIS field offices, adjudicators have repeatedly asked to have their prior discretion returned to them.

- USCIS issued a new policy memorandum in July, just a couple months ago, that removes the no possibility language and restores the discretion to adjudicators to deny applications, petitions, and requests without first issuing an RFE that they have always had under the regulations. Note that this new policy memorandum does not apply to DACA and certain types of other cases.

- This policy change is part of an ongoing effort to protect the integrity of our laws, cut down on frivolous filings, and help ensure legitimate petitioners aren't undermined by those gaming the system. Put differently, restoring the ability of adjudicators to just deny without issuing requests for evidence, particularly in cases where people are not filing complete cases, they are filing skeletal petitions, skeletal applications. Those types of cases and applications clog the system and take valuable adjudicator time away from adjudicating good cases that are properly filed, that the alien or the petitioner has spent time marshaling the necessary documentation the regulations require. This is meant to improve the process, streamline this case handling system, and have adjudicators, as I say, have more time to handle the cases that merit it.

- Notices to appear. On June 28 of this year, USCIS released updated guidance for issuing Notices to Appear. Now to be clear, USCIS has always had the authority to issue Notices to Appear. We were delegated that authority way back in 2003 by Secretary Ridge when DHS was first created. USCIS issued approximately 91,000 Notices to Appear in fiscal year 2017 and we issued approximately 58,800 NTAs in quarters one and two of fiscal year 2018. So again, USCIS has always been issuing NTAs by the tens of thousands year after year. This is not a new authority.

- But starting today, October 1st, USCIS will begin implementing the updated NTA policy. Under the new guidance, USCIS officers will now issue an NTA for a wider range of cases, where the individual is removable

and there's evidence of fraud, criminal activity, or an applicant is denied an immigration benefit and is unlawfully present in the country.

- Through the new NTA policy memo, USCIS is carrying out the president's executive order on enhancing public safety in the interior of the United States, which establishes immigration policies for enhancing public safety and articulates the priorities for removing individuals from the United States, promoting national security and the integrity of the immigration system. Again this is not something new. What is new is that we are expanding the categories of people who are going to be receiving NTAs to most principally, people who apply for a benefit and have no underlying lawful status when that benefit is denied. If you don't have a lawful status you should be NTAed and that is the fundamental principle of our policy with regard to that population.

- Finally let me touch on what we call the historical fingerprint enrollment process. Since I am noting the focus on cases with fraud and criminal activity, I would like to address a misperception and misreporting in the news about USCIS's role in denaturalization cases. What the agency is working on is a continuation from the previous administration in what is known as Operation Janis.

- In 2011, U.S. Immigration Customs Enforcement, or ICE, first searched databases to identify aliens who are fugitives, convicted criminals, or had orders of deportation going back to the 1990s. As a result, ICE identified

315,000 such people whose fingerprint records were not in the automated biometric identification system, or IDENT. ICE started working on uploading those records to IDENT by scanning the fingerprint cards and putting them into the electronic system.

- In 2016, the DHS Inspector General's Office issued a report finding that USCIS had naturalized people whose old fingerprint cards had not been digitized—people who had been previously deported and re-entered under a different identity and then went on to somehow become naturalized years later. The Office of Inspector General identified hundreds of cases where that had happened.

- After the report, during the previous administration, USCIS began identifying people who naturalized after having been ordered removed and intentionally used multiple identities to defraud the government to obtain US citizenship. USCIS established an office in the Los Angeles area to serve as a centralized location to review and refer such appropriate cases to DOJ for civil denaturalization. Since January 2017, USCIS has identified approximately 2,500 cases requiring review, and as of August 31, we have referred more than a 110 of those cases to the Department of Justice. So far, six individuals have received a final denaturalization court order based on that work.

- Now let me finish on this and we can take some questions. There is no denaturalization task force. I don't know how many times I repeat that

there's press in the room, for the ten thousandth time, there's no denaturalization task force. This is a group of adjudicators, rather officers and lawyers, who are looking at the cases that were identified by ICE of people who illegally entered the country, got deported, and then illegally entered again under a fake identity and then years later lied to get citizenship.

- It is appropriate and correct that those people be denaturalized. That is the population we're talking about. We are not opening up naturalization boxes and you know, finding people's files and looking for missing commas are missing semicolons. This is the population we're going after. That's it. It's based on a DHS Office of Inspector General report from 2016, which you can all read, and based on the work that goes back years beyond that where CBP and ICE found that this was a problem. I hope that puts that to rest. And with that, let me open with some questions from Doris and maybe we can take some from the audience in time that we have left.

<Doris Meisner>

- Okay, well thank you very much Director, and thank you for being specific about a number of important points that I know people are interested in and that have been very topical. I have a couple of questions because we were asked to give people an opportunity to submit questions on cards, and then while people are, while we get mics positioned, the director will

take questions from the floor as well. So I'm going to start with a question that has to do with your point at the beginning that you're bringing the agency into the 21st, we hope, century and how that relates to processing times because we are seeing a longer processing times and sometimes many more requests for further information etcetera. So could you talk to us a little bit about that whole part of your efforts.

<Director Cissna>

- Yes, this is a critical part of my directorship. I've been focusing on this since the first day and that is that the first, and most importantly, by the end of 2020, USCIS will be electronic. We will be completely electronic. Hopefully the paper will be gone and we'll be able to take everything electronically.

- From your perspective, all you have to worry about is that the electronic intake, the intake is going to be purely electronic on the inside. We'll deal with that and figure out how to take those cases in but that is going to happen. That is going to happen. The paper will end by the end of 2020. Indeed some form types before that time, we may roll out, I mean some right now you can apply electronically already. You can apply for citizenship through ELIS right now but what will happen is all form types will be available electronically before the end of 2020.

- Now as you can imagine, when that happens, this will produce incredible efficiencies for the agency. We'll be able to manage our workload better.

We'll be able to assign work across the entire country to different offices better. I think that will just be an enormous boon towards reducing the backlogs which USCIS and the predecessor INS have groaned under for decades. It's just a perennial problem because, you know, it takes time to catch up to backlogs and given the way that the agency's self-funded through fees, it's very hard to stay on top of and keep catching up with backlogs and incoming flow. But we're working hard on it.

- We've increased staff in the field office operations directorate and in service center operations we plan to keep working as I just said in asylum to hire more people to work on the backlog there. This is a problem we're keenly aware of it. I don't like it but it's a perennial problem of the agency but I tell you, when we get all electronic by the end of 2020, well I mean, that'll be a different world and I look forward to that and I hope you do too.

<Doris Meisner>

- I think we all do. Are there questions from the audience and where are the microphones?

<Xavier Francis>

- My name is Xavier Francis I'm an attorney at Ericsson Immigration Group in Arlington, Virginia. Regarding RFE policy changes, you said that the purpose of the recent policy memo was to eliminate frivolous or

placeholder petitions but can you speak a little bit about the discretion that will be given to adjudicating officers to meet the determination as to whether a petition is frivolous or is a placeholder?. How much discretion would that person be given and is there any type of operational guidance that will be issued to help adjudicators make that determination?

<Director Cissna>

- Yeah there is operational, internal operational guidance, and remember the whole purpose of this is to ensure that if, well, the first thing that the adjudicator looks at is whether all the regulatory required elements of the petition or application or whatever it is are present, and then to make an assessment if something is missing, at that point whether to issue the RFE or not. And yes there is operational guidance on what types of things adjudicators should have in mind when making that determination. So no it is not going to be just, you know, just a whim or caprice of the adjudicator whether to the issue the RFE or not, but I think the principal thing that you all should take away from this is, please file whatever case or petition, application whatever is you're filing with all the required regulatory elements.

- We put up, at the time that this was rolled out a month or so, a couple weeks ago, on the websites for each of the different form types checklists of all the different things, the regs required for each of those types of applications or petitions. So if those of you who are lawyers or those of

you who represent aliens or entities that are filing such things, take a look at those and ensure that everything is present. It is not the case that just because one thing is missing you are automatically going to get denied. That is false. The adjudicator will make a determination based on common sense and just I think good internal training on what merits an RFE, what doesn't merit an RFE. You know the adjudicators are professionals. They are not trying to find a way to deny cases. We want to adjudicate cases correctly and as efficiently as possible. That is what the RFE policy is about.

<Doris Meisner>

- Okay do I see other hands in the audienc? I guess we're over here still. Why don't we go over to that section on the right.

<Arvin Bartopoli>

- Hi my name is Arvin Bartopoli and my question is about the public charge rules. So what do you think are the expected impacts from the chilling effects on immigrants not signing up for public benefits due to fears that their residency petitions might be disadvantaged?

<Director Cissna>

- Well there's a number of factors there. I think first, well historically, it is my understanding that back in 1996, when the Welfare Reform Act of 1996 was passed, a lot of people unsubscribed from public benefits. In

many cases, I think perhaps wrongly. And I think because they didn't have to. I think in this case, I would just implore you to look at the proposed rule carefully. Note that not all public benefits are, to use the term "counted against the receipt of," not all types of public benefits are counted against the alien for public charge determination purposes. There's a list of benefits that's in the proposed rule that we will look at if you received it or are likely to receive it, remember it's prospective and it's not all benefits. So there should not be a mad rush to unsubscribe from all benefits, that is unwarranted I think. People should look carefully at the public charge proposal rule to see exactly, truly what we're looking at when making that assessment.

- The other thing I would note is that, the population of aliens in this country who are eligible to receive public benefits under the 1996 Welfare Reform Act is tiny. You have to be a qualified alien which is a term under that law and that includes lawful permanent residents, people who are paroled in for more than a year, certain aslyees and refugees, but not non-immigrants and very small number of people can actually get it and you have to been here at least five years before you can get means-tested benefits.

- So the population people that we're talking about, that are on benefits right now, would be very small.

- Again this is a prospective assessment that we're looking at. Is it likely that the person in the future will be taking public benefits at the time and we look at that at the time that we're assessing their adjustment of status application. So again I would just say, be careful look at and don't just rely on newspaper accounts or, you know, misguided media commentary. Look at the proposed rule and tell the people that you help in the in the public to look at that and not panic. It's very clearly laid out what we're going to look at and what we're not going to look at.

<Doris Meisner>

- Okay, I'm as the final question from the ones that were submitted in advance because this goes to a broader policy issue and it has to do with TPS and the fact that most of the TPS programs that have been in place for varying periods of time, some of them quite long are going to be running out. What's your expectation from a USCIS standpoint about the termination of TPS programs and what is likely to happen to those people and to the work of your agency?

<Director Cissna>

- Well, I think as those TPS programs expire, the ones that have been already, you know, terminated but with a long, expiration phase out window, I don't know what to say. People have immigration options open to them. I'm not going to give legal counsel from the podium on what they can or can't do but you know there are avenues of relief, that I'm sure

many of you are thinking of in your head as I speak, to people with TPS who then get off of TPS.

- If people avail themselves of those different avenues, it may be that the agency experiences an increasing workload to handle those cases, but more than that I really don't want to get into because it's under you know litigation but I will just say that people do, under the law, have avenues open to them depending on their circumstances even if they lose their TPS status.

<Doris Meisner>

- Okay. Well thank you very, very much. Thanks for being with us. Could you all please join me in thanking the director?