



U.S. Citizenship and Immigration Services

STATEMENT

OF

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REGARDING A HEARING ON

**“IMMIGRATION PROVISIONS IN THE FY05
BUDGET”**

BEFORE THE

**SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY
AND CLAIMS**
HOUSE COMMITTEE ON THE JUDICIARY

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RAYBURN HOUSE OFFICE BUILDING

Good afternoon Chairman Hostettler, Ranking Member Jackson Lee and Members of the Subcommittee. My name is Eduardo Aguirre and I have the honor of serving as the first Director of U.S. Citizenship and Immigration Services, within the Department of Homeland Security.

We are a welcoming nation, and the hard work and patriotism of our immigrants has made our Nation prosperous. We seek to continue to improve the administration of immigration benefits for the more than six million applicants who petition USCIS on an annual basis.

We continue to commit ourselves to building and maintaining an immigration services system that provides information and benefits in a timely, accurate, consistent, courteous, and professional manner; while preventing ineligible individuals from receiving benefits. Put more simply, it is our job to make certain that the right applicant receives the right benefit in the right amount of time, while preventing the wrong individuals from obtaining our benefits.

USCIS is one of the largest fee-funded agencies in the Federal government – charging fees for a variety of benefits from individuals seeking to enter, reside, or work in the United States. Therefore, the actual cash flow for our business operations, including a network of 250 local offices, Application Support Centers, Service Centers, Asylum Offices, National Customer Service Call (NCSC) Centers, Forms Centers, and Internet portals, varies from year to year with the number of immigration benefit applications received.

In any typical work day, our workforce of 15,500 (one-third of whom are contractors) will:

- Process 140,000 national security background checks;
- Receive 100,000 web hits;
- Take 50,000 calls at our Customer Service Centers;
- Adjudicate 30,000 applications for immigration benefits;
- See 25,000 visitors at 92 field offices;
- Issue 20,000 green cards; and
- Capture 8,000 sets of fingerprints and digital photos at 130 Application Support Centers.

USCIS has established three priorities: (1) eliminating the immigration benefit application backlog, (2) improving customer service, while (3) enhancing national security. In our first year of operation we have: initiated on-line options for a few application filings and case status updates; established the Office of Citizenship; eliminated lines at some of our highest volume offices; introduced a toll-free customer service help line; streamlined the Certificate of Citizenship process for internationally adopted children; developed a more secure travel document for permanent residents; and fleshed out our leadership team.

Backlogs of immigration benefit applications began to grow during the 1990s. Overall, there was a 77% increase from FY 1993 to FY 2001. The primary factors contributing to the backlogs were a dramatic increase in the number of applications and petitions received, delays in securing funding and positions to process this increasing number of applications, the lengthy amount of time it takes to recruit, hire and train adjudicators, and the lack of a comprehensive approach to monitoring, supporting and maintaining timely processing.

Beginning in FY 2002, the President pledged, and the Congress supported, a multi-year \$500 million initiative to attain a universal six-month processing time standard by FY 2006 for all immigration benefit applications while providing quality service to all customers. We developed a comprehensive Backlog Elimination Plan prior to September 11, 2001 to achieve this goal. The Plan called for improvements to processes and expanded quality assurance efforts designed to achieve a high level of performance. We initially realized significant improvements. In FY 2002, processing times for applications averaged, by type, between three and seventy-two months. By the end of the year, these same averages were reduced to between one and twenty-six months.

However, September 11, 2001 profoundly affected our business operations, employees, and stakeholders. New guidance was issued, security background checks were enhanced, and new processes were implemented, including conducting interviews for the National Security Entry Exit Registration System (NSEERS) Program¹. Additionally, since July 2002, we formally enhanced our security background checks on the processing of all immigration benefit applications to ensure that those who receive immigration benefits have come to join the people of the United States in building a better society and not to do us harm.

The process of performing enhanced security checks has been designed to compare information on applicants, petitioners, beneficiaries, spouses and children and other household members who apply for an immigration benefit against various Federal lookout systems. Already, many applications were subject to fingerprint and background checks. The enhanced check instituted in July 2002 represents an additional set of name checks against a variety of lookout databases housed in the Interagency Border Inspection System (IBIS).

The purpose of conducting security checks is to help law enforcement agencies identify risks to the community and/or to national security and to prevent ineligible individuals from obtaining immigration benefits. On the vast majority of applications, we perform two checks; one when the application is initially received, and one at the time of adjudication. Approximately 35 million security checks are performed annually.

In most of these cases (some 97%), the checks take only a few minutes. In the event of a “hit”, however, we must hold that application without resolution until the security issue at hand is resolved. Last fiscal year, we processed a little over six million immigration benefit applications. Approximately 7% of the applications processed resulted in an initial security hit, and after further scrutiny, 2% resulted in confirmed security or criminal threat matches.

This change in the way we process immigration benefit applications has meant higher processing costs for USCIS because the costs of performing these checks were not factored into the existing fee schedule. As a result, existing resources have been diverted to perform the additional security checks until the fees could be adjusted to cover these costs. Although the security enhancements have meant longer processing times in some categories and a significant growth in the application backlog, USCIS has taken the position that security absolutely will not be sacrificed in our search for increased efficiency. USCIS will continue to coordinate and identify suspected benefit fraud cases and refer them to ICE for enforcement action.

¹ Program transferred to BTS in November of 2003

Our intra-government coordination demonstrates that our approach realizes the intended results. By way of example, within the last month our background check procedures identified individuals wanted for murder in Portland and sexual assault in Miami. We are making America safer against security and criminal threats, one background check at a time.

I believe that the President's FY 2005 budget will set us on the right path toward enhancing immigration services. The budget includes a total for USCIS of \$1.711 billion, \$140 million in discretionary appropriated funds and \$1.571 billion in fees, and seeks an additional \$60 million to boost the total dedicated to backlog reduction efforts to \$160 million. Our overall goal is to achieve a six-month processing time standard for all immigration benefit applications by FY 2006.

To ensure that our backlog does not increase further, we are currently seeking to adjust our fee schedule through the regulatory process by recovering costs associated with comprehensive security enhancements instituted after September 11, 2001. The annual cost of these security enhancements are about \$140 million or about \$21 per application.

The fee adjustments will also support new activities such as establishing a refugee corps to improve the quality of refugee adjudications and establishing the new Office of Citizenship² to promote instruction and training on citizenship responsibilities to both immigrants and U.S. citizens. The Office of Citizenship is developing initiatives to target immigrants at two critical points on their journey toward citizenship: when they obtain permanent resident status and as they begin the formal naturalization process. In the past, the Federal government provided few orientation materials for new immigrants. In contrast, CIS will reach out to new immigrants at the earliest opportunity to provide them with information and tools they need to begin the process of civic integration. In addition, CIS will develop study materials and teaching guides to ensure that the process of preparing for naturalization is meaningful, so that immigrants who choose to become U.S. citizens have a real understanding of the commitment they are making when they take the Oath of Allegiance to the United States. The establishment of a Refugee Corps, with an expanded management support structure, will provide a strong and effective overseas refugee processing program that will more efficiently identify inadmissible persons and those who are of national security interest without compromising the U.S. Refugee Program's humanitarian objectives.

We fully realize that increased funding alone will not enable us to realize our goals. We are taking a hard look at the way we currently conduct our business. We are aggressively working to modernize our systems and increase our capacity through the reengineering of processes, the development and implementation of new information technology systems, and the development of mechanisms to interact with customers in a more forward-reaching manner. For example, USCIS has recently eliminated the backlog of applications for the Certificate of Citizenship on Behalf of an Adopted Child with a program that proactively provides parents the certificate.

² As required by the Homeland Security Act of 2002

We are now in the process of finalizing a new Backlog Elimination Plan that will outline changes to our business processes, and which will set forth our revitalized vision of delivering immigration services in the future.

Additionally, we are examining the standard of knowledge in the current citizenship test to ensure that prospective and new citizens know not only the facts of our nation's history, but also the ideals that have shaped that history.

The project management team for this initiative recently met with over a dozen historians, civics experts, and adult educators to discuss the redesign of the U.S. history portion of the naturalization test with the goal of making the test more meaningful, substantive, and fair. This group is examining the meaning of significant events that occurred in our nation's history, and is exploring ways in which naturalization candidates may better retain the significance of these events. Recognizing that many Americans have strong beliefs about what our new citizens should know about our country, we plan to publish the proposed test content in the Federal Register and ask for public comment. We believe that many Americans would like to have a say in what we are asking our new citizens to learn, and we are eager to hear from them. We look forward to briefing you and other Members of Congress on our proposed new citizenship test content and receiving your feedback, as well.

In a related effort, this same team is working to redesign the current citizenship testing methodology in an effort to ensure more uniform results. Currently, a candidate in Los Angeles is, in all likelihood, not tested the same way or asked the same questions as a candidate taking the same exam on the same day in Boston. Therefore, we are developing standardized testing procedures so that applicants can be assured that they are experiencing an equitable testing process.

We do not want to make the test more difficult. We do not want to make it less difficult. We want to make it more meaningful in a way that does not have an adverse impact on any particular group of applicants. Therefore, we will carefully pilot test the revised English, history, and government tests before implementing them. And, we will continue to consult with our stakeholders to solicit their input. Our newly created Office of Citizenship will be responsible for coordinating the development of educational materials designed to complement this important initiative.

Our plan is to implement the new test and testing process in 2006. Given the importance of the ultimate benefit for those tested – U.S. citizenship – this process is not one that can or should be rushed. We are committed to improving the current process and to improving it in the right way.

As we approach our institutional one-year anniversary, USCIS has stood up an organization of which we are very proud. We have established a leadership team, improved many of our operational processes, and continue to strive to make further improvements. The funding requested in the President's FY 2005 budget request is an important factor in continuing to improve the service we can offer our customers.

This concludes my prepared remarks. I thank you for the invitation to testify before this committee and I would be happy to answer any questions.