



U.S. Citizenship and Immigration Services

STATEMENT

OF

**EDUARDO AGUIRRE JR.
DIRECTOR**

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES
U.S. DEPARTMENT OF HOMELAND SECURITY**

REGARDING A HEARING ON

**“US AND MEXICO: IMMIGRATION POLICY
AND THE BILATERAL RELATIONSHIP”**

BEFORE THE

SENATE FOREIGN RELATIONS COMMITTEE

MARCH 23, 2004

9:30 AM

419 Dirksen Senate Office Building

Good morning, Chairman Lugar, Ranking Member Biden, Members of the Committee. My name is Eduardo Aguirre and I have the honor of serving this Administration and our great nation as the first Director of U.S. Citizenship and Immigration Services, within the Department of Homeland Security.

This is my first opportunity to appear before this committee and it is my privilege to testify on the bilateral relationship between the United States and Mexico in light of the President's recent proposal for immigration reform.

With the creation of the Department of Homeland Security, America's legal immigration system was put back on the right track, overnight. What remained were the many details and, as I prefer to say- God is in the details.

My team of 15,000 and I embraced a simple but imperative mission; making certain that the right applicant receives the right benefit in the right amount of time, and preventing the wrong applicant from accessing America's immigration benefits.

We established three priorities: eliminating the immigration benefits backlog and improving customer service while enhancing national security.

These priorities dictate every facet of our business, consisting of family-based petitions; employment-based petitions; asylum and refugee processing; naturalization and citizenship services; special status programs; and document issuance and renewals.

On March 1, we celebrated the one-year anniversary of our existence. I am particularly pleased with the progress we have made and the professionalism exhibited by our employees, day-in and day-out, while mitigating security threats that we know to be real and relentless.

In the area of customer service, we have:

- Initiated on-line features that allow customers to file and pay for a number of our commonly used applications, as well as offering individual case status updates;
- Established the Office of Citizenship to develop and implement public outreach and educational initiatives that better prepare immigrants for their rights and responsibilities;
- Improved access to information by establishing a toll-free, bilingual National Customer Service Center help line (800-375-5283); and
- Reduced the lines at a number of offices with the highest customer volume, such as New York, Miami and Los Angeles.

In the area of backlog reduction, we have:

- Created a Backlog Reduction Team to identify immediate changes to speed up adjudication processes as well as to revise implementation plans;
- Eliminated the backlog of applications for Certificate of Citizenship on Behalf of an Adopted Child with a program that proactively provides parents the certificate without application.

We take national security very seriously. We conduct background checks on the front and back end of nearly every application for an immigration benefit. That meant 35 million Interagency Border Inspection System checks last year.

In the vast majority of cases (97%), the checks take only minutes. In the event of a "hit", however, we will move cautiously until the issue at hand is resolved, even if that means a delay and contributing to the backlog. Last fiscal year, we processed about six million applications for an immigration benefit. 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.

We make no apologies for our commitment to the integrity of the immigration system and we will not cut a single corner, if it means compromising security, to process an application more quickly.

Our intra-government coordination demonstrates that our approach realizes intended results. By way of example, 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.

But, that is just part of a typical day's work at USCIS. Today, we will:

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

Although our customers tell us that they are pleased with our new e-filing opportunities and on-line status checks, they and we are displeased with the length of time it takes to process benefit applications. We know that the dedication that led to effective background check processes must now be applied to backlog elimination efforts.

We will not declare victory in backlog reduction until we achieve the President's objective of universal six-month processing by the end of fiscal year 2006.

We will not declare victory in customer service until every legal immigrant is greeted with open arms and not endless lines.

And, we will not stop until we have restored public confidence in the integrity of America's immigration system.

That loss of confidence is an unfortunate yet legitimate obstacle and it can be attributed to the second track in our immigration system, the illegal track.

On January 7th, President Bush courageously confronted a broken system, one that has been ignored for too long. From the East Room of the White House, he called for Congress to deliver true reform and a new temporary worker program that facilitates economic growth, enhances national security and promotes compassion.

The President made clear his principles for reform, which are to protect the Homeland and control our borders; match a willing foreign worker with a willing employer, when no American can be found to fill that job; promote compassion; provide incentives for return to the home country; and protect the rights of legal immigrants.

This is not an amnesty program, which joins the illegal track with the legal one by facilitating green card status and potential naturalization. Rather, the President proposes a one-time regulated opportunity for undocumented workers, already here as of the date of the President's announcement, to legitimize their presence and participate more fully in our economy, for a finite period, before returning home. And, it creates ongoing opportunity for individuals abroad to apply to come temporarily to the United States and legally fill jobs that American workers will not fill, thereby presenting long-term, viable alternatives to the risks associated with illegal immigration.

The President feels strongly that the Temporary Worker Program should be simple and user friendly. We have the wisdom born of experience, the reliability of modern technology and human expertise and ingenuity to realize the President's vision.

Simply put, I believe it is achievable, and I raise five points that complement my reflections on process for the committee's consideration.

First, enforcement is paramount to the Temporary Worker Program. At present, we go to great lengths to inform the public abroad that America's immigration laws have not changed and enforcement and interdiction procedures continue. Additionally, we inform community based organizations at the grass-roots level that illegal immigrants, already here, should be mindful of their status and recognize that they are in violation of our laws and susceptible to detention and removal.

I add that security and fraud prevention are synonymous with enforcement, and must be a priority. Identifying and enrolling the undocumented population will minimize threats and maximize security. The temporary worker program would introduce effective measures to prevent fraud, by the employer and worker, and would be integrated with programs such as USVISIT.

Second, the American worker comes first. The President has made it clear that this program would match a willing foreign worker with a willing employer, when no American can be found to fill the job. We know that employers in many sectors continue to experience difficulty filling jobs.

We also know that more than 14% of America's labor force is foreign-born and we anticipate that a high percentage of the estimated 8 million undocumented aliens in this country work. The fact that they are here, in the workforce, is evidence of a market demand for their labor.

We know that many pay taxes, but, because of their undocumented status, they may be reluctant to assert their right to protections that American workers have, such wage and hour, and health and safety protections. As President Bush pointed out, this is not the American way.

Third, the success of this program will require incentives, incentives to take advantage of the normalization program and incentives to return to the home country. One obvious incentive is economic and social opportunity.

The President's Temporary Worker Program will offer portability of investments. This will be instrumental in expanding individual participation in the increasingly interlinked worldwide economy, encouraging savings or even capitalization in a business, house or land in the home country.

The United States has bilateral totalization agreements with some 20 countries around the world, which will allow workers from either country to combine earned Social Security credits and receive benefits in their home country. The Administration will work with our international partners to encourage their recognition of the temporary worker's contributions made in both countries.

The temporary worker will also benefit from skills learned and education attained during their work experience in America. This training will contribute to the temporary worker's marketability upon his or her return home.

An additional incentive is circularity. The temporary worker should be able to travel, knowing that he or she can go and return freely to the country of origin for celebrations, funerals or vacation, and maintaining important ties that will aid the worker in his or her eventual return. Since many of the individuals already present in the United States who would apply to participate in the President's Temporary Worker Program would have accrued sufficient unlawful presence to be subject to the 3 and 10-year bars for re-entry, any legislation to create this program would necessarily need to supercede those bars for individuals who register. It is terribly important to maintain the ties between these individuals and their homes abroad as an incentive for their eventual return.

Similar to other non-immigrant categories, the President believes that provisions should be made for family, to remain in the United States or travel to the United States with the temporary worker, providing that the temporary worker can demonstrate an ability to financially support his or her family, and assuming that members of the worker's immediate family present no criminal or security risks. I encourage the Committee to review the structure established by the H non-immigrant category, for best practices regarding eligibility of dependents. In addition, to truly meet the needs of the labor market and economy, the program should be non-sector specific.

Finally, eliminating the fear of deportation will be an incentive. Undocumented aliens will tell you that they often have trouble sleeping at night, and leaving for work each day, not knowing if they will make it home at the end of the day. They realize that a simple traffic violation, automobile accident or other everyday misstep could result in bringing them to the attention of federal authorities and their subsequent deportation.

Fourth, the program should be fair and not come at the expense of legal immigrants, who have respected our laws and earned their place in line.

The President's plan calls for an initial three-year term that is renewable. We need to consider the number of renewals that the worker should be permitted to have prior to his or her mandatory return home. Standards, or thresholds, for renewal should include a job offer and confirmation that the worker does not present any type of criminal or security threat. It is the President's belief that if the worker decides to pursue and is qualified to adjust to permanent status it should be through the current process and should take a spot at the back of the line. Recognizing, however, that current annual limitations may be insufficient, the President calls for a reasonable annual increase in legal immigrants.

Fifth, the program should be simple and user friendly – thus one that can be effectively administered. The President's proposal calls for aliens present in the United States as of January 7, 2004, to pay a fee upon enrollment in the program. In addition, USCIS would anticipate recovering the cost of processing the applications through collection of a processing fee as is done currently with all immigration applications. The processing fee would be set based on full cost recovery. This is important given USCIS is almost an entirely fee-based agency in the Federal government. On February 2nd, the President requested \$1.711 billion in the FY 2005 budget for USCIS, \$1.57 billion of which is mandatory spending, or fee revenues for immigration benefits. We will need to consider how to handle applications for aliens who are outside the United States but wish to enter to take up employment under the program.

America has not seen immigration reform of this depth since enactment of the Immigration Act of 1990. While this program would be very different, for the purposes before us, I tasked my team to share with me lessons learned from that experience – that we can apply toward the President's Temporary Worker Program. Given our structure within DHS, USCIS will exceed the President's expectations.

I respectfully submit the following features:

- A one-time fee to be assessed upon the undocumented alien's registration separate from the application processing;
- A web-based mechanism for applying for program participation;
- A labor market driven program where an American workers must first be sought – therefore there are no artificial numerical limitations;
- A retroactive effective date, requiring proof of employment, to prevent an increase in illegal border crossings; and
- Authority to terminate status when the worker fails to meet his or her responsibilities, or in the interests of national security or public safety.

As you know, the Temporary Worker Program proposal that we are discussing today is of extraordinary importance to Mexico. President Fox, while recognizing the important role of the U.S. Congress in discussing and legislating a temporary worker program, has voiced his support of President Bush's proposal. The United States, for its part, is quite cognizant of both the economic and cultural benefits that result from Mexicans coming to work and live in our country. The challenge before us is to ensure that the migration of Mexicans, as well as nationals of other nations, is legal, safe, and orderly.

Our relationship with the Government of Mexico continues to be of great importance to both of our nations. President Bush, Secretary Ridge, and I all are committed to frank, frequent, and open exchanges with our Mexican counterparts at all levels of government. As I am sure you know, President Bush and President Fox met on March 5 and 6 at Mr. Bush's ranch in Texas. Last month I traveled with Secretary Ridge to Mexico to engage in meetings with Interior Secretary Creel and other members of the Government of Mexico. In addition, I have had several meetings with various Mexican Government officials both here and in Mexico. In all of our interactions with Mexico, this administration recognizes that migration issues are a key element of our bi-lateral relationship.

Beyond the temporary worker proposal, we have been working with the Government of Mexico on a variety of immigration-related issues. In concert with the Departments of State and Labor, we have, as of January 1st of this year, eliminated the numerical limits and the associated requirement of a petition and corresponding labor condition application for Mexican professionals as provided by NAFTA. These changes eliminate the time and expense associated with filing a petition with USCIS, thereby streamlining the movement of Mexican professionals traveling between our two countries.

Additionally, the United States and the Government of Mexico have been exchanging information on our respective asylum programs and processes. In 2002, the former INS hosted a delegation from Mexico to introduce them to the U.S. asylum process and discuss the procedural safeguards invested in the program. Last year, a USCIS team visited the Mexican Commission for Refugee Assistance in Mexico City to be introduced to the Mexican asylum process.

Also, our Community Liaison Officers around the country have been working closely with Mexican consulates throughout the United States on issues of outreach and public information. These cooperative efforts enable us to effectively exchange relevant information and to provide guidance on immigration services and initiatives.

These are just a few examples of what is a robust, important, and open relationship with the Government of Mexico. The Temporary Worker Program will only enhance this close relationship.

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.