

**TESTIMONY OF
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U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

**BEFORE
THE HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION, REFUGEE, BORDER SECURITY AND
INTERNATIONAL LAW**

MARCH 23, 2010

Chairwoman Lofgren, Ranking Member King, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to testify about the state of U.S. Citizenship and Immigration Services (USCIS) and to discuss several critical issues important to this Subcommittee.

I am extremely grateful to the Members of this Subcommittee for your continued strong interest in USCIS and its programs. I have appreciated the opportunity to meet with several of you personally and to provide responses to several of your letters.

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 overcome our challenges and take full advantage of our potential requires close relationships with our partners, including Congress and this Subcommittee, in particular.

This afternoon, I would like to provide you with an overview of key initiatives and accomplishments we at USCIS have undertaken and an overview of our current financial condition. Each of the actions we are undertaking stems from our Agency's guiding principles of integrity, efficiency, consistency and transparency. I am a naturalized U.S. citizen and was a refugee from Cuba. It is of personal importance to me that our Agency embodies these principles to become more effective stewards of the resources we receive from Congress for the communities we serve. As a former United States Attorney, it is also my priority that the Agency serves as a fair and efficient administrator of our nation's immigration laws.

USCIS Response to the Tragedy in Haiti

Before discussing the details of our activities, I want to first speak briefly about the USCIS response to the tragic January 12, 2010 earthquake in Haiti. The 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 day and night under intense pressure to ensure that Haitian orphans were matched with their families in the United States. 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 on the ground 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 amidst the sweep of desperate and scared crowds.

The work on the ground in Haiti was supported by the USCIS Office of International Operations and many other offices here in Washington, DC. Many individuals worked long hours, including through weekends, holidays, and the snow storms, to implement Secretary Napolitano's Jan. 18 announcement of humanitarian parole for certain Haitian orphans, allowing the orphans to be united with their adoptive families and to receive the care they need. I am pleased to say that to date USCIS has provided travel authorization to more than 1,000 orphans who qualify for humanitarian parole. USCIS continues to process these cases and provide follow-up information to the families on how the children can finalize their immigration status.

Other USCIS employees worked tirelessly here in Washington, DC 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 March 9, USCIS has received nearly 33,000 applications for Haitian TPS. We have worked tirelessly to ensure our ability to adjudicate TPS applications in a timely manner without undermining the processing of our other responsibilities.

USCIS continues to respond in other aspects of the humanitarian relief effort, including humanitarian parole for individuals needing urgent medical care and continuing to process petitions filed by Haitian relatives living in the U.S. who seek to provide their Haiti-based relatives a legal means to immigrate. We will continue to address these and other issues that arise in an effective manner as the long-term federal response continues to evolve. I promise to do everything I can to ensure USCIS continues an appropriate 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. At the same time, it has helped us identify additional 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 require greater focus. Specifically, I have asked my management team to emphasize the need to align our operations with a focus upon the priority principles of transparency, integrity,

consistency and efficiency. These priority principles are now steering our Agency efforts to improve operations and outcomes and help us determine our resource needs.

After careful study over several months, in January we undertook an internal organizational realignment to facilitate management improvement efforts to achieve these goals. As part of that internal realignment, we established a new umbrella management organization under a single executive that will help improve management accountability, results, and priority management outcomes. The improved focus of management upon the 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. The following are key examples of how we are implementing these principles to achieve practical improvements for the Agency.

Last year, the President called on USCIS 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 and its parallel website for Spanish-speaking customers are more customer-centric. The website provides customers with a "one-stop shop" for immigration services and information. Through the website, customers are now able to receive real-time information regarding their case status, obtain office-specific processing times and opt to receive a text message when their status changes. The clarity of language has been improved, customer service tools have been made more accessible, and navigation through the website has been simplified. For example, in the first month-to-month data comparison since the U.S. Citizenship and Immigration Services website redesign, there was a 25% drop in page views and 15% drop in the search engine usage with the same level of overall traffic coming to the site, suggesting that users are finding content more easily and receiving more relevant results from the search engine.

Improvement of services to customers also includes the recent announcement of the FY 2010 Citizenship and Integration Grant Program. This program, led by the USCIS Office of Citizenship, provides two competitive grant opportunities designed to help prepare lawful permanent residents (LPRs) for citizenship. The funding will expand existing programs, build new capacity to prepare immigrants on the path to citizenship, and help them gain the knowledge necessary to become successful citizens. USCIS will also 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.

Through our efforts, which began in FY 2009 and will continue into FY 2011, we will be well-positioned to support organizations that serve immigrant communities to achieve better integration of immigrants into our nation. In FY 2009, we awarded 13 separate grants totaling \$1.2 million. In FY 2010, I expect USCIS to award upwards of 50 separate 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.

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 has already held numerous collaboration sessions with the immigration stakeholder community on a wide 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. On Haitian TPS alone, the Office has coordinated over 156 engagements reaching more than 16,400 individuals.

As a former United States Attorney, I believe it imperative that USCIS maintains the highest standards of integrity. The January organizational realignment of USCIS offices elevated our fraud detection unit out of a combined organization and into a newly established Fraud Detection and National Security Directorate (FDNS). This Directorate reports directly to me to ensure a heightened commitment and focus upon detecting, combating, and deterring abuse of our legal immigration system and threats to national security and public safety. Workloads are being prioritized and, over time, will be expanded to ensure improved efforts of detecting and deterring fraud, identifying national security threats, and sharing information with our law enforcement and intelligence partners. FDNS already has embedded officers in several of these enforcement and intelligence agencies.

With respect to national security, in the fall of 2009 FDNS and the Agency marked a significant accomplishment through its partnership with the Federal Bureau of Investigation (FBI) to eliminate the backlog of responses in the FBI National Name Check Program. The goal was to have responses from the FBI on 98 percent of requests within 90 days and the remaining 2 percent within 180 days; USCIS now receives responses on all cases within 30 days. We view this achievement as another significant step taken toward attaining greater consistency and efficiency in our processes.

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 also undertaking a complete review of all policy and operational guidance. 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 domestic and international offices. We will continue to examine our policies and operations to ensure this consistency becomes a hallmark of our Agency and its adjudications.

With respect to efficiency, and consistent with Secretary Napolitano's Department-wide Efficiency Review, USCIS has implemented several cost-cutting measures. USCIS has developed several common-sense plans to reduce non-mission critical travel, subscriptions, and printing; maximize the use of government space for meetings; and improve utilization of refurbished information technology. USCIS has also issued a reduction in centrally located training that will help reduce associated travel costs.

USCIS has also undertaken a Balanced Workforce Strategy, also consistent with a Department-wide initiative, that will help USCIS reduce workforce-related costs over time. USCIS has begun the process of validating the conversion of numerous contract positions to federal staff. The Agency's stewardship of public resources is particularly important given the difficult financial situation currently facing USCIS.

In fiscal year 2009 USCIS experienced a marked decline in revenue. Revenue declined 15 percent—a drop of approximately \$345 million—from the estimate in the fiscal year 2007 fee rule and approximately 8 percent (or \$164 million) from our estimate just one year ago. We have not seen a material increase in filing volumes for fiscal year 2010. This is clearly unsustainable.

When I learned of our Agency's budget shortfall shortly after my arrival, I immediately called for an exhaustive and vigorous review of the Agency's Annual Operating Plan (AOP) to identify potential budget cuts. The review remains underway and already we have identified cuts exceeding \$160 million. Regrettably, these cuts may impact programs we expected would produce greater system efficiencies, including some identified in our 2007 fee rule. However, any decision to maintain each of these programs could require a proportionate increase in our fee structure; as a primarily fee-based agency, the means of addressing a budget shortfall are limited to budget cuts, greater appropriations, fee increases, or any combination of these three.

As I testified last week before the House Appropriations Committee, our USCIS budget request for FY 2011 builds on the important steps I have outlined so far and focuses on our four guiding principles. The FY 2011 budget request reflects both cost and fee-financing adjustments in response to the current economic climate and to ensure fees are set at a level to recover costs of providing immigration benefits. We also have implemented several common-sense, cost-cutting initiatives in FY 2010 that will improve operational efficiency.

We are grateful for the \$55 million appropriation we received from Congress in FY 2010, including the funding to expand and improve E-Verify and expand upon our important collective work to successfully integrate immigrants into our communities. In addition, Congress appropriated funding to begin to cover in FY 2010, the costs of administering our asylum and refugee programs. Currently, the costs of these programs are applied as surcharges on the fees of applicants for other immigration benefits. This year, USCIS intends to release the results of a fee study to reflect the elimination of this cost from unrelated application and petition fees. The FY 2011 budget request seeks a \$207 million appropriation that would fully fund these programs.

The Chief Financial Officer's Act of 1990 requires us to undertake a fee study on a biannual basis. Our Agency's financial condition also compels us to examine every option available, including potential changes to the amounts we charge for our services. In reviewing these options we understand that the communities we serve include individuals without significant financial means. This concern is made more acute by the

magnitude of the fee increase two years ago, which resulted from the last fee study. We are making every effort to account for these concerns while ensuring that fees are set to fully recover the costs of providing immigration benefits. I look forward to further discussing the results of the fee study once published later this year.

While we implement budget cuts and carefully measure the results of the fee study, we are undertaking quality improvements in the administration of the immigration system. Processing times for application and petition workload continue to be important indicators of performance. We are proud of the reduction in processing times we have achieved thus far. With few exceptions, processing times currently equal or exceed the standards set in our 2007 fee rule after USCIS finished working through the post-fee rule application surge.

From the first month of the fee increase in August 2007 through the end of the fiscal year in September 2009, the average cycle time for all form types decreased approximately 24 percent. Some of the most significant reductions include the following:

- Reduction of the cycle time for the Form N-400, application for naturalization, from 10.6 months to 4.1 months, which is below the projected goal of 5 months. In addition, the military N-400 cycle time was reduced to 3.5 months, also below projections;
- Reduction of the processing time from the Form I-485, application to register permanent resident or adjust status, from 10.8 months to 4.4 months (with anticipated further reduction to 4 months);
- Reduction of the processing cycle time of the Form I-90, application to replace permanent resident card, from 3.4 months to 2.5 months; and
- Reduction of the processing cycle time of the Form I-140, immigrant petition for alien worker, from 5.7 months to 3 months.

A comparison of USCIS regions and service centers also reveals that we have achieved consistent cycle times across form types; indeed, for offices that adjudicate similar cases, the cycle times for most form types are now within days of each other.

Even in the face of the challenges noted, we have made vast improvements in both customer service and reduced processing times and in many of our other programs. I would like to note the efforts of our E-Verify program and to discuss the efforts of the Transformation program.

E-Verify

E-Verify is a critical program within the Department that encourages and assists employers in their compliance with our immigration laws. We are doing everything we can not only to

optimize performance of the system but to ensure its integrity and accuracy, improve ease of use, and expand customer services. I am committed to building on the success of this program that continues to enroll approximately 1,400 new employers per week in addition to the more than 189,000 employers already enrolled covering more than 700,000 worksites.

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 percent 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 percent 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 the ability to view photos associated with DHS-issued immigrant status documents 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 would enable individuals who are victims of identity theft and who have filed both a police report and a report with the Federal Trade Commission (FTC) to choose to "lock" and "unlock" their records in E-Verify. However, even with these steps it is important to understand the limitations of the current system. The largest pool of available biometrics is state driver's license photos. Access to these photos would improve E-Verify's ability to effectively combat identity fraud. We are also 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. USCIS is working this year and in FY 2011 to implement a series of improvements using 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.

Transformation

Finally, no project is more important to long-term operational improvement and efficiency than our Transformation initiative, an Agency-wide effort to modernize the way we do our work each and every day. This Subcommittee has heard about USCIS Transformation for the last several years with very few visible results to date. I share the disappointment of those who would expect to see this effort further along. I am pleased to note, however, that our Transformation program is proceeding on a carefully developed path that is mindful of the challenges that lay ahead and is focused on avoiding the customary mistakes that typically affect large transformational projects.

For much of the last year of the Transformation program, USCIS and its key contractor have focused on the critical project management and enterprise architecture planning efforts that are necessary for long-term program success. That planning resulted in a significant shift in the Transformation Program's deployment strategy among immigration benefit types.

Specifically, the schedule was first re-sequenced to focus efforts on nonimmigrant benefit types, resulting in a process that follows the natural immigration lifecycle and will enable the earlier use of electronic adjudications. 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.

Several of the challenges in our Transformation program have been documented by our federal partners in the Government Accountability Office (GAO) and the Department's Office of the Inspector General (OIG). We have worked closely with these offices to address their concerns and are continuing to seek their assistance, and the assistance of our other DHS and federal partners, through an ongoing collaborative partnership.

The most recent feedback from the OIG in late November 2009 requested that USCIS update its strategic approach to communicate the end-state business processes and technology solutions to stakeholders. This includes the development and implementation of plans to ensure sufficient and consistent stakeholder participation in the reengineering of the USCIS process.

USCIS has updated its outreach plan to reflect the newly defined Transformation efforts for this next stage of our process. Our efforts include aggressive implementation strategies to prepare internal and external stakeholders for change, enlist stakeholders in solution development, and integrate the "stakeholder voice" into the transformation efforts. USCIS has developed a series of key action items designed to inform internal and external stakeholders at strategic intervals to maintain consistent awareness and interest. These encounters began earlier this month and will continue as we develop the next phases of this program.

The Transformation program, while on a better path, will require continuous and intense management review, including appropriate stakeholder outreach and participation, during these next development stages, to ensure optimal functionality will be delivered on time and within budget.

Challenges and Path Forward

While USCIS has made vast improvements in both customer service and reduced processing times, USCIS also faces significant challenges that it is working to overcome. There is a great deal to do, but there is a great deal we can do. 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 even more efficient out of respect for the customers who pay fees and the taxpayers who support our operations. Our customer service must be enhanced. USCIS activities must remain more transparent than they have in the past, and we need to work closely with our stakeholders and the public at large to collaborate on the outcomes we collectively want and need to achieve.

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 transparency, integrity, consistency and efficiency of our immigration system and the work of USCIS.