



U.S. Citizenship and Immigration Services

WRITTEN TESTIMONY

Of

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SUBCOMMITTEE ON IMMIGRATION AND CITIZENSHIP

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Introduction

Chairwoman Lofgren, Ranking Member Buck, [Committee Chairman Nadler, Ranking Member Jordan,] and distinguished members of the subcommittee, thank you for the opportunity to testify today regarding oversight of U.S. Citizenship and Immigration Services. The agency's mission is to safeguard the integrity and promise of the nation's lawful immigration system by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

I am here today on behalf of the nearly 20,000 dedicated and diligent professionals of USCIS. It is my honor to lead them and the day-to-day operations of USCIS. These are difficult times for our nation and for USCIS. The Coronavirus (COVID-19) pandemic has affected virtually all aspects of American life and has had a dramatic effect on USCIS revenue and its operations.

Financial Situation and Funding Request

Despite our best efforts, we have been forced to issue furlough notices to nearly 70 percent of our employees and informed them that without funding from Congress, we will have no choice but to proceed with large-scale furloughs. However, due to recent assurances I have received from members of Congress that they are working to provide USCIS with emergency funding, USCIS will delay the effective date of the administrative furlough from August 3 to August 30, 2020, to allow Congress more time to act.

Our daily incoming revenue and receipts have improved in recent months, and although we are able to provide this flexibility to our workforce, we still require funding from Congress to maintain operations into FY 2021.

As you know, USCIS is 97 percent fee-funded. The fees we collect for certain immigration benefit requests pay for our operations, including the salaries of our valued employees. Those fees also cover the cost of adjudicating many immigration requests and benefits for which we do not currently collect a fee, such as asylum, refugee status, humanitarian visas (for example, T and U visas for victims of human trafficking or other crimes), deferred action, and satisfactory departure.

USCIS initially estimated that application and petition receipts would decrease by approximately 61 percent, and the associated revenue collections would decrease by more than \$1.3 billion through the end of fiscal year (FY) 2020. We received more revenue in June than we estimated, which combined with planned expense reductions could potentially cover costs through the end of the fiscal year. This would only delay an inevitable furlough into early FY 2021. The loss of revenue from the pandemic has virtually eliminated our carryover funding, which is critical to a fee-funded operation like USCIS. Unlike an appropriated agency, a fee-funded agency must have sufficient funding remaining on September 30 to carry over on October 1 to begin and sustain operations for the fiscal year.

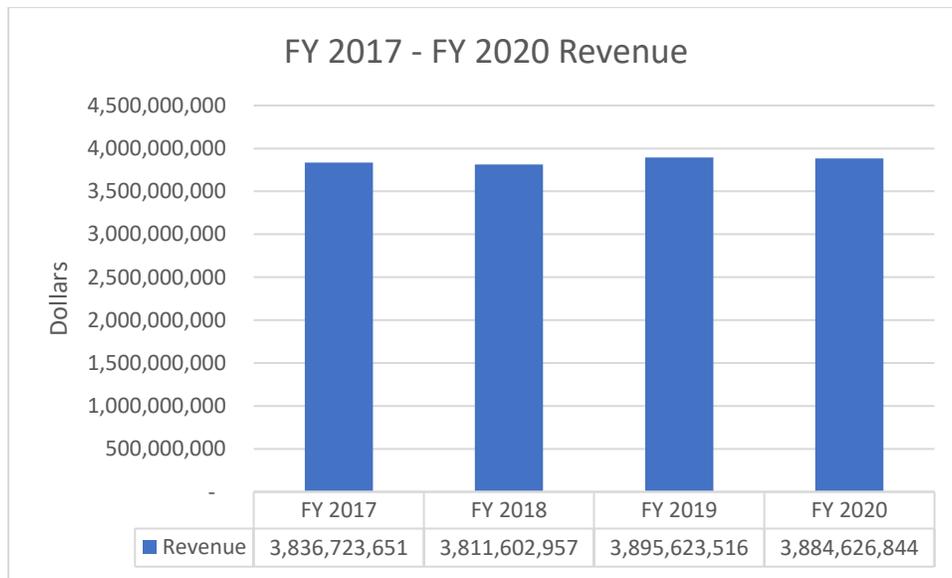
We have done what we can to mitigate this crisis: reducing spending, instituting a hiring freeze, and realizing recoveries by closing out unliquidated obligations from prior years for immediate use (more than \$100 million April – June). In fact, we had already identified that our current fee schedule was insufficient to recover estimated costs in FY 2020 and had adjusted spending to better align with projected revenue, while also maintaining carryover.

I have spoken to many of you and your staffs about our proposal to ensure that USCIS continues to operate throughout this fiscal year and start FY 2021 on strong financial footing. This “deficit-neutral” approach would employ a 10 percent surcharge to repay the appropriation.

I understand that the number of pending cases and processing times are of concern to many on this committee. We recognize that while the individual applicants and petitioners are most directly affected, so too are other U.S. citizen families and employers.

As many of you know, it is not a new phenomenon for USCIS to have pending cases. We are generally able—at least in ordinary times—to recognize and anticipate patterns and trends in immigration filing volumes. For instance, we know that events like fee increases, presidential elections, and humanitarian crises can increase or decrease applications and petitions.

Importantly, there are no data or evidence to suggest that the Administration’s policies have caused a significant reduction in revenue. In fact, the chart below depicts relatively flat revenue from FY 2017 – FY 2020 (note: FY 2020 revenue is pre-COVID-19 estimate):



Nothing is more important to me than the men and women of USCIS who continue to perform our agency’s critical mission. They have successfully adjusted to doing business in the unprecedented times of this pandemic, but they now face this financial uncertainty, which is beyond their control. The dedication and commitment of the USCIS workforce is inspiring, and the agency has achieved numerous accomplishments over the past few fiscal years because of their tireless efforts. I am committed to working with you to avert catastrophic furloughs.

Accomplishments

Welcoming New Citizens

In FY 2019, USCIS naturalized 834,000 new U.S. citizens, an 11-year high. In March, we temporarily paused in-person services to mitigate the spread of COVID-19. USCIS continued to conduct limited naturalization ceremonies, taking precautions to prevent the spread of COVID-19. USCIS used innovative strategies to conduct these ceremonies in a manner that ensured the safety of our employees and the public while also in full compliance with statutory and regulatory requirements. When we reopened to the public, there were 110,000 individuals who had been found eligible to naturalize and were waiting to take the oath. Our top priority has been to reschedule naturalization ceremonies for those individuals. Thanks to the dedication and ingenuity of our employees, USCIS is on pace to complete all 110,000 pending oaths that were put on hold due to COVID-19 by the end of this month. Despite the challenges as a result of the pandemic, USCIS continues to welcome new citizens.

Asylum and Refugee Accomplishments

We have taken significant steps to close the loopholes in our asylum system, combat fraudulent and frivolous claims, and strengthen the protections we have in place to preserve humanitarian assistance and protection for those truly eligible for it. To further protect the integrity of the asylum system and address the arrival of asylum-seekers at the southwest border, USCIS continues to coordinate closely with our DHS law enforcement partners in Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE).

In FY 2019, USCIS completed more than 103,000 credible fear claims, a record high since the process was first implemented in the late 1990s, and an increase of more than 113 percent since FY 2015. Despite this surge in southwest border work, USCIS successfully adjudicated 78,580 affirmative asylum applications in FY 2019, a 54 percent increase in just 2 years. In the first 8 months of FY 2020, USCIS adjudicated more than 47,200 affirmative asylum applications while also completing more than 51,500 screening interviews in compliance with our statutory, regulatory, and international obligations. All this was accomplished in part by meeting ambitious hiring and training goals, and with support from temporary duty assignments within USCIS and CBP.

Furthermore, in addition to our work on domestic asylum claims, USCIS interviewed more than 45,500 refugee applicants abroad seeking permanent resettlement in the United States and issued final decisions for more than 43,000 refugee applicants in FY 2019. In FY 2020, through June 30, 2020, while USCIS has interviewed only approximately 1,300 refugee applicants (in large part as a result of limitations on travel abroad due to the COVID-19 pandemic), we issued final decisions for approximately 6,500 refugee applicants.

During this time, DHS and the U.S. Department of Justice (DOJ) also have collaborated to address fraudulent and frivolous asylum claims by using the regulatory process to propose an array of measures, including tightening standards related to asylum applicant employment authorization; raising legal standards of proof related to screening for asylum and statutory withholding of removal; and instituting new mandatory bars to asylum, among other measures.

In addition, USCIS has been working to continue modernizing our case management system for asylum adjudications—technology that improves the integrity and quality of the overall asylum process and makes it more efficient. For example, we are developing text analytics and electronic filing and processing of affirmative asylum applications as key resources to identify potential fraud. Further, to facilitate the reopening of in-person services at asylum offices in June 2020 while protecting applicant and employee safety during the ongoing COVID-19 pandemic, USCIS began conducting video-facilitated asylum interviews using available technology, including mobile devices provided by USCIS, to ensure that the asylum officer, applicant, interpreter, and representative can fully and safely participate in the interview while maintaining social distancing.

Protecting American Workers and Taxpayers

USCIS has implemented rules, policy memoranda, and operational changes that protect the economic interests of U.S. workers and businesses and prevent abuse and fraud in employment-based visa programs, including:

- Ensuring the fees that certain H-1B Petitioners must now pay ultimately help to train U.S. workers.
- Clarifying calculation guidelines for the 1-year foreign employment requirement for L-1 petitions in order to “ensure consistent adjudication.”
- Changing the H-1B cap selection process in order to increase the chances of selection for beneficiaries who have earned a master’s degree or higher from a U.S. institution.
- Expanding collaboration with DOJ to better detect and eliminate fraud by employers.
- Creating a USCIS H-1B and H-2B [fraud reporting online tip form](#).
- Creating an [H-1B Employer Data Hub](#) to provide information to the public on employers petitioning for H-1B workers.
- Issuing the first report of its kind estimating the number of [H-1B nonimmigrants authorized to work](#) in the United States.
- Instituting electronic filing for multiple forms and, for the first time ever, using an electronic registration process for the purpose of H-1B cap selection.

Moreover, USCIS published [temporary final rules](#) to amend certain H-2A and H-2B requirements to help U.S. employers avoid disruptions in lawful employment, protect the nation’s food supply chain, and lessen impacts from the COVID-19 public health emergency. USCIS also issued key guidance in numerous other areas to accommodate those impacted by COVID-19. For example, USCIS provided flexibilities for foreign medical graduates assisting in the fight against COVID-19 and therefore saving lives, reducing the strain on overworked hospital workers, and improving access to necessary medical care.

Securing the Homeland through Vetting and Screening

USCIS plays a key role in safeguarding our nation’s immigration system and ensuring that only those who are eligible for a benefit receive one. USCIS is vigorous in its efforts to detect, deter, and disrupt immigration fraud, using a variety of vetting and screening processes to confirm an applicant’s identity and eligibility. The agency also conducts site visits, interviews applicants, and requests evidence for benefits that offer individuals status in the United States.

In FY 2019, USCIS expanded certain screening procedures to address President Trump’s Executive Order 13780, “Protecting the Nation from Foreign Terrorist Entry into the United States.” This includes additional vetting for naturalization and permanent residence applicants.

USCIS personnel completed more than 8,000 site visits as part of the Targeted Site Visit and Verification Program. Field offices have increased the number of cases referred for review based on a suspicion of fraud by 44 percent over the FY 2018 level.

The primary background screening system for USCIS (known as ATLAS) processed more than 16.5 million combined immigration filings and biometric enrollments through law enforcement and other federal databases, generating approximately 124,000 automated potential fraud, public safety, and national security detections requiring further analysis and manual review by USCIS officers.

USCIS continued leveraging open source and publicly available social media information to investigate potential fraud, national security and public safety concerns, with approximately 11,420 checks completed in FY 2019.

Large Workload

In FY 2019, USCIS adjudicated more than 8.2 million requests for immigration benefits. This workload represents the full spectrum of immigration benefits that our laws provide to those who seek to come to the United States—temporarily or permanently—as well as those who seek to become citizens of this great nation.

As stated above, USCIS also naturalized 834,000 new citizens in FY 2019—an 11-year high in new oaths of citizenship. USCIS granted lawful permanent residence to nearly 577,000 individuals and processed more than 2.1 million employment authorization applications. We also verified more than 40 million new hires through E-Verify.

Modernization

USCIS continues to expand our online filing capabilities. In FY 2019, 1.2 million applications were filed online, an increase of more than 10 percent from FY 2018. USCIS added four forms (N-600, N-600K, I-130, and I-539) during FY 2019 for a total of nine forms (I-90, I-131A, I-539, I-551, N-336, N-400, N-565, N-600, and N-600K) available now for online filing.

USCIS plans to expand online filing options to include: Form I-485, Application to Register Permanent Residence or Adjust Status; Form I-589, Application for Asylum and Withholding of Removal; and Form I-129, Petition for Nonimmigrant Worker, for certain visa categories.

Additionally, USCIS launched the Freedom of Information Act (FOIA) Immigration Records System, known as FIRST, which is the federal government’s first fully electronic FOIA/Privacy Act request and delivery system, which allows users to submit and track FOIA requests and receive documents digitally. In FY 2019, more than 28,000 electronic responses were delivered to individuals with online accounts.

USCIS accomplishments related to agency investments in technology have proven especially helpful during the COVID-19 pandemic. While offices were temporarily closed to the public, USCIS was not limited to paper file adjudications. Rather, workloads were transferred electronically to staff working from home via newly developed systems. These changes and the video interview capabilities that we began deploying in June were rapidly created to allow applicants to enter our buildings today and interview in a separate room to protect the health of our workforce.

Technology investments in new and improved systems have strengthened our existing background checks to eliminate human error. Paperless adjudication means a reduction in storage costs, no delays while files are being transferred between offices, improved reporting and analytics, better accountability, and real-time information for our DHS partner agencies. It also means immediate and more accurate information for the public we serve as they can access their own accounts via online services.

In some workloads, systems now perform pre-screening functions to improve case-scheduling efficiency. Electronic processing allows for applicant appeals and motions to be better tracked as we ensure applicants receive the benefits they are entitled to. These are significant improvements, not only in the way USCIS conducts business, but in better reporting the work accomplished to the Congress and the public as we seek transparency in our use of the fee funds received.

Conclusion

The dedicated professionals that make up the USCIS workforce are my number one priority. I am proud of their hard work and resilience in these challenging times. The financial situation and the specter of large-scale furloughs have been the toughest obstacle we have faced. I hope we can work together to resolve this issue.

Thank you again for the opportunity to testify. I look forward to answering any questions you may have.