

**BORDER SECURITY OVERSIGHT, PART II:
EXAMINING ASYLUM REQUESTS**

HEARING

BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY
OF THE
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRTEENTH CONGRESS

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BORDER SECURITY OVERSIGHT, PART II: EXAMINING ASYLUM REQUESTS

Wednesday, July 17, 2013,

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, HOMELAND
DEFENSE, AND FOREIGN OPERATIONS,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:15 a.m. in room 2247, Rayburn House Office Building, the Honorable Jason Chaffetz [chairman of the subcommittee], presiding.

Present: Representatives Chaffetz, Mica, Amash, Gowdy, Bentivolio, Kelly and Welch.

Staff Present: Daniel Bucheli, Majority Assistant Clerk; Mitchell S. Kominsky, Majority Counsel; Laura L. Rush, Majority Deputy Chief Clerk; Scott Schmidt, Majority Deputy Director of Digital Strategy; Sang H. Yi, Majority Professional Staff Member; Jaron Bourke, Minority Director of Administration; Devon Hill, Minority Research Assistant; Jennifer Hoffman, Minority Press Secretary; Peter Kenny, Minority Counsel; and Brian Quinn, Minority Counsel.

Mr. CHAFFETZ. I would like to begin this hearing by stating the Oversight Committee Mission Statement.

We exist to secure two fundamental principles. First, Americans have the right to know that the money Washington takes from them is well spent. Second, Americans deserve an efficient and effective government that works for them.

Our duty on the Oversight and Government Reform Committee is to protect these rights. Our solemn responsibility is to hold government accountable to taxpayers because taxpayers have a right to know what they are getting from the government.

We will work tirelessly in partnership with citizen watchdogs to deliver the facts to the American people and bring genuine reform to the Federal bureaucracy. This is the mission of the Oversight and Government Reform Committee.

I want to thank everyone for being here today as we embark on Border Security Oversight: Part II, Examining Asylum Requests.

I would also like to welcome the members here, guests in the audience and those watching on television.

Today's proceedings are second in a series of hearings designed to assess U.S. border security efforts, as well as challenges to obtaining operational control of our borders. On June 27, 2013, the subcommittee received testimony from officials at Customs and

Border Protection, Immigration and Customs Enforcement, and the Government Accountability Office.

During the hearing, the subcommittee learned of a variety of emerging threats to U.S. border security. This ranged from flaws in the government's issuance and administration of B1/B2 visas, the entry/exit program and the lack of an exit program in this Country, the increasing number of OTMs, also known as Other Than Mexicans, coming across the border, particularly the southwest border, drug trafficking organizations' extensive use of ultra light aircraft to successfully move narcotics and who knows what else across the southwest border, as well as the problem we have with tunneling and other types of innovative ways that people are coming across the border.

This debate should also include an examination of potential flaws in our immigration system, especially the processes and procedures relating to asylum requests. We need to be able to look at visa reform. We are told that 40 percent of the people who are here illegally came here legally, but also need to look at how asylum requests, and the surge that we are seeing in that, are being processed and what we can do as a nation to combat the fraud that may be out there and look seriously at how we do this process.

The Immigration and Nationality Act, commonly known as INA, codifies requirements that define the process and standards for the adjudication of asylum requests. Throughout the years, some alterations to the INA have been made through the Illegal Immigrant Reform and Immigrant Responsibility Act of 1996, as well as the Real ID Act of 2005. Both predate my participation here in this Congress.

These laws are based on the notion that foreign nationals seeking asylum in the United States must demonstrate a well founded fear that if they return home, they will be persecuted based on one of five characteristics: race, religion, nationality, membership in a particular social group, or political opinion.

It is important to welcome foreign nationals to the United States who make legitimate claims about being persecuted or tortured in their home country but also adhering to the U.S. Code. To obtain asylum in the United States, applicants can pursue their claims in two ways, through affirmative or defensive process. We may get into the details and specificity of those but at this time I will not go through the details of trying to explain that.

USCIS estimates that it will receive a total of 28,679 credible fear requests in fiscal year 2013. This is a 434 percent increase over the last five years. The majority of credible fear requests appear to be coming from countries such as El Salvador, Honduras and Guatemala. Individuals from these countries constitute roughly two-thirds of all credible fear interviews in fiscal year 2013.

It has been reported by the New York Times that USCIS' asylum request process has been exploited by potentially thousands of fraudulent applications. As reported in the Times in December 2012, 26 individuals spread across ten law firms were indicted for helping Chinese immigrants submit false asylum claims. These ten law firms were responsible for filing more than 1,900 claims.

Even with such numbers fraudulent claims processed by these law firms represent only a small portion of the potentially fraudu-

lent asylum requests. There have been major cases in Sacramento, San Diego and most notably, what happened in the Boston bombing situation, which we want to dive into at this hearing today.

On April 2, myself and Congressman Bentivolio traveled, along with committee staff, to Yuma and Nogales, Arizona to assess the Federal Government's most recent efforts to secure the border. I visited the Eloy Detention Facility in Arizona and was briefed by prison and ICE officials. The committee learned that individuals classified as OTMs, again also known as Other Than Mexicans, accounted for 900-plus inmates from 60 different countries of the approximately 1,500 in the Eloy Detention Facility alone. This is one of at least nine facilities that we have in that area.

Based on our conversations with CBP officers in Yuma and Nogales, there appears to be an increase in the trend of OTMs moving across the southwest border. A significant portion of the OTMs are coming from Latin America, including Guatemala and Honduras, in addition to India and China and other notable countries. The increase of OTMs appears to be correlated with some of the potential weaknesses in the legal immigration system.

All of these statistics, personal accounts and news reports point to an alarming trend that suggests there may be serious flaws in our legal immigration system, in addition to showing where some of the newest threats may be emerging.

During my time there, I went to Phoenix where I learned that people that are trying to go through the asylum process were granted a court date. If you were to go through that process now, I was told the court dates they would get would be in 2020. That does not seem to work for anyone.

We have three administrative judges dealing with thousands of cases on their dockets, something we may not be able to directly deal with here in this hearing but it is another component of how we fix legal immigration. Today, we hope not only to discuss these potential flaws to the system, but solutions to ensure a more efficient system. We are the Oversight and Government Reform Committee.

I want to emphasize that I support and commend the hard work and dedication of the law enforcement officers, those at CBP, ICE, USCIS and the men and women who are working in the offices from the administrative posts to those doing the interviewing. Those do a very difficult but very important job.

I look forward to hearing from our witness and productive conversation about improving the asylum application process. We are pleased to have Mr. Langlois here. We were hoping he was going to be here at our hearing on June 27 and are a little disturbed that you were unable to attend that first hearing "Due to a lack of sufficient notice to prepare and clear testimony, as well as prepare a suitable witness, USCIS will be unable to appear at the upcoming June 27 hearing on border security." That is the note we got. We find that wholly unacceptable but nevertheless, we are glad you are here today. We are interested in hearing your testimony.

At this time, if any other members have opening remarks, I would be happy to entertain those. If none, I would like to remind members that they have seven days to submit opening statements for the record.

We will now recognize Mr. Langlois. He is the Associate Director for Refugee, Asylum and International Operations at the U.S. Citizenship and Immigration Services.

Pursuant to committee rules, all witnesses will be sworn before they testify. Please rise and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

[Witness responds in the affirmative.]

Mr. CHAFFETZ. Thank you. Let the record reflect the witness answered in the affirmative. You may be seated.

We will now recognize you, Mr. Langlois, for five minutes but feel free to take some extra time should you so choose. From there, we will ask you some questions. The time is now yours.

STATEMENT OF JOSEPH E. LANGLOIS, ASSOCIATE DIRECTOR, REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS DIRECTORATE, U.S. CITIZENSHIP AND IMMIGRATION SERVICES

Mr. LANGLOIS. Chairman Chaffetz, Ranking Member Tierney and other distinguished members of the subcommittee, thank you for the opportunity to testify at today's hearing on border security.

I regret that we were unable to accommodate the last hearing request. I sincerely hope that this delay has not impeded your ability to address this very important issue of border security.

I am Joseph Langlois, the Associate Director of the Refugee, Asylum and International Operations Directorate within USCIS at the Department of Homeland Security. My testimony today will focus on how USCIS supports US efforts related to border security while upholding our refugee protection obligations.

The United States has a long and proud history of providing humanitarian protection. We are signatories to a 1967 protocol relating to the status of refugees which bars contracting States from returning refugees to their countries of feared persecution. Our obligations under the protocol are primarily implemented through our Nation's asylum process which involves proceedings under two tracks: one, an individual applies for asylum affirmatively with a USCIS asylum officer and two, an individual seeks asylum before an immigration judge under the Department of Justice.

In addition to the interior asylum process, the process that is more directly tied to border management, is an incredible fear screening process which will be the subject of the remainder of my testimony.

Prior to the immigration reforms of 1996, all individuals apprehended attempting to enter the United States unlawfully were placed in full proceedings before an immigration judge. These proceedings were time consuming and resource intensive. Individuals in such proceedings were generally not detained.

The 1996 reforms allowed for the expedited removal of individuals without proper documentation or those apprehended close to a U.S. border shortly after an illegal entry. All individuals placed in expedited removal proceedings are subject to mandatory detention and prompt return to their countries of origin.

In creating this new removal process, however, Congress was mindful of the United States' treaty obligations to the status of refugees and created a screening process known as credible fear to prevent persons from being returned to countries in which they would be persecuted or tortured. The USCIS Asylum Division administers the credible fear program.

Persons subject to expedited removal who indicate a fear of return are referred to a specially trained USCIS asylum officer who conducts an in-person interview to determine whether there is a significant possibility that the individual will be found eligible for asylum or withholding of removal. This determination does not confer any immigration benefit. It is simply a screening process employed to identify potential refugees. The final decision for asylum eligibility rests with an immigration judge.

Credible fear interviews are conducted by USCIS while the individual is detained. USCIS conducts security checks, including biographic and biometric checks. If USCIS determines an individual does not have a credible fear, he or she is subject to immediate removal unless the individual requests a limited review by an immigration judge of that decision.

Those found to have a credible fear are placed into removal proceedings where an immigration judge ultimately adjudicates any application for relief from removal. Simply put, they get their day in court.

Credible fear's screening standard was purposely designed to be a low threshold requiring only a significant possibility that an individual may be found eligible for asylum or withholding of removal. Historically, 87 to 98 percent of individuals who are placed in expedited removal do not express a fear and are not subject to the credible fear screening, a small percentage of individuals placed in expedited removal who do express a fear of return and are subject to the credible fear screening. The majority can meet the low threshold that is established before they get their day in court.

The expedited removal process is a critical tool for effective border management. The credible fear screening process supports the continued operation of these indispensable border efficiencies by providing a mechanism that ensures U.S. compliance with its international treaty obligations relating to refugees.

Thank you for the opportunity to testify and I would be happy to answer your questions.

[Prepared statement of Mr. Langlois follows:]



**U.S. Citizenship
and Immigration
Services**

WRITTEN TESTIMONY

OF

JOSEPH E. LANGLOIS

ASSOCIATE DIRECTOR

**REFUGEE, ASYLUM AND INTERNATIONAL OPERATIONS DIRECTORATE
U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

FOR A HEARING ON

“BORDER SECURITY”

BEFORE

**THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON NATIONAL SECURITY**

JULY 17, 2013

10:15AM

**2247 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC**

Introduction

Chairman Chaffetz, Ranking Member Tierney, and distinguished members of the Subcommittee: Thank you for the opportunity to testify at today's hearing on border security; I am sorry that we were unable to accommodate the last hearing request. I am Joseph Langlois, the Associate Director of the Refugee, Asylum and International Operations (RAIO) Directorate within U.S. Citizenship and Immigration Services (USCIS) at DHS. I oversee the asylum and refugee programs within USCIS and my testimony today will focus on how USCIS supports U.S. efforts related to border security while upholding our refugee protection obligations.

The United States has a long history of providing humanitarian protection to refugees and other vulnerable individuals. We are party to the 1967 Protocol relating to the Status of Refugees and the Convention against Torture (CAT), which obligate contracting states to abide by the principle of non-refoulement -- to refrain from returning individuals to countries where they fear certain types of harm. Our obligations under the Protocol and the CAT are implemented through various mechanisms, all of which incorporate the principle of non-refoulement. For example, individuals may seek asylum in the United States in one of two ways, either by applying for asylum "affirmatively" with USCIS or "defensively" while in removal proceedings before an Immigration Judge within the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR).

Affirmatively Filed Asylum Applications

In general, any individual present in the United States and not in removal proceedings may file an affirmative asylum application with USCIS. Affirmative asylum procedures require an in-depth, in-person interview of every principal asylum applicant. This interview is

conducted by specially trained Asylum Officers. These officers are a professional cadre within USCIS, dedicated full-time to the adjudication of asylum claims. They are extensively trained in national security issues, the security and law enforcement background check process, eligibility criteria, country conditions, making proper credibility determinations, and fraud detection.

The Asylum Officer fully explores the applicant's persecution claim, considers country of origin information and other relevant evidence, assesses the applicant's credibility and completes required security and background checks. The Asylum Officer then determines whether the individual is eligible for asylum and drafts a decision. Supervisors review 100 percent of Asylum Officers' cases prior to issuance of a final decision. If the Asylum Officer does not grant the asylum application, in most cases the applicant is referred to removal proceedings for a hearing before an Immigration Judge, including a decision on the asylum claim and any other claims for relief from removal.

Defensively Filed Asylum Applications

Individuals who have been placed in removal proceedings under the Immigration and Nationality Act (INA) receive a full hearing in Immigration Court, which are operated by DOJ's Executive Office for Immigration Review, and have the right to request certain types of relief from removal, including asylum, before an Immigration Judge.

The Expedited Removal and Credible Fear Processes

Prior to the passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), individuals seeking admission to the U.S at a port of entry or those apprehended attempting to enter the United States unlawfully were able to present their requests

for asylum directly to an Immigration Judge. IIRIRA, however, amended the INA to allow for the expedited removal of individuals who lack required documentation or possess improper documentation at ports of entry. Under delegated authority, DHS also applies the expedited removal process to individuals who are present without admission and encountered by an immigration officer within 100 air miles of the United States border, and were not physically present in the United States for the 14-day period immediately before their arrest, and to aliens unlawfully arriving in the United States by sea.

The expedited removal provision was designed to deter individuals from entering the United States illegally and to streamline what had been a lengthy, resource-intensive process. Individuals subject to expedited removal are immediately removable from the United States and are generally not entitled to a full hearing before an Immigration Judge. To ensure that the United States maintains compliance with its international treaty obligations related to non-refoulement, however, individuals subject to expedited removal who indicate a fear of persecution or torture or who indicate an intent to apply for asylum are referred to a specially trained USCIS asylum officer who conducts a detailed screening for potential asylum eligibility. Individuals who are able to establish a credible fear of persecution or torture to an asylum officer may then apply for asylum defensively in removal proceedings.

The credible fear screening process employed by USCIS has some similarities to the affirmative asylum process described previously, but is a separate and distinct process. For example, individuals in expedited removal proceedings, including those who indicate a fear of persecution or who indicate an intent to apply for asylum, are subject to mandatory detention and therefore credible fear interviews are conducted by USCIS officers while the individual is detained. During the credible fear interview, individuals are questioned regarding their

biographic information, their fears of persecution or torture, and whether they may be subject to a mandatory bar to asylum. USCIS officers elicit information during the interview to develop the record regarding the applicability of the mandatory bars. USCIS also conducts security checks including preliminary biographic (TECS) and biometric (US-VISIT) checks during the credible fear process to assess identity and inform lines of questioning. Upon completion of the credible fear interview, and while the individual remains detained, the USCIS Asylum Officer determines whether or not the individual established a credible fear of persecution or torture.

The Credible Fear Standard

The credible fear screening standard, defined by statute, was designed to be a low legal threshold. In order to establish a credible fear of persecution or torture, the Asylum Officer must find that a “significant possibility” exists that the individual could establish eligibility for asylum or withholding or deferral of removal. The purpose of this screening standard is to dispose of claims where there is no significant possibility of success, while not foreclosing possibly viable claims. This procedural safeguard allows the expedited removal process to act as an efficient mechanism in maintaining border security while ensuring compliance with the United States’ international treaty obligations regarding non-refoulement.

Historically, only a small percentage of individuals placed in expedited removal proceedings have expressed a fear of return. Throughout the years the percentage of individuals placed into expedited removal who express a fear of return has ranged from 2 percent to 13 percent. Expedited removal proceedings have been effective and saved significant resources since their implementation in 1997 while also ensuring that the United States upholds its international treaty obligations regarding non-refoulement.

Credible Fear Determinations

Like affirmative asylum decisions, 100 percent of credible fear determinations undergo supervisory review. Individuals who are ultimately found not to have a credible fear are subject to immediate removal by Immigration and Customs Enforcement (ICE), unless they request a limited review of the Asylum Officer's determination by an Immigration Judge. If the individual establishes a credible fear of persecution or torture, USCIS issues a Notice to Appear (NTA) and the individual is placed into removal proceedings before an EOIR Immigration Judge at which point he or she can seek asylum or other forms of relief as a defense to removal. USCIS confirms initiation of additional security checks and those results are also provided to, and considered by, ICE and the Immigration Judge. Information used to make a determination on the individual's claim, including the interview notes, biographic information, completed security checks and decisional documents, are placed into the individual's file and are available for use by ICE attorneys during removal proceedings. The Immigration Judge ultimately determines whether the individual is eligible for asylum or any other requested forms of relief.

During the pendency of the removal proceedings, certain individuals are entitled to a custody hearing before the Immigration Judge. For arriving aliens, DHS has adopted parole standards to determine whether individuals should be paroled into the United States during the pendency of the removal proceedings.

Background Checks in the Affirmative Asylum Process

Before individuals may be granted asylum, they must all establish identity and pass all requisite national security and law enforcement background security checks. Each asylum

applicant must pass extensive biometric and biographic security checks. Both law enforcement and intelligence checks are required – including through the Federal Bureau of Investigation (FBI), the Department of Defense, the Department of State, and other agencies.

In conducting background screenings, asylum applicants are first checked against the USCIS Central Index System to determine if an applicant has previously been issued an alien number. They are also screened against TECS -- Custom and Border Protection's primary law enforcement and anti-terrorism data base system which contains enforcement, inspection, and intelligence records. For applicants ages 14 through 79, an FBI search is conducted of the person's name(s) and date(s) of birth. A USCIS Application Support Center also takes the 10 fingerprints and biometrics (signature, photograph and index print) of asylum applicants between the ages of 12 years and 9 months and 75 years. The FBI electronically searches the databases within the Integrated Automated Fingerprint Identification System, the FBI's Criminal Master File. The 10-prints are also electronically submitted to the US-VISIT database, where they are enrolled and associated with matching fingerprint records. This system is used to confirm identity, determine previous interactions with immigration officials, and detect imposters. In addition, a biometric check against the DOD Automated Biometric Identification System (ABIS) is conducted for certain cases. Finally, the Asylum Division is also piloting the screening of asylum information against the National Counterterrorism Center's terrorism holdings.

Conclusion

The expedited removal process is a critical tool for effective border management. The credible fear screening process that identifies individuals potentially in need of protection in the larger expedited removal framework affords those border efficiencies while ensuring U.S.

compliance with its international treaty obligations relating to non-refoulement. Prior to IIRIRA, *all* individuals apprehended while unlawfully entering the United States were placed in deportation or exclusion proceedings before an Immigration Judge – such a framework today would overwhelm DHS's and DOJ's already stretched resources.

It is important to note that an Asylum Officer's positive credible fear finding does not confer an immigration benefit or guarantee any lawful status in the United States. Rather, a finding of a credible fear results only in an individual's opportunity to present his or her protection claim before an Immigration Judge in removal proceedings.

Thank you again for the opportunity to testify. I would be happy to answer your questions.

Mr. CHAFFETZ. Thank you, Mr. Langlois.

I want to recognize myself for five minutes. Let's go through some metrics first and then I want to get into another thing.

How many people do you have that actually do these interviews?

Mr. LANGLOIS. Presently, we have approximately 270 asylum officers that interview.

Mr. CHAFFETZ. How many cases do you have pending?

Mr. LANGLOIS. With the credible fear process, we probably have pending at any given point I would say 1,000 to 2,000 cases. We have a 14-day turnaround on our cases.

Mr. CHAFFETZ. How many are you going to be processing or doing this year?

Mr. LANGLOIS. We are on track to interview all cases that are referred to us which would be approximately 29,000 cases in the credible fear context.

Mr. CHAFFETZ. How much of an increase is that over the last five years?

Mr. LANGLOIS. That is an increase of approximately 400 percent as the newspaper account had it. The rates flow back and forth. For example, we had 13,000 in 2001 but we hit a low in 2009 of 5,300 and now we are up to, as I said, approximately 29,000.

Mr. CHAFFETZ. How much time does it take to go through one particular case?

Mr. LANGLOIS. An individual spends approximately an hour to hour and a half interviewing. I would estimate an additional 45 minutes to an hour would be for documenting the case and the decision, so I think a decision reasonably takes about two to two and a half hours.

Mr. CHAFFETZ. Part of the justification for asylum is the idea that there is some fear if they return. What happens when someone actually does return to that area? Do you have any visibility when somebody actually goes and returns to the country?

Mr. LANGLOIS. We are only returning individuals we ascertain do not have either a credible fear or a well founded fear.

Mr. CHAFFETZ. If they go through the process and are granted asylum, is there any flashing red light that goes off at any department or agency that says wow, this person said they had some credible fear coming out of Russia, but now they have gone back to Russia? Does any bell ring, does anybody get a warning?

Mr. LANGLOIS. Individuals that avail themselves of the country that they said they feared, their asylum status can be terminated under the statute. We do have referrals from CBP. They are not great in number though.

Mr. CHAFFETZ. Is there a system in place for that to show up on your radar screen?

Mr. LANGLOIS. The individual entering the country returning back to the United States would go through CBP at the inspection point.

Mr. CHAFFETZ. So on the departure, there is no visibility for you?

Mr. LANGLOIS. That is my understanding.

Mr. CHAFFETZ. In the case of the Boston bombing situation where you have the father of the two suspects wanting to return and go to Russia, that didn't show up on anyone's radar screen?

Mr. LANGLOIS. I am precluded due to confidentiality regulations from discussing that case in this forum. We would certainly be quite happy to provide you a briefing in a confidential and classified setting concerning USCIS' interactions with the Boston bombers.

I can speak in general, however, that individuals that do return, they must return to their country of feared persecution which they were granted asylum based on that fear to that country, they can be subject to termination of asylum if they avail themselves.

Mr. CHAFFETZ. You said it was a small number. How often does that happen?

Mr. LANGLOIS. I do not have that. I have a lot of statistics but I do not have that statistic handy now. I can certainly get that for the record.

Mr. CHAFFETZ. In two notable cases, one in New York regarding the ten law firms and another one in California, according to press reports, there could have been about 1,800 people that were put through that process. How many of those have you re-interviewed since it came to light that they may have been fraudulent?

Mr. LANGLOIS. We are reviewing all cases. This is an ongoing investigation. Arrests are still being made. We have captured the data on who is associated with those law firms, who the law firms represented. We are tracking them and we will be examining each individual case. The prosecution is still ongoing. We are in the evidence gathering stage.

Mr. CHAFFETZ. These did not happen last week. One case goes back to 2003. How many of the 1,800 have you actually re-interviewed?

Mr. LANGLOIS. That is a figure that I do not have. I do have that we have captured all of these cases. I can get that figure back to you. Again, it is an ongoing investigation, so we are looking for evidence coming from the individuals themselves when they plead. That would be very good to have in the termination.

Mr. CHAFFETZ. My time has gone past. Let me now recognize the gentleman from Vermont, Mr. Welch, for five minutes.

Mr. WELCH. Thank you, Mr. Chairman. Thank you for calling this hearing. I am sorry I missed that trip with you; it sounded pretty productive.

The Oversight Committee is particularly concerned with issues of waste, fraud and abuse, as you know. Are there credible concerns, as you see it, that terrorists and criminals have fraudulently abused this process to gain asylum protection?

Mr. LANGLOIS. We take our responsibilities of detecting fraud, deterring fraud, ensuring national security very seriously.

Mr. WELCH. I understand that. I know you do that and I appreciate that you do it. Some people are concerned about it. My question is whether, in your view, that is a valid concern and what would be the basis that it is or isn't?

Mr. LANGLOIS. I think it is a valid concern. With any immigration benefit, we are very wary of individuals exploiting the immigration benefit to do the Nation harm. We have a number of things we do to take that into consideration when we proceed with our adjudication of cases.

Mr. WELCH. It is a tough thing. You have someone with an asylum case. If they are to succeed in getting asylum, it means they have to be able to convince us they really have a threat that awaits them if they return home. On the other hand, there are a lot of people who see that as an opportunity to try to get in. How do you figure that out? It is a very tough interview, I would imagine.

Mr. LANGLOIS. It is a very difficult job to have. In the affirmative context, we train our officers very well. We think the best trained officer is the best defense against fraud and addressing national security concerns. We have an approximate hour and a half to two hour interview with each case, we run a number of different security checks on them, we also study country conditions and we have a system that if we do find they commit fraud or there is a national security concern, we immediately place that individual into removal proceedings before an immigration judge as well as we liaise ICE, the FBI and the U.S. Attorney to prosecute cases that are committing fraud.

As an example, the chairman rightly illustrated the recent New York case. We went to the FBI with that case and showed them the evidence as well as ICE and began the ball rolling to have that case prosecuted. It was a successful prosecution. We have had many successful prosecutions of cases throughout my tenure with the USCIS for the last 20 years. I would be happy to provide those for the record.

Mr. WELCH. Are there any provisions in the current law that, in your view, could be amended so as to improve the likelihood that you would not see as much abuse of the asylum process to get the balance right? We want to have this Country open to provide asylum to people who are eligible for it but obviously, we do not want the system to be abused.

Mr. LANGLOIS. I think the asylum core effectively utilizes the present statutes in order to detect and deter fraud, as well as address national security concerns.

Mr. WELCH. How much evidence is there of this asylum process having been abused?

Mr. LANGLOIS. I guess it depends on your definition of abuse. We have approximately a 45 percent approval rate in the affirmative asylum context which means that we place 55 percent of the individuals applying for asylum directly in removal proceedings. I would not say that 55 percent are abusing the process, but it would be a subgroup of that that we would refer.

Mr. WELCH. What would you say was the normal time between application and completed adjudication?

Mr. LANGLOIS. With the credible fear context, we are dealing with a 14-day adjudication period. The vast majority of cases are interviewed and adjudicated within 14 days of referral. With the affirmative asylum process, for many, many years, we had a very high success rate, 85–90 percent success rate of 60-day turnaround.

We have begun to slip on that because asylum applications have begun to increase. However, we have new officers coming onboard who will be addressing that issue. We should be back to 60 days next year.

Mr. WELCH. Thank you.

Mr. Chairman, I yield back.

Mr. CHAFFETZ. Thank you.

I now recognize the gentleman from Michigan, Mr. Bentivolio, for five minutes.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman. Thank you for the opportunity to tour our poorest border as was explained by ICE and the Border Patrol last time we had this.

I am rather new here in Congress and there seems to be a lot of camouflage, lies, half truths and distortions on many issues here on Capitol Hill. I learned a long time ago if you are concerned about an issue and want full understanding, you have to talk to people with boots on the ground. You have to get into the trenches. That is exactly what we did and I would like to thank you, Mr. Chairman, for giving me that opportunity.

Sir, thank you for coming here today. I have just a few questions. What percentage of those who must appear before the courts actually show up for proceedings?

Mr. LANGLOIS. That is a statistic I do not have. We place people into removal proceedings. It is ICE that litigates the case with the trial attorneys, with the Department of Justice, so the Department of Justice, the Executive Office of Immigration Review, would have those statistics.

Mr. BENTIVOLIO. Let me see if I correctly understand this. If somebody is picked up on the border, they just came through the fence and claim asylum, what happens then? Where do they go?

Mr. LANGLOIS. The individual, if they are apprehended and placed into expedited removal, is removed if they do not express a fear. If they do express a fear, they are in detention centers. The asylum officer interviews the individual when they are in the detention center. We officially do this by either sending individuals to the detention center or making use of VTAL in order to gain efficiencies in the interview process.

Mr. BENTIVOLIO. What is VTAL?

Mr. LANGLOIS. It is video conferencing. We have officers there but we augment those officers by video conferencing some of the interviews.

If we determine that the individual has a credible fear, which is a low screening standard, it takes approximately 14 days to turn around that decision, the individual is placed into removal proceedings. That individual is still detained. USCIS gathers information based on the security checks as well as the interview that ICE or the immigration judge utilize to determine if the individual should remain in detention or get paroled or a bond. It is ICE and the immigration court that determines if the person remains in detention. USCIS gathers information for that decision but we do not make that decision.

Mr. BENTIVOLIO. So they go on the bond, on probation?

Mr. LANGLOIS. Yes.

Mr. BENTIVOLIO. What percentage of those never return?

Mr. LANGLOIS. That would be an immigration judge statistic coming from the Department of Justice.

Mr. BENTIVOLIO. Do they all return? Do you have any general idea? You are there.

Mr. LANGLOIS. The no-show rate for the judges varies considerably based on nationality, based on location, but for their statistics,

I would be more than happy to liaise with our Office of Legislative Affairs to get those statistics from the Department of Justice.

Mr. BENTIVOLIO. I would appreciate that. You had a 400 percent increase in asylum requests?

Mr. LANGLOIS. We had a 400 percent increase in the credible fear requests. The asylum program, if you are attempting to enter the United States, and you are apprehended and placed in expedited removal, you are subject to credible fear screening if you express a fear. That is one program.

The other program we manage is called the Asylum Application Process. Individuals already in the United States who are not in removal proceedings, can step forward affirmatively and apply for asylum. We are on track this year I think to get approximately 45,000 applications for the Affirmative Asylum Program.

That contrasts with over 150,000 applications in 1995 prior to the reform of the program. The numbers ebb and flow on credible fear as well as the affirmative process. I would be more than happy to submit statistics to show the ebbs and flows of these numbers.

Mr. BENTIVOLIO. What percentage of denials are overruled by immigration judges?

Mr. LANGLOIS. Again, these are statistics that would have to come from the immigration judges, but it is a high number.

Mr. BENTIVOLIO. I have one last question. Do you think judges have too much discretion in determining asylum requests?

Mr. LANGLOIS. I don't have an opinion on that. I read their BIA decisions and I have seen that they adhere to the law.

Mr. BENTIVOLIO. Thank you very much.

Thank you, Mr. Chairman. I yield back.

Mr. CHAFFETZ. Thank you.

I will now recognize the gentleman from Florida, Mr. Mica, for five minutes.

Mr. MICA. Thank you.

Let me turn back to some of the Chairman's line of questioning about the press reports. It looks like we have some asylum mills, some law firms that are cashing in and processing huge numbers of these asylum claims. Some of the figures are disturbing. It looks like some of those firms have filed more than 1,000 requests since 2006, charging a pretty hefty fee. It also appears that in the California case that the Chairman also referred to, you have coaching, charging high fees and also a history of abuse of the system.

Have you taken any action against those firms to suspend them and are you going back and reviewing some of their requests more thoroughly?

Mr. LANGLOIS. The answer to both of those questions would be yes. We are actively involved in the detection of fraud, especially on a large scale. We liaise very closely with ICE and the FBI. As I stated, the chairman's reference to the case in New York, we initiated that with the FBI. We gather information with the Fraud Detection and National Security Branch of USCIS and actively pursue these cases.

Mr. MICA. You are going back and looking. Are there any firms that stand out that you found?

Mr. LANGLOIS. The recent cases are up in New York. I don't have in my head the other firms.

Mr. MICA. Are there firms with multiple fraudulent applications?

Mr. LANGLOIS. Yes.

Mr. MICA. Do you have the means to put them on suspension or notice that you are not accepting their applications?

Mr. LANGLOIS. Correct. They are disbarred.

Mr. MICA. Have you done that?

Mr. LANGLOIS. The cases that are disbarred, we do not accept them as the attorney in the case.

Mr. MICA. No, no, that is not what I am saying. Do they have any restrictions then placed on them when you find multiple offenses? Do you say, one, two, three strikes and you are out. We are not taking your applications? Are you just taking more of their applications and reviewing them?

Mr. LANGLOIS. I think if an individual is disbarred, we are not accepting the applications. I think it would take disbarment to do that.

Mr. MICA. Have you disbarred any?

Mr. LANGLOIS. It would not be my office that disbarred.

Mr. MICA. But you would be aware?

Mr. LANGLOIS. Correct.

Mr. MICA. Are there firms that have been disbarred?

Mr. LANGLOIS. Yes, there are firms that have been disbarred and we have assisted in the incarceration of numerous attorneys. I could give you the listing of all the cases that we assisted in.

Mr. MICA. The main thing again is going after this. I noted a disparity too in some of the young officers and the old officers in one of the reviews we were provided with the processing. I think the older officers, who are doing these requests, only approved about 10 percent and the newer officers approved much higher percentages, 70 to 80 percent. Are you aware of that?

Mr. LANGLOIS. I am aware of a study I believe was done by Georgetown University that examined this question. They found that individuals who began, had a higher approval rate than individuals mid-career and then the approval rate came back up again, actually. There was a slight aberration between the middle group of folks that had been there and the middle term.

Mr. MICA. One of the more famous asylum cases is the family of the Boston bombers. It looks like the father, Anzor, was granted asylum back in 2002. That covered his wife and children. I guess the one son who died had an opportunity to go back to Chechnya. There is also a provision, I guess, either in the law or some of the rules that if an applicant returns to a country he or she is supposedly fleeing, there would be some review. Is that still the case? What happened in this particular case?

Mr. LANGLOIS. As I mentioned previously, I am unable to discuss this case due to confidentiality regulations. I would be more than willing, of course, to discuss this in a different forum, a classified forum, as well as with other partners of USCIS so we could give you the information.

Mr. MICA. Let us not talk about the case. Let us talk about the instance of an individual who seeks asylum and the children go back to the country they are fleeing. What is the policy?

Mr. LANGLOIS. An individual who returns to his country of origin from which he was granted asylum, if he avails himself of the op-

portunity of protection from that government, we can terminate the individual's asylum status.

Mr. MICA. Thank you.

Mr. CHAFFETZ. I would now recognize the gentleman from South Carolina, Mr. Gowdy.

Mr. GOWDY. Thank you, Mr. Chairman.

Can you tell me all the methods you use to determine whether or not there is fraud in the assertion for an asylum claim either affirmatively or defensively?

Mr. LANGLOIS. I can certainly address the affirmative side. The defensive side would have to be done by ICE and the immigration judges because they control that procedure.

Mr. GOWDY. Let us do affirmative. You get an application for asylum, what is within bounds and what is out of bounds in terms of assessing the credibility of the claim?

Mr. LANGLOIS. An individual will file for asylum, they are immediately scheduled for a fingerprint appointment. We do not interview any individual unless they submit their fingerprints to us. When the individual arrives at the office, we verify, based on one print, one to one, that is the individual who actually submitted the fingerprint, so we have a check on that.

We submit the fingerprints to the FBI. We also do a name check with the FBI.

Mr. GOWDY. That would be the credibility that the person asserting asylum is in fact the person. What I am getting at is the credibility of the assertions that underlie the asylum claim in general. It is not an identification issue, this is a weighing and balancing of the credibility of the claim made. How do you adjudicate that?

Mr. LANGLOIS. Often in our security procedures, we will discover information that will contradict the information given to us by the applicant and that can result in a finding of the person not being credible and therefore referred to an immigration judge to decide asylum.

Mr. GOWDY. A lack of credibility in other parts of the application can impact as assessment of the credibility with specific reference to the asylum. If a supervisor hypothetically were to have said we are not investigating potential fraud, we are adjudicating asylum claims, what does that mean because I would think the two are hopelessly interlocked?

Mr. LANGLOIS. The two are.

Mr. GOWDY. If someone were to say we are not investigating potential fraud, we are adjudicating asylum claims, you would reject that assertion by a supervisor as being, at first blush, nonsensical and secondarily, you concede they are hopelessly interlocked?

Mr. LANGLOIS. You have to have integrity in the asylum program. You must deter fraud, you must detect fraud.

Mr. GOWDY. So every assertion made by the applicant is fair game in terms of assessing whether or not the person is credible?

Mr. LANGLOIS. The assertions made by the applicant that are material to the claim can be used in a credibility determination.

Mr. GOWDY. Tell me the difference between material and in material?

Mr. LANGLOIS. Off the top of my head, I am drawing a blank.

Mr. GOWDY. You used the word “material” and that word I have always found to be interesting. It is usually used alongside the word “relevant.” I think I understand what relevant means. I have really never understood what material means because when you are talking about someone’s credibility, everything is material to that.

Tell me how an assertion over here which is demonstrably false would not impact an assertion over here within the same application?

Mr. LANGLOIS. An individual that is making a false statement concerning his or her age may not be material to the claim.

Mr. GOWDY. Why not?

Mr. LANGLOIS. If the individual’s identity can be established and if he can explain why he was trying to be seen as being older rather than younger or younger rather than older.

Mr. GOWDY. What would be a good reason to lie about your age?

Mr. LANGLOIS. An individual could lie about their age in order to be an unaccompanied minor in front of an immigration judge and therefore, get interviewed by an asylum officer because they refer the case back to us.

Mr. GOWDY. How will you guarantee that their disingenuousness is only confined to age?

Mr. LANGLOIS. That is a very difficult endeavor.

Mr. GOWDY. How do you do it?

Mr. LANGLOIS. We interview the individual for an extended period of time.

Mr. GOWDY. How long is an extended period of time?

Mr. LANGLOIS. One, two, three hours at some point.

Mr. GOWDY. How do you corroborate the assertions they have made?

Mr. LANGLOIS. We examine if all other testimony the person gives is consistent and there is a plausible explanation for his representation.

Mr. GOWDY. Who determines plausibility?

Mr. LANGLOIS. It would be the asylum officer with 100 percent supervisory review. All decisions are reviewed by a supervisor.

Mr. GOWDY. But you categorically reject a supervisor who claims we are not investigating potential fraud, we are adjudicating asylum claims because I find that statement to be vexing.

Mr. LANGLOIS. Correct.

Mr. GOWDY. You would categorically reject this?

Mr. LANGLOIS. I believe that our duty is to adjudicate asylum requests and at the same time, deter and detect fraud, ensure national security, place individuals in removal proceedings that are perpetrating fraud, liaise with investigators who can prosecute individuals who commit fraud.

Mr. GOWDY. Can you make sure your supervisors know that?

Mr. LANGLOIS. I will reiterate.

Mr. GOWDY. Please do because I am reminded of that paraphrase by Frederick Nietzsche, I am not mad that you lied to me, I am mad that I can’t believe anything else you tell me. The notion that you can lie in this compartment of life and you have a lot of veracity in all other compartments just common sense indicates otherwise and so does history.

I yield back, Mr. Chairman.

Mr. CHAFFETZ. Thank you.

I will now recognize myself for five minutes.

How many supervisors are there?

Mr. LANGLOIS. I think we have probably 50 supervisors. Again, I would have to check.

Mr. CHAFFETZ. What is the total number of cases that you will go through? You have 270 agents. What is the total number of cases they are going to go through in a year, this year, projected?

Mr. LANGLOIS. We are going to go through 29,000. Again, these are estimates. I can certainly follow up with this. We are going to go through 29,000 credible fear cases. In addition, we are going to go through I would say maybe 30,000 affirmative requests, 25,000–30,000 affirmative requests.

Mr. CHAFFETZ. Those 270 people are going to essentially go through 59,000 requests, is that fair to say?

Mr. LANGLOIS. Yes, cumulative.

Mr. CHAFFETZ. The 59,000 cases are going to be 100 percent reviewed by 50 people?

Mr. LANGLOIS. Correct.

Mr. CHAFFETZ. How much time does that give each supervisor to go through each case? Basically, they are just looking at the documentation, right?

Mr. LANGLOIS. They focus very much on the assessment.

Mr. CHAFFETZ. How much time does each supervisor spend on each case?

Mr. LANGLOIS. A supervisor supervises roughly six individual asylum officers, asylum officers adjudicate approximately 9 cases a week so that is 50 cases a week a supervisor has.

Mr. CHAFFETZ. You have 50 people supervising 59,000 cases. How many fraud investigators do you have?

Mr. LANGLOIS. We have two FDNS officers at each asylum office. I think the Los Angeles office has three. We have eight asylum officers and probably have 17 FDNS officers. Again, I will check the record on this.

Mr. CHAFFETZ. You have 17 fraud investigators going through 59,000 cases, in addition to the 1,800 cases from just the two I mentioned?

Mr. LANGLOIS. Correct.

Mr. CHAFFETZ. How many ongoing fraud investigations do you have at this time?

Mr. LANGLOIS. I will have to provide that number at a later time. I do not have that number handy.

Mr. CHAFFETZ. If you had to guess, what would you guess?

Mr. LANGLOIS. I could not guess, but we have had a number of successful prosecutions.

Mr. CHAFFETZ. Affirmative cases, you said that 45 percent approve, 55 percent are due for removal. Are these cases immediately removed? If you came from Romania for instance, and you are ordered to be removed, what would happen to you?

Mr. LANGLOIS. Individuals we place into removal proceedings get a de novo hearing in front of an immigration judge on that asylum request.

Mr. CHAFFETZ. How long does it take to actually get before a judge? If they are released on their own recognizance, you can go, show up at this court date.

Mr. LANGLOIS. In the affirmative context, the individuals are not detained. In the credible fear context, individuals are detained when we issue the credible fear decision. In the affirmative context, it varies from locality to locality how long the hearing is.

Mr. CHAFFETZ. When I hear the Phoenix cases, that they are going to get a hearing, it has been denied. They said no. Your investigator came to the conclusion this is denied, which happens in 55 percent of the cases, but they are going to say, I would like a hearing. That hearing in Phoenix, to my understanding, is in 2020. Is that correct?

Mr. LANGLOIS. Again, that is the immigration judges.

Mr. CHAFFETZ. Understood, it is outside your lane but you are directly connected here.

Mr. LANGLOIS. I have no reason to dispute it.

Mr. CHAFFETZ. You are telling me I have to go to the Department of Justice to find out how many people actually show up. What happens when they don't show up, they have been ordered to be removed? Who has the jurisdiction, who has the responsibility? Now we have to go find this person, track him down and kick him out of the Country? Who does that?

Mr. LANGLOIS. That would be ICE.

Mr. CHAFFETZ. Why is it when I talk to ICE, they say they do not have jurisdiction to do that? Why does that happen?

Mr. LANGLOIS. That I cannot answer.

Mr. CHAFFETZ. How many people are on that list that ICE is supposed to remove?

Mr. LANGLOIS. We put these individuals into proceedings. We put them into removal proceedings.

Mr. CHAFFETZ. They are denied, 55 percent of the cases are denied, then they have to go before a judge. In the meantime, they are here for what could be, in the case of Phoenix, seven years. What is their status during those seven years?

Mr. LANGLOIS. They do not have status during those seven years.

Mr. CHAFFETZ. But they can apply and get a work card, correct?

Mr. LANGLOIS. If the case is pending over 180 days, they can apply for work authorization.

Mr. CHAFFETZ. To whom do they apply for work authorization?

Mr. LANGLOIS. With USCIS.

Mr. CHAFFETZ. How many of those are given out each year, work authorization forms? You have someone who has been denied and now we are going to give them a working card.

Mr. LANGLOIS. Technically, we find them not eligible for approval and we refer the individual. Their application is still pending in front of an immigration judge when we refer. That is why the clock keeps on ticking on their application. We have a very good record of adjudicating our cases within 60 days to give the judges the 120 days on their clock to finish these cases.

Mr. CHAFFETZ. That is one of the concerns I guess this committee needs to drive into because you are denying them, they get in another line, we basically shuffle the paperwork over to somebody else. They get free health care, free education and get a worker

card where they can go to work in the United States and compete with an American who is a United States citizen paying their taxes and they have to compete with someone you have denied. How do we fix this? How do we fix that? What is your recommendation to actually solve that problem?

Mr. LANGLOIS. The Asylum Division has been very successful in adjudicating our cases within a very short time frame. We have recently slipped. We are on track to get back on track due to the hiring of new officers. We are going to train them very well in the coming year. We will get back on track to our 60 days so they will not get work authorization if we complete the case within 120 days.

Mr. CHAFFETZ. I guess the problem is when they get in this other line as they do in Phoenix, it is going to be seven years before they get to those cases and they may or may not ever show up. Then someone has to try to chase down these people. Are there hundreds of thousands of people in this category? How many people fall into this category, tens of thousands of people?

Mr. LANGLOIS. That would be an Immigration Court statistic, however, we do refer approximately 20,000 individuals to the Immigration Court system a year.

Mr. CHAFFETZ. Those numbers are absolutely stunning.

How do you keep track of them in between the time you say you are denied but you now need to go to court? Whose responsibility is it to keep track of them between then and they actually show up to the judge? How do you do that?

Mr. LANGLOIS. We have a very good system to track the case when it is filed with us and then when we file it on the court.

Mr. CHAFFETZ. But no one is paying attention to these people.

Mr. LANGLOIS. The immigration judges have a system in place that is their case management system as well as the trial attorneys, Office of Principal Legal Advisors in ICE also has the A file and the case management system.

Mr. CHAFFETZ. Somehow, some way this committee is going to find out from the Department of Justice how many of those people are committing crimes, how many of those people are committing the various crimes across the whole spectrum. There is nothing more frustrating. They are here, they have been denied, we are going to give them a court date but take years to do it. No one is paying attention to them. It is so frustrating.

My time has expired. I will now recognize the gentleman from Michigan, Mr. Bentivolio, for five minutes.

Mr. BENTIVOLIO. Thank you again, Mr. Chairman.

This is mind boggling. A person can come across the border, get arrested, go to court, claim asylum and we have these 270 officers who can determine whether they are telling the truth or not. I am getting the impression the only real evidence is their word that they are going to be tortured or persecuted unfairly in their home country, is that correct?

Mr. LANGLOIS. No. The REAL ID Act specifically states that we can require identity documents unless the individual is deemed to be unable, it is unreasonable, I think, that the individual would have those documents, so we do deny based on the lack of documentation. However, there is an allowance for exceptions to that rule in the REAL ID Act.

Officers do nine cases a week, so they have a good amount of time, four hours, to dedicate to each individual case. If they come up with complicated cases, we will slow down the interviews so they can do less than nine cases a week, but we do take care to thoroughly interview and vet asylum applications.

Mr. BENTIVOLIO. What do you mean by documentation? They have a driver's license from their home country or they have a passport or they have a newspaper article saying the police are looking for them in their country and they are going to torture them? I mean come on, what is credible evidence?

Mr. LANGLOIS. Credible evidence can be testimony alone. The law allows for that. However, an asylum officer can request documents if they are reasonably available to the applicant.

Mr. BENTIVOLIO. Reasonably available, you just left your home country, you fled, so do they have a lawyer advising them that when they sneak into the United States, they have to have credible evidence like documents? I have a real problem with this. You are taking people at their word.

When you said an officer must see if there is a plausible case, is that a legal standard?

Mr. LANGLOIS. No. The credible fear standard is a significant possibility of establishing eligibility in the full asylum hearing in front of an immigration judge. In the asylum context, it is a well founded fear. That is the legal standard.

Mr. BENTIVOLIO. If they are coming from a country where we know there is some political or ethnic cleansing, that would be credible evidence, right?

Mr. LANGLOIS. Country conditions by reputable sources, the Department of State, Human Rights Watch, can inform us of the conditions in the Country and inform the adjudication of the case.

Mr. BENTIVOLIO. Out of 45,000 people, I think you said 45,000 cases, how many of those do you think are coming from a country where there is something like that going on? Looking at the daily reports for Eloy Prison, 60 different countries are represented. Do you think there are 60 countries that are having ethnic cleansing or something where someone has to leave?

Mr. LANGLOIS. Persecution is not only limited to ethnic cleansing. The majority of individuals applying for asylum are coming from countries where there are records of violence, political persecution, persecution on account of race, and persecution on account of religion, yes.

Mr. BENTIVOLIO. Thank you very much, Mr. Chairman.

Mr. CHAFFETZ. Thank you.

I would now recognize the gentleman from Florida, Mr. Mica.

Mr. MICA. Thank you.

First of all, Mr. Chairman, even though the witness would not provide us in open testimony what took place with the Tsarnaev family and the return of Tamerlan, one of the children who was killed after the terrorist attack in Boston, I would like to ask the committee if we could obtain that information, keep it out of the record, but share it with the members, if possible?

Mr. CHAFFETZ. Yes, that is the intention.

Mr. MICA. I have additional questions I would like to submit that also deal with that particular case because the witness did testify

that it is at least their current policy to review those who return. I want to see what happened in that case.

You are under some pressure to push these cases through. It sounds like you have quite a few to process?

Mr. LANGLOIS. Yes, we are limiting the affirmative cases to 18 cases a pay period. We have held steady with that rate with the option of requesting more time if they can explain why they need more time.

Mr. MICA. Some whistleblowers have told the committee that some of those processing these asylum requests are not intimidated but pushed to move them through the system as quickly as possible. They feel there is inadequate time to ensure the applications are accurate. Are you aware of that?

Mr. LANGLOIS. I am aware that for a good number of years individuals have questioned the 18 cases per pay period or 9 cases a week model. We have taken a look at it. We think it is a reasonable caseload to do. We have to keep in mind that we are spending money of other immigrants applying for benefits, that is how the program is funded. We do think it is a good balance and we have not increased that due to an increase in applications.

Mr. MICA. I am doing a review with another subcommittee of bonuses that are given to different agencies. Were bonuses given to your asylum process workers?

Mr. LANGLOIS. Yes, awards were given to asylum officers when allowed.

Mr. MICA. What was that based upon? Was it based upon production or was it based upon performance or rejection?

Mr. LANGLOIS. It was based upon performance. We analyzed the individual's quality of decisions, we analyzed the individual's productivity rate and we also analyzed the individual's timeliness.

Mr. MICA. Do you know the total amount of bonuses?

Mr. LANGLOIS. Not offhand, but I could get that for you.

Mr. MICA. Will you provide that to us?

Mr. LANGLOIS. Yes.

Mr. MICA. What is the maximum bonus that was given, do you know?

Mr. LANGLOIS. Off the top of my head, I don't, no.

Mr. MICA. You said you reject about 55 percent of these applicants off the top and they are turned over to ICE?

Mr. LANGLOIS. Correct.

Mr. MICA. You may not be aware but this is a case where ICE officers are suing the Administration because the Administration ordered a directive exercising prosecutorial discretion and deferred action against aliens. Are you aware of this pending case? You are sending these folks over here for action. The ICE agents are saying that the Administration's working contrary to the statutes and laws that exist in the removal process.

Mr. LANGLOIS. I have read newspaper accounts.

Mr. MICA. Have any of the ICE folks talked to you about this?

Mr. LANGLOIS. No, they have not. By regulation, we do not exercise discretion in the issuance of the charging document.

Mr. MICA. You are aware that you are turning them over and then there are problems with the final resolution of disposal or return, right?

Mr. LANGLOIS. Our regulation demands that we issue that.

Mr. MICA. Finally, we went round and round on the issue of sequestration. We were told the end of the world was coming in certain activities under DHS by the departing, I will not make any comments about her or my opinion on her departure, but the Secretary told us there was doom and gloom.

Can you tell us how sequestration affected you and what directives you had from above as to how to proceed?

Mr. LANGLOIS. USCIS is fee-funded for the vast majority of our work. I am not a budget expert but we were funded at the levels that were requested and approved in fiscal year 2013. There was no change. There were restrictions on travel budgets but that was not due to sequestration. That was mainly due to making sure that we get the most for our money.

Mr. MICA. I know I am a little bit over but there were some reports that certain folks were going to be released because of sequestration and all of that. Are you aware of anything that took place with that matter?

Mr. LANGLOIS. Not in USCIS.

Mr. CHAFFETZ. Thank you.

I will now recognize the gentleman from South Carolina, Mr. Gowdy.

Mr. GOWDY. Thank you, Mr. Chairman.

Have you been able to think of any other categories where a false representation could be considered immaterial?

Mr. LANGLOIS. No, I have not but I would certainly be willing to follow up. There are numerous court cases we could cite that would outline the approach our officers are instructed to take.

Mr. GOWDY. Do these court cases draw a distinction between false representations as a part of the greater application or specifically with respect to the credibility of the person doing the assertions?

Mr. LANGLOIS. Again, I really did not prepare in-depth for this sort of analysis, but I would be more than happy to follow up with an explanation and the court cases in order to illustrate the instances that our officers are instructed on what you can consider in a credibility determination, what is allowable and what is within their discretion during the examination.

Mr. GOWDY. Let us take a broader perspective. You think there are court cases where courts have held that there are certain misrepresentations that are immaterial?

Mr. LANGLOIS. That is my understanding.

Mr. GOWDY. Immaterial even with respect to the issue of credibility?

Mr. LANGLOIS. Immaterial as far as the asylum request is concerned.

Mr. GOWDY. Do you agree there is a difference between a false representation seeking asylum and simply a mere failure to prove your case?

Mr. LANGLOIS. The burden of proof is on the applicant.

Mr. GOWDY. What is that burden, preponderance, clear and convincing?

Mr. LANGLOIS. Again, I would have to review the lesson plans on asylum. It has been a while since I have adjudicated the asylum cases.

Mr. GOWDY. The burden is on the person seeking asylum. It is either preponderance, which is just slightly more likely than not or clear and convincing. It certainly is not beyond reasonable doubt?

Mr. LANGLOIS. It is not clear and convincing. I do believe it is preponderance.

Mr. GOWDY. For the audience, picture that set of scales and just having a feather on one side, so it is slightly greater than the other. You would agree, I am sure, there is a difference between just overtly making false representations and simply having a failure of proof?

Mr. LANGLOIS. Right.

Mr. GOWDY. You could be right. You just do not have enough proof to prove it. You would agree there is a difference?

Mr. LANGLOIS. Yes.

Mr. GOWDY. What are the consequences for making an overtly false application as opposed to someone who just cannot prove it?

Mr. LANGLOIS. Both individuals are placed into removal proceedings if they do not establish their eligibility.

Mr. GOWDY. There is no disincentive. If you are going to tell a story, tell it as big and wild as you can, right, because there is no disincentive. If you are treating people who make false representations exactly the same as you do people who merely have a failure of proof, what is the disincentive to go all out?

Mr. LANGLOIS. The ICE trial attorney as well as ICE and the FBI may choose to prosecute an individual for fraud.

Mr. GOWDY. How many of those prosecutions are you familiar with?

Mr. LANGLOIS. As I mentioned, we would certainly be willing to give the committee, working with the Office of Legislative Affairs, the listing of all of the successful prosecutions that we have engaged in with U.S. attorneys.

Mr. GOWDY. Are you aware of any?

Mr. LANGLOIS. Yes, the case most recently in New York that netted about ten attorneys.

Mr. GOWDY. Would that be the affirmative use of asylum or the defensive use of asylum?

Mr. LANGLOIS. It is both.

Mr. GOWDY. To that point, have you noticed an increase in applicants using asylum once they have secured competent legal counsel?

Mr. LANGLOIS. Individuals have the right to counsel at no expense to the government.

Mr. GOWDY. I am actually well aware of that. My question was a little narrower. Are you aware of any increase in the application for asylum once that court-appointed or free counsel is made available to them?

Mr. LANGLOIS. Free counsel is not made available to individuals.

Mr. GOWDY. Can you eventually get around to answering my question? My question is simple. When lawyers get involved, do you see the number of asylum applications go up, whether the lawyers are free or paid for?

Mr. LANGLOIS. We receive applications and they either have a lawyer or they do not have a lawyer when we receive them.

Mr. GOWDY. Have you evaluated whether you are more likely to get an asylum application if an attorney is involved?

Mr. LANGLOIS. I have not evaluated that.

Mr. GOWDY. Can you do that for me?

Mr. LANGLOIS. I do not know who is not applying. The only analysis I can do is individuals who submit an asylum application, I can run statistics on how many are represented and how many are not represented. I could also look at that over time.

Mr. GOWDY. Is that affirmative or defensive?

Mr. LANGLOIS. Affirmative.

Mr. GOWDY. I am talking about defensive.

Mr. LANGLOIS. That statistic is maintained by ICE and the immigration courts.

Mr. GOWDY. You would not have access to it?

Mr. LANGLOIS. I could get access to that and facilitate it but they are not the statistics that I own or that the program I manage owns.

Mr. GOWDY. I would be very interested in any court cases where courts have held that misrepresentations are immaterial on the issue of credibility. If you could forward those to me, I would be very appreciative.

I yield back to the chairman.

Mr. CHAFFETZ. Thank you.

I will now recognize the gentlewoman from Illinois, Ms. Kelly, for five minutes.

Ms. KELLY. Thank you, Mr. Chairman. Good morning.

The Refugee Asylum and International Operations Directorate website states, "We protect national security, combat fraud and prevent ineligible individuals from immigrating to the U.S. through careful screening, vigilant reviews and sound adjudications." The Oversight Committee is particularly concerned with issues of waste, fraud and abuse. Does the asylum process threaten U.S. efforts to secure the border?

Mr. LANGLOIS. The asylum actually enables the institution of the expedited removal. Individuals in expedited removal, after 1996 when the law was instituted, do not get access to the immigration court system. It is an extremely efficient and effective border control mechanism.

In order to have this, however, considerations for individuals that fear persecution must be segregated out from the immediate removal of the individual. America should not return individuals to be persecuted because of their religious beliefs, for example.

You have a very effective mechanism to quickly turn around and send back to the country of origin individuals who are trying to enter the Country illegally. The expedite rule has a credible fear component that takes the individuals that express a fear and makes sure they have a significant possibility of being successful. Only those individuals get their day in court.

We remove efficiently approximately about 225,000 individuals and only 25,000 or 26,000 move on to an immigration judge. Prior to 1996, it would have been that entire group that would have

moved to an immigration judge. We believe that we support securing our borders by enabling expedited removal to be in existence.

Ms. KELLY. It does appear that the U.S. asylum process has done well in promoting U.S. humanitarian values in protecting the persecuted while preventing fraud and abuse and is addressing national security concerns. Can you speak briefly about the training the asylum officers receive?

Mr. LANGLOIS. Certainly. As I mentioned previously, I think a well trained asylum officer, a well equipped asylum officer is our best defense against fraud, abuse and securing national security. We have an approximately eight week asylum training course that goes over national security concerns, credibility determinations, interview techniques, screening procedures, and efficient and effective use of country conditions to verify claims or find claims that are not credible.

In addition to that, we have training of four hours a week that is mandated in each asylum office to review common trends of cases and review fraud patterns. We have two FDNS officers in each office who conduct that training to highlight the efforts we are taking against fraud.

I will mention, not to toot my own horn, the Asylum Division's training is considered to be very good because other countries have sent their asylum officers to attend our training. The State of Israel sent people, South Africa sent people, and Denmark sent people, and also Mexico, Canada and also the Bahamas. UNACR has cooperated with them to have them come to our training because they do consider it to be a model, I would venture to say.

Ms. KELLY. Thank you so much.

I yield back the rest of my time.

Mr. CHAFFETZ. Thank you.

I would recognize myself.

In June 2011, I believe you were the recipient of an independent analysis that was done with recommendations. This was in response to the GAO which highlighted the deficiencies that you had in training and detecting fraud. You are familiar with this report?

Mr. LANGLOIS. Yes.

Mr. CHAFFETZ. Is that something you can provide to the committee?

Mr. LANGLOIS. The GAO report?

Mr. CHAFFETZ. No, not the GAO report. You contracted a study to determine the productivity standards. This study was completed in June 2011.

Mr. LANGLOIS. Research Triangle, I believe the report is.

Mr. CHAFFETZ. Can you provide that to this committee?

Mr. LANGLOIS. I will certainly check with the Office of Legislative Affairs in order to ascertain if we can provide that, yes.

Mr. CHAFFETZ. They work for you, right?

Mr. LANGLOIS. No, they do not. They work with my organization.

Mr. CHAFFETZ. Who do you have to check with?

Mr. LANGLOIS. The Office of Legislative Affairs.

Mr. CHAFFETZ. The Secretary's office, is that what you are saying?

Mr. LANGLOIS. No. I have to work with them to get you that report.

Mr. CHAFFETZ. But you will give us that report?

Mr. LANGLOIS. I believe that we can, yes.

Mr. CHAFFETZ. What is a reasonable time to give us this report? We paid for it. We paid for this report. Why would you not provide it to us?

Mr. LANGLOIS. That I do not know.

Mr. CHAFFETZ. So you will provide it to this committee?

Mr. LANGLOIS. I cannot commit what I do not know that I can do.

Mr. CHAFFETZ. Why can't you commit, you have it? I paid for it, so why can't we get it? I am looking for a yes. When you have something that is paid for, that has been appropriated by the United States Congress, it is a report and should be provided to this Congress. We are asking for it. We need you to provide it to us. Understood?

Mr. LANGLOIS. Yes, understood.

Mr. CHAFFETZ. Did you implement the recommendations of that report?

Mr. LANGLOIS. No, we did not.

Mr. CHAFFETZ. Why not?

Mr. LANGLOIS. We implemented five out of the GAO report.

Mr. CHAFFETZ. No, not the GAO report, the report they were given. Why did you not implement this?

Mr. LANGLOIS. We found fault in their analysis, basically.

Mr. CHAFFETZ. That is why you don't want to give it to us?

Mr. LANGLOIS. I don't know. Did we refuse the report to you in the past?

Mr. CHAFFETZ. I don't know that we have even had a hearing on this in the past. I have only been in Congress five years. This is the first time I am asking you. You are telling me a definite maybe which is not good enough. That is why we will continue to dwell on this for a moment.

Why did you not implement the recommendations?

Mr. LANGLOIS. We disagreed.

Mr. CHAFFETZ. Why did you do the report if you disagreed?

Mr. LANGLOIS. Because GAO wanted us to examine if our model of assigning nine cases a week to asylum officers was a reasonable number to be given to them. We had been assigning nine cases for about a decade. We have a performance appraisal system that looks at their quality.

Mr. CHAFFETZ. What was the recommendation?

Mr. LANGLOIS. Their recommendation was that we should assign cases at a lower rate.

Mr. CHAFFETZ. You just disagreed with that, so you didn't implement it?

Mr. LANGLOIS. Correct.

Mr. CHAFFETZ. That is something we want to look at.

Mr. LANGLOIS. Okay.

Mr. CHAFFETZ. The Customs and Border Patrol, I want to make sure I understand this right. Somebody applies for asylum, they are granted asylum, then they go back to the country where they said they were going to be persecuted or where they feared for their life, then you say there is nothing in the system to highlight that until they come back into the Country.

When they CBP officer is sitting there at the airport and they are coming back from pick your country, does it actually show up on their screen that this person has been granted asylum from the country they visited?

Mr. LANGLOIS. I believe their systems would indicate that the individual was granted asylum, yes.

Mr. CHAFFETZ. But would it tell them which country they were granted asylum from?

Mr. LANGLOIS. That, I do not know. That would be in the CBP system and inspections.

Mr. CHAFFETZ. I guess I am concerned that there is no flashing red light that goes off on someone's desk that says this is a potential problem. That may very well be the case that happened in Boston and who knows what else.

Let me ask you this. On page six of your testimony, the middle paragraph, the last sentence says "Finally, the Asylum Division is also piloting the screening of asylum information against the National Counterterrorism Center's terrorism holdings."

Mr. LANGLOIS. Correct.

Mr. CHAFFETZ. You are piloting, so you have this comprehensive review but explain that to me. It scares me.

Mr. LANGLOIS. We are very forward leaning and pioneering in our security checks.

Mr. CHAFFETZ. You proved that to me. That is very self-serving and very subjective. You got done touting how great your training is. GAO disagrees with you. You get an independent study and they disagree with you. You ignore their findings. Now we are piloting something to check against the National Counterterrorism Center. I believe that you believe it but explain to us why it is true.

Mr. LANGLOIS. We instituted a check with the Department of Defense. We added a Department of Defense check against their fingerprint holdings a few years ago. That was evidence, I think, of pioneering and reaching out to various non-traditional security screening. We reached out and now have access to ABIS, their fingerprint database in the Department of Defense.

We also made sure that we had implemented a system to check the fingerprints against those fingerprints that were submitted by them to make sure that it was the same person. We were forced to do that. USCIS, in its entirety, is now doing that.

We reached out to the National Counterterrorism Center in order to take our biographic data and run it through their system to see if they have any information about these individuals. The reason we call it a pilot is because we are working out the computer in order to have it as a systematic exchange and be required.

Mr. CHAFFETZ. When you submit the fingerprints to the FBI, are you telling me that the FBI does not run this information against the National Counterterrorism Center? You have to do that independently?

Mr. LANGLOIS. We are making sure that we get all of the information. The other aspect of this is that it is piloting because we are seeing if they are a duplication. We are being very careful in our resources but we are reaching out to as many partners as we can to get information.

We have also reached out to the Canadian government, the Australian government, the British and New Zealand in order to exchange fingerprints of asylum seekers with them to see if they have any information that could be useful. We plan on having 100 percent of our people checked against Canada probably within the next year or two.

Mr. CHAFFETZ. How many people from Canada claim asylum?

Mr. LANGLOIS. Individuals that are Canadian citizens, I don't think claim asylum in the United States. It is individuals from other countries that may be trying to game the system by claiming asylum in both countries.

Mr. CHAFFETZ. When you give out bonuses, when you do performance evaluations, what percentage of that evaluation is done based on their ability to root out the fraud?

Mr. LANGLOIS. That would be contained in the assessment of the individual's quality adjudications. Fraud is a quality element. It is part and parcel of the rating.

Mr. CHAFFETZ. The 400 percent surge in the last five years that we talked about, to what do you attribute that? Your officers are seeing these cases. Why is there such a massive increase?

Mr. LANGLOIS. I don't have a very good answer to that question.

Mr. CHAFFETZ. Do you have a sense?

Mr. LANGLOIS. It could be due to increased violence in these countries. There are a lot of reports, including the Department of State report, I think would indicate an increase in violence. Newspaper accounts and, traditionally, Human Rights reporting on it. We believe that is there but there is a wide variety of factors that could be involved in this.

Mr. CHAFFETZ. Let me now recognize the gentleman from Michigan, Mr. Bentivolio.

Mr. BENTIVOLIO. I want to talk about the bonuses. Do you have the prerequisites for a bonus? I heard you say there are a lot of factors that determine how someone gets a bonus. Did I understand that correctly?

Mr. LANGLOIS. Yes, it is the performance rating of an individual.

Mr. BENTIVOLIO. Where do we get those performance ratings?

Mr. LANGLOIS. What was that?

Mr. BENTIVOLIO. Where do I get a copy of those performance ratings? It seems like every government agency has a bonus program. I have asked two or three different agencies for those prerequisites and I haven't gotten one yet.

Mr. LANGLOIS. I do believe that we could give you our performance appraisal.

Mr. BENTIVOLIO. Can I have that in five days or two weeks?

Mr. LANGLOIS. I would have to work with the Office of Legislative Affairs but it seems a reasonable amount of time.

Mr. BENTIVOLIO. What is the average bonus?

Mr. LANGLOIS. It varies from year to year. Most of the time, there is a cap on the bonuses as far as the overall salary amount, so it is one or two percent of the overall salaries that are out there. I would have to go back and check on a year to year basis, but I don't think it exceeds \$5,000, is my last recollection but I could be wrong on that.

Mr. BENTIVOLIO. I am going to have to go back to my district and explain why we have the poorest border, we have people claiming asylum that get to live in our Country and work, take jobs from Americans for about seven years, and the people that let them do it get bonuses for doing it. How is that going to set with my constituents? They work hard and try to get a bonus too but they are taxed more and more.

People are saying we have to spend more money on the borders. How many Border Patrol employees do we have on the border?

Mr. LANGLOIS. That figure, I don't know but I heard it is approximately 20,000.

Mr. BENTIVOLIO. That is what I heard too, 20,000, 300 dogs, million dollar pieces of high tech equipment. My dog can find just about anything. You hide it and he will go find it. We have Border Patrolmen telling me, if I had a dog, I would have another officer that is in my vehicle to catch these people that are jumping the border.

I talked to one illegal person who came to this Country illegally who said, it is easier to go through the southern border or the northern border, can't forget that one, than it is to wait seven years to come to America legally. They would rather take the chance and spend the money to come in illegally through the southern border than go through the legal process. Do you know how frustrating this is?

We are spending an awful lot of money for a secure border and we are not getting it. If I buy a product and it doesn't do what it is supposed to do, what I get to do? I take it back and I will never buy that product again.

We are stuck with bureaucrats who aren't doing their job. We are paying them a lot of money, even giving them bonuses. I don't know about you but I have a real problem with that and so do my constituents. I want it fixed and that is exactly what my constituents are saying.

We are going to figure this out one bit at a time, one small slice and we are going to fix it. I want your recommendations as well because my constituents deserve better from their government.

Thank you very much, Mr. Chairman. I appreciate the opportunity to speak today.

Mr. CHAFFETZ. Thank you. I thank Mr. Bentivolio for his passion and caring on this issue.

Let me wrap up with a few more questions and we will conclude this hearing. I appreciate your being with us today.

Who participated in the drafting of your testimony?

Mr. LANGLOIS. When I received notice that I was to appear for the hearing on the 27th on I believe Friday the 14th, I immediately began work with my staff on my testimony. From there, I submitted it to the clearance process. I am not an expert in the clearance process, but it entails going to the USCIS Office of Chief Counsel, then it goes to the DHS Office of General Counsel and after that, it goes to the department level for review.

I believe after that it goes to other agencies to take a look at it, but I would have to get back with the executive secretariat to outline what the clearance process is. This is the second time I am testifying so I am not very familiar with the clearance process.

Mr. CHAFFETZ. I do appreciate this.

Is there anything else you want us to be aware of that maybe we did not ask you? We don't know what we don't know. We have spent some time diving into some areas but what other areas do you think are appropriate that the Congress should be looking at?

Mr. LANGLOIS. In my view, when Congress considers strengthening and securing the border, in the legislation keep in mind that we do have obligations not to return individuals that will be persecuted based on their religion, their political beliefs, and so forth and that a mechanism, regardless of what the legislation is on securing the border, that the legislation permit us to honor our long-standing tradition of being a country that provides sanctuary to individuals that have a well founded fear of persecution or that have been persecuted in the past.

I think it is a proud tradition and we should, of course, as Congress did in 1996, they had the wisdom to enact some stringent border controls but allow for these individuals to seek protection in the United States. That would be my strongest recommendation.

Of course in that there is a great responsibility that falls on whoever is implementing that, to make sure we protect against fraud, that we guard against fraud, that our productivity is reasonable, that is a tough balance, and that we ensure national security. That would be my recommendation.

Mr. CHAFFETZ. You mentioned other countries have come and looked at how we did things. Have you gone and looked at how other countries do anything?

Mr. LANGLOIS. Yes. We have a number of forums in which we participate that basically share best practices, procedures and gain different insight into law. We have also sent individuals to assist in the stand-up of the Israeli asylum system. The UNACR was always interviewing the cases. The government wanted to take it over and we sent people to assist them. We took a look at their system and in that way, gained a lot of knowledge.

Mr. CHAFFETZ. Is there any country in particular you would highlight as someone who does it particularly well?

Mr. LANGLOIS. I think it would be fair to say that this is a very difficult endeavor. I think the European countries we have looked at, I think the government of Israel at this point we have learned quite a bit, Australia, Canada, yes, we have cooperated and have learned quite a bit from all of those countries.

Mr. CHAFFETZ. You would say those countries do it fairly well?

Mr. LANGLOIS. Yes.

Mr. CHAFFETZ. I want to be clear, as we conclude, that we appreciate what the men and women on the front line are doing. They have a very difficult job. They are given huge numbers that are thrown their way, a great deal of expectations to churn through cases.

My personal feeling is that there needs to be a mechanism for both their productivity evaluation, their bonuses, the other types of evaluation for rooting out and finding fraud, not only in an individual case but trends; that we give them the adequate time they need in order to root out that, not just feel the pressure that we need to meet the 60 day threshold.

When we have a 400 percent increase in this category and we did not have a 400 percent increase in the number of personnel, rather than feeling the pressure of the time to get through the 60 days, it is better to get it right. We owe that to the American people who are our citizens and are paying their taxes.

I do hope there is a way and a mechanism that you personally, as well as the agency as a whole, will stress and will thank and reward on a regular basis those people who are finding the problems within the system because they are out there. People desperately want to skirt the system.

As Mr. Bentivolio pointed out, it is cheaper, faster and less of a risk to come here illegally, make a fraudulent claim than it is to go through the legal process. I think there is a higher moral obligation to the people who are not willing to do that, the people who want to come here legally and lawfully and do get in line. I feel we are failing them and are rewarding the people with free health care, free education, get a worker card, get in the line, get in the middle of the bureaucracy, the bureaucracy will take care of you here in America. That is just not right. It needs fixing.

There are a lot of good things going on, there are a lot of good men and women who are patriotic and are working hard. I know federal employees are on the brunt of a lot of criticism but, by and large, my experience is the overwhelming majority do the right thing and they do it for the right reasons. They are under-appreciated and I want them to know that the Congress cares about what they are doing and how we do it.

We can always improve. When you are there, you have a unique opportunity to make those improvements. We would encourage you to do so.

I thank you for your testimony here and I thank you for your service to our Country. You have been involved in this for a very long time.

With that, we will now adjourn. Thank you.

[Whereupon, at 11:50 a.m., the subcommittee was adjourned.]

