



July 29, 2014

OVERSIGHT OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES

U.S. SENATE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE

ONE HUNDRED AND THIRTEENTH CONGRESS, SECOND SESSION

HEARING CONTENTS:

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OPENING STATEMENT:

Hon. Bob Goodlatte [\[view pdf\]](#)
Chairman
United States House of Representatives

WITNESS STATEMENTS:

Hon. Leon Rodriguez [\[view pdf\]](#)
Director
U.S. Citizenship and Immigration Services

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[Jul 29 2014](#)

HEARING: OVERSIGHT OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES

[2141 Rayburn House Office Building](#)

[THE HONORABLE BOB GOODLATTE](#)

[Chairman Goodlatte: Welcome to the House Judiciary Committee. Director Rodriguez, I understand that this is your first time testifying in front of Congress as the Director of U.S. Citizenship and Immigration Services \(USCIS\).](#)

[Your appearance comes at a time when Americans are feeling the repercussions of the illegal immigration crisis on the southwest U.S. border. Of course if President Obama took seriously his duty to secure the U.S. border and enforce laws against illegal immigration, there would be no such crisis.](#)

[U.S. Customs and Border Protection is the DHS agency getting most of the attention during this southwest border crisis. But there is no doubt that policies implemented at USCIS are a major source of the problem.](#)

[And by that I mean policies such as Deferred Action for Childhood Arrivals \(DACA\), a rubber-stamping of credible fear of persecution claims, and even higher asylum grant rates by USCIS officers.](#)

[DACA is a major reason for the influx of illegal immigrants to the United States. And discussion of the program is pertinent since USCIS recently announced the method by which the renewal of initial two year grants of DACA will be processed.](#)

[And along with that procedure, USCIS made changes to the original DACA guidelines and requirements, including gutting the education requirements.](#)

[I have previously expressed concern about the lack of any constitutional authority to implement DACA, the costs of the program, increased wait times for processing of legal immigration petitions directly resulting from DACA processing, and fraud in the program. Fraud is of paramount concern since an immigration system subject to rampant fraud is a national security risk.](#)

[So I was particularly astounded in May when USCIS added question and answer #21 to its existing DACA guidance. It is an absolute invitation for fraud in which USCIS virtually admits that it will not verify the validity of documents submitted by applicants as evidence of DACA eligibility.](#)

[I understand that when USCIS leadership was asked about question 21, congressional staff members were assured that "generally the majority of documents received are valid." But forgive me if such an assurance is not comforting – especially now that USCIS is broadcasting its lack of intention to even attempt validation.](#)

[USCIS processes over six million applications and petitions per year. I understand the magnitude of that responsibility. And the enormous volume of work should make anti-fraud measures all the more important.](#)

[Unfortunately, what we have been hearing for years from sources at USCIS, and even the USCIS Union, is the existence of a culture of "getting to yes" – unrelenting pressure on adjudicators to rubberstamp applications. And also of a culture where line adjudicators are routinely overridden when they deny applications or petitions.](#)

[There are documented instances of employees in leadership at USCIS taking control of applications or petitions that have been brought to their attention by immigration lawyers or other outside forces. And I understand that there are ongoing investigations of such illegitimate interference in the adjudication process.](#)

[The very notion that an application can be approved despite fraud on the part of the applicant, and that USCIS leadership will intervene if they get a call or email from an outside party interested in a certain visa application, is disturbing to say the least.](#)

[We know that the President has promised more administrative action to allow unlawful immigrants to remain in the United States and receive quasi-legal status and the right to work. In fact, some of the different tactics he may try to take were even outlined in a set of 2010 leaked USCIS memos regarding "Administrative Alternatives to Comprehensive Immigration Reform" and "Immigration Administrative Relief Options."](#)

[However, let's be clear – such policies of this Administration – including many implemented at USCIS – as well as promises about future administrative legalizations, continue to encourage unlawful immigrant parents to smuggle their children into the United States. These policies and promises are putting money directly into the pockets of human smuggling and drug cartels. And they are undermining the fundamental constitutional principles that Congress creates the laws and the President is bound to enforce them.](#)

[I am interested in hearing how under Director Rodriguez's leadership, USCIS will no longer contribute to this state of affairs.](#)

[I look forward to the Director's testimony.](#)

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

WRITTEN TESTIMONY

OF

LEON RODRIGUEZ

DIRECTOR

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

FOR A HEARING ON

**“OVERSIGHT OF
U.S. CITIZENSHIP AND IMMIGRATION
SERVICES”**

BEFORE

THE HOUSE COMMITTEE ON THE JUDICIARY

JULY 29, 2014

10:00 AM

**2141 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC**

Chairman Goodlatte, Ranking Member Conyers, and Members of the Committee, I am Leon Rodriguez, the new Director of U.S. Citizenship and Immigration Services (USCIS), and I appreciate the opportunity to appear before you today to testify about the state of USCIS and discuss several critical issues important to this Committee.

I am extremely grateful to the Members of this Committee for your continued strong interest in USCIS and its programs. Having just entered on duty as the Director of USCIS on July 9th, I look forward to the opportunity to meet with each of the members of this Committee personally and to learn more about your specific interests.

Even before taking the job, I was already keenly aware that USCIS' mission is an extremely challenging one. And I recognize, as each of you are already aware, just how critical it is that USCIS carry out that mission fairly and accurately. USCIS has a proud history of providing benefits to individuals from all over the world. These benefits support fundamental values and needs of our nation, be they economic, humanitarian, or in the public interest. USCIS delivers these benefits while being ever vigilant for those who seek to undermine the integrity of our immigration system—or worse—those who seek to do us physical or economic harm. USCIS is only able to accomplish its complex and vital mission through the efforts of its thousands of dedicated public servants who each day administer a complex immigration system fairly, firmly, and professionally. I look forward to becoming acquainted with as many of them as possible in the days ahead.

I understand the challenges in managing an effective and efficient immigration services organization, while delivering on the promise of our mission. I fully appreciate that our ability to overcome challenges and take full advantage of our potential requires close relationships with our partners, including Congress and this Committee, in particular.

I also take very seriously the trust that has been given me. It is of personal importance to me that our Agency embodies our core principles of transparency, integrity, consistency and efficiency. Doing so will ensure that we are effective stewards of the resources – appropriated and fee-based—we receive. It is personal to me, you see, for I was born in Brooklyn, New York to Cuban immigrants. My grandparents came to Cuba from Turkey and Poland, escaping anti-Semitism and oppression. In two generations, my family made not one, but two life-changing moves. Like many immigrants to this country, my parents hoped for a better future, not just for themselves, but for their children. Having devoted my life to public service, I hope that I not only met their expectations, but I am also giving back to the country that welcomed them. As a former trial attorney, county attorney, Assistant United States Attorney, a Deputy Assistant Attorney General of the Civil Rights Division within the Department of Justice, and as the former Director of the Health and Human Services Office for Civil Rights, I intend to draw on my background, as well as my heritage, to ensure that USCIS delivers the appropriate benefits to the right people while ensuring that benefits are denied to those who are ineligible.

Management Priorities

In my short time at USCIS, I have discussed priorities with the Agency's management team. I fully support ongoing efforts to make USCIS a world-class organization—with transparent policies and procedures. I have been impressed with the Agency's commitment to engagement with entities across the spectrum of our communities—from law enforcement and intelligence agencies and governmental organizations to immigration advocacy groups. The better we communicate with our stakeholders, the better we can provide the world-class service we should all expect.

Today, I would like to take this opportunity of my first appearance before you to provide an overview of key accomplishments and initiatives USCIS has undertaken and also give you an overview of some of the key challenges I believe we currently face. Each of the actions we are undertaking stems from our Agency's guiding principles of integrity, efficiency, consistency and transparency.

USCIS.gov

USCIS has implemented a vastly-improved website to improve the ability of USCIS customers to access the information and assistance they need. The redesigned USCIS.gov website and its parallel website for Spanish-speaking customers are even more customer-centric. The website provides customers with a “one-stop shop” for immigration services and information. Through the website, customers are now able to receive real-time information regarding their case status, obtain office-specific processing times, and opt to receive a text message when their status changes. The clarity of language has been improved, customer service tools have been made more accessible, and navigation through the website has been simplified. Each day, there are between 330 and 370 thousand visitors on the USCIS website, making it one of the most visited in the federal government.

Promoting Citizenship

As the primary government agency overseeing lawful immigration to the United States, USCIS is committed to promoting citizenship and its importance to society and raising awareness of citizenship rights and responsibilities among the permanent resident population. Our continued success as a nation of immigrants depends on the ability of lawful newcomers to permanently settle in communities and enjoy the rights and freedoms that define our nation. Naturalization is a critical milestone for immigrants in achieving full participation, gaining a sense of belonging, and receiving equality under the law.

To maximize the potential to reach the estimated 8.8 million permanent residents currently eligible to apply for citizenship but who have not yet done so, USCIS has entered into partnerships with cities to raise awareness. Starting first with a Letter of Agreement with the City of Los Angeles to promote citizenship awareness, education and civic participation, USCIS expanded on this model of municipal partnerships by signing Letters of Agreement with Chicago in 2013 and with Nashville in 2014. These mutually beneficial partnerships give

USCIS new avenues to engage with immigrants and also help cities deliver much needed information and services to their residents. Such cooperation has also helped us identify opportunities for other local institutions, particularly public libraries, to serve as venues for disseminating resources and information. We formalized this engagement with libraries in 2013 through a Memorandum of Understanding with the federal Institute of Museum and Library Services. This partnership allows us to provide libraries with official immigration and naturalization information, along with ongoing training opportunities for local librarians.

In addition, the Citizenship and Integration Grant Program is a key component of USCIS' broader effort to build capacity in communities to prepare immigrants for citizenship. It is the only federally funded program that makes preparing permanent residents for naturalization its primary goal. Since October 2009, USCIS grant recipients have provided citizenship preparation services to more than 86,000 permanent residents in 33 states and the District of Columbia. Federal funding by itself cannot fully meet the citizenship preparation needs of those eligible to apply for naturalization, so our agency continues to train adult educators and volunteers on the skills needed to teach U.S. history, civics and the naturalization process to immigrant students. We recently reached a milestone of more than 10,000 participants in these trainings.

Public Engagement

Recognizing the need for transparency, we have emphasized communication and outreach through implementation of a robust and improved stakeholder engagement program. Our Office of Public Engagement works to ensure our external partners are included in the consideration of policy and process development, while also keeping our customers fully informed of USCIS issues and activities. The Office has held hundreds of collaboration sessions with the immigration stakeholder community on a wide variety of topics such as the redesign of the medical certification for disability exceptions form, the development of a new fee waiver form, Haitian TPS, and issues affecting vulnerable populations. Just as an example, on TPS for Haiti alone, the Office has coordinated over 156 engagements reaching more than 16,400 individuals. In FY2013, the Office of Public Engagement held over 230 engagements with our federal partners.

Policy and Procedure Transparency

From my long career upholding the law while protecting individuals' civil rights, I believe it imperative that USCIS maintains the highest standards of integrity. I understand how crucial the uniform application and interpretation of policies across USCIS is to our mission of providing the public with the highest possible level of service.

To enhance consistency and integrity, we are continually reviewing our policy and operational guidance documents to ensure that we apply the law consistently and appropriately in the delivery of immigration benefits. This ensures that USCIS is consistent in application of our policies and operational procedures across all our domestic and international offices, giving applicants and petitioners the chance to know

what to expect. We will continue to examine our policies and procedures to ensure this consistency becomes a hallmark of USCIS and its adjudications.

Stewardship and Workload Management

Over the years, USCIS has developed several common-sense plans to reduce non-mission critical travel, subscriptions, and printing; maximize the use of government space for meetings; and improve utilization of refurbished information technology. USCIS issued a reduction in centrally located training that has helped reduce associated travel costs. USCIS has also undertaken a Balanced Workforce Strategy, consistent with a Department-wide initiative that has helped USCIS reduce workforce-related costs over time, without sacrificing our ability to deliver timely products to eligible applicants.

A continuing challenge for us remains the balancing of workloads. When implementing new programs or experiencing surges in applications, there is always a danger that backlogs will develop. We will always look for ways to vigorously make quality improvements in the administration of the immigration system, while not sacrificing processing times for application and petition adjudication.

Our most recent challenge in balancing workloads was in the timely adjudication of I-130 immediate relative visa petitions. Between August 2012 and October 2013, over 163,000 stand-alone I-130s were shipped to field offices for adjudication. In October 2013, USCIS began transferring stand-alone I-130s filed on behalf of an immediate relative of a U.S. citizen from the National Benefits Center to the four Service Centers. USCIS has worked diligently to eliminate this backlog of stand-alone I-130 immediate relative petitions. Currently, USCIS field offices have just over 1,100 cases from the original backlog left to adjudicate, and all of these cases are currently in the process of being adjudicated. As of June 2014, processing times have been reduced to within the processing goal of 5 months or less at three of the four service centers and to 5.5 months at the fourth.

In order to ensure that this type of backlog does not develop again, USCIS will continue to prioritize this important workload and routinely monitors receipt and adjudication rates to avoid large backlogs developing. USCIS will reallocate resources as needed to address any filing surges that may arise.

USCIS Anti-Fraud and National Security Screening Efforts

USCIS is committed to ensuring that immigration benefits are not granted to individuals who pose a threat to national security or public safety, or who seek to defraud the U.S. immigration system. In keeping with this commitment, USCIS has instituted a robust system of programs, procedures, and security checks, led by the Fraud Detection and National Security Directorate (FDNS). At its core, this system ensures that every application for an immigration benefit is screened before it is adjudicated.

In May of this year, FDNS marked its tenth year as an organization within USCIS. Built to enhance the agency's fraud-detection, national security, public safety, and intelligence support capabilities, FDNS now has officers in every USCIS field office, service center, and asylum office across the United States, as well as three overseas locations. These officers receive intensive training designed to provide guidance in identifying immigration fraud, conducting administrative investigations, and managing national security cases. Reflecting the fact that the anti-fraud and national security mission is shared across the agency, FDNS officers work hand-in-hand with their adjudication officer counterparts to ensure that immigration benefits are granted to the right individual, at the right time, and that no benefits are granted to those who are ineligible or pose a threat to our country's security.

FDNS has taken a number of recent steps to enhance its operational effectiveness, including:

Fraud Detection Enhancements

- Expanding the Administrative Site Visit and Verification Program (ASVVP) to include L-1A Intracompany transferees, while continuing to conduct unannounced pre- and post-adjudication site visits on religious worker and H-1B petitions. During these site visits, FDNS officers verify information submitted with petitions, confirm the existence of the petitioning entity, review public records, take photographs, and speak with organizational representatives and the beneficiary. FDNS has conducted over 76,000 ASVVP site inspections since 2009 when this program was created.
- Implementing new post-conviction integrity management processes to deal with immigration benefit applications implicated in large-scale fraud prosecutions.
- Ensuring officers are provided with current information on fraud trends and patterns through the use of intelligence reporting and mandatory anti-fraud training. To that end, FDNS has implemented an updated intelligence report tracking and dissemination method via an agency-wide communication mechanism, and enhanced its ability to share immigration-related intelligence reporting with U.S. government counterparts. The agency is harnessing technology to better enable identification of imposters, criminals, and others who are attempting to game the immigration system.
- Augmenting the FDNS Basic training program to incorporate criminal investigation modules provided by the Federal Law Enforcement Training Center (FLETC).

National Security, Screening, and Vetting Enhancements

- Developing an intelligence-driven approach to managing cases with national security concerns.
- Reordering the FDNS organizational structure to include a new Program Management Office, charged with advancing new screening and technology initiatives in collaboration with USCIS's Office of Information Technology, and standing up a Public Safety Division to address the threat posed by transnational organized crime.
- Developing, in conjunction with colleagues from the Refugee, Asylum, and International Operations Directorate, enhanced screening for higher risk groups in the refugee and asylum domains.

To ensure national security and public safety threats are recognized and addressed, USCIS conducts a combination of automated and manual biographic and biometric background

checks. In support of these screening efforts, FDNS partners closely with law enforcement and intelligence community agencies, including the FBI's Joint Terrorism Task Forces, and all State and Major Urban Area Fusion Centers has detailed FDNS officers to U.S. Customs and Border Protection's National Targeting Center, U.S. Immigration and Customs Enforcement's Document and Benefit Fraud Task Forces, and Forensic Laboratory, the National Counterterrorism Center, the Terrorism Screening Center, the Department of State's Kentucky Consular Center and National Visa Center, INTERPOL's National Central Bureau, and others.

Deferred Action for Childhood Arrivals (DACA)

I would now like to discuss the Deferred Action for Childhood Arrivals (DACA) program and other ongoing efforts. This Administration has worked diligently to focus immigration enforcement resources on public safety, border security, and the integrity of the immigration system. On June 15, 2012, then-Secretary of Homeland Security Napolitano announced that certain individuals who came to the United States as children and met several key guidelines could request consideration of deferred action for a period of two years and, if authorized, could receive work authorization. After the initial two-year period, individuals would be allowed to request a renewal of deferred action. Deferred action is a discretionary determination to defer removal action on a case-by-case basis against an individual as an act of prosecutorial discretion.

USCIS was charged with establishing a clear and efficient process for consideration of DACA requests. This effort is part of a greater DHS effort to ensure that valuable and limited enforcement resources are spent wisely on those individuals who are a danger to national security or a risk to public safety.

DACA reflects, on a larger scale, the exercise of the prosecutorial discretion that is inherent in every individual encounter in which DHS engages. Under DACA, DHS may defer the removal of an individual who meets the guidelines. DACA does not confer a legal status on the recipient; it is simply the exercise of prosecutorial discretion to defer the removal of an individual. It does not eliminate the fact that the individual remains subject to removal should DHS decline to continue to exercise prosecutorial discretion favorably. Individuals granted deferred action pursuant to DACA are authorized to seek employment authorization. This helps achieve the social benefit of lifting these individuals out of the underground economy and enabling them to participate in the mainstream economy.

As of June 30, 2014, over 580,000 individuals have received deferred action pursuant to DACA. DHS has now launched the next phase of DACA, which involves the renewal of deferred action. The first USCIS-issued grants of deferred action under DACA will expire in September 2014. USCIS has revised Form I-821D, Consideration of Deferred Action for Childhood Arrivals, to allow for both initial DACA requests and renewal requests. As of June 5, 2014, all requestors, whether initial or renewal, must file the new version of Form I-821D. As of June 27, 2014, USCIS had received over 6,800 renewal requests. We also continue to receive DACA requests from those seeking an initial period of deferred action under DACA.

While DACA serves the dual purpose of fairness and the wise use of enforcement resources, it cannot substitute for comprehensive immigration reform. DHS and the Administration will continue to advocate for Congress to enact lasting, comprehensive reform.

Asylum and Credible Fear Claims

The current influx of migrants across the Southwest border has resulted in significant increases in apprehensions and expedited removals. In the expedited removal process, USCIS plays an important role in ensuring that potential refugees or victims of torture are not improperly returned to their home countries. Our specially-trained Asylum Officers interview individuals who express a fear of return during the expedited removal process to determine whether they have a credible fear of persecution or torture. Individuals who meet the credible fear threshold are placed in removal proceedings, where they can apply for asylum or other relief. Individuals found not to have a credible fear of persecution may request review of that finding by an immigration judge. USCIS coordinates closely with our DHS partner agencies, CBP and ICE, to screen individuals for credible fear as part of the expedited removal process.

Over the last three years, as migration across the Southwest border has increased, the number of credible fear claims has climbed sharply from 13,880 in FY12 to a projected 50,000 by the end of FY14. USCIS has pursued a number of strategies to address this increased caseload, including:

- Hiring and training 100 new asylum officers this fiscal year;
- Deploying over fifty asylum-trained officers from across the agency to process credible fear and asylum cases on temporary assignments;
- Streamlining credible fear procedures;
- Maximizing overtime; and
- Creating a remote adjudication capability that enables Asylum Officers to process credible fear cases from any location.

As a result of these efforts, USCIS has not only kept pace with this exponentially growing caseload, we have also accelerated processing times, going from a 14-day processing time to an eight-day average processing time. In addition, as part of the federal government's coordinated response on the southwest border, USCIS has deployed additional Asylum Officers to key detention facilities along the border. Our ability to timely process credible fear claims saves valuable detention resources, enables the entire expedited removal process to operate more efficiently, and most importantly, minimizes detention of potential asylees and victims of torture.

These efforts have not come without costs. Resources have been diverted from our affirmative asylum caseload to the credible fear caseload, causing our pending affirmative asylum caseload to grow from 15,526 cases at the end of FY12 to over 50,000 cases by June 2014. In order to help reduce the pending caseload, last month we began the process of hiring 50 additional asylum officers. We will continue to identify ways to

maximize our resources, work efficiently, and enhance quality as we work to address both the credible fear and affirmative asylum caseloads.

USCIS is also supporting efforts to address the flow of unaccompanied children across the Southwest border. While unaccompanied children are not subject to expedited removal and therefore do not enter the credible fear process, USCIS has initial jurisdiction over asylum applications filed by unaccompanied children under the Trafficking Victims Protection Reauthorization Act of 2008. In FY14 (through the third quarter), USCIS has received over 1,500 asylum applications from unaccompanied children—approximately four percent of asylum applications received overall by USCIS. Of the 167 unaccompanied children asylum cases adjudicated on the merits in FY14 through the third quarter, 64.7% (108) have been granted asylum status. According to our records, most unaccompanied children who are apprehended at the border file for asylum with USCIS more than 300 days after entering the United States. Thus, only 163 of the over 1,500 unaccompanied children who applied for asylum with USCIS this FY (through the third quarter) were apprehended at the Southwest border in FY14. Therefore, of those unaccompanied children who were both apprehended at the border and applied for asylum during FY14, USCIS has only adjudicated two cases, both of which were approved as of July 15.

USCIS also adjudicates Special Immigrant Juvenile (SIJ) petitions filed by unaccompanied children. In FY14 (through June), over 3,900 SIJ petitions were filed, though not all by unaccompanied children.

USCIS remains strongly committed to supporting the government-wide response to the migration flows on the Southwest border, including ensuring those who have protection claims are provided the opportunity to have those claims heard.

Refugee Admissions

USCIS, working with other government partners, remains steadfastly committed to fulfilling its humanitarian mission of adjudicating refugee claims around the world. In FY 2013, 69,926 refugees were admitted to the United States, the closest the refugee program has come to reaching the admissions ceiling authorized by the President in over 30 years. A record number of Iraqi refugees (19,488) were admitted in FY 2013, including 7,000 U.S.-affiliated applicants who were processed in Baghdad. While we strive each year to realize the refugee admissions ceiling in cooperation with our partners at the Department of State, we are equally committed to ensuring the integrity of the program and our nation's security. USCIS maintains a continuous focus on improving, refining and streamlining the security check process for refugee applicants. In the year ahead, we will maintain this focus as we interview increasing numbers of Congolese and Syrian refugee applicants in Africa and the Middle East. We will also continue to carefully monitor the security situation in the locations in which we travel to ensure the safety of our officers, program partners and refugee applicants.

International Operations

Over the past two years, USCIS has realigned its international footprint to better optimize its international presence and resources by adjusting staffing levels in certain international locations and closing three offices, given the significant reduction in workload in those offices following the centralization of the filing and adjudication of waiver applications in the United States. USCIS also has enhanced the integrity of its programs by expanding the use of secure boarding foils in lieu of travel letters for certain benefit types in partnership with the Department of State.

USCIS has worked with the Government of Guatemala, in partnership with the Department of State, to facilitate resolution of long-pending adoption cases filed by U.S. citizens. Guatemala has made significant progress in the past year and only 32 cases remain pending from approximately 3,000 that were in process when the Hague Adoption Convention entered into force for the U.S. on April 1, 2008.

EB-5 Program

USCIS continues to enhance the EB-5 Immigrant Investor visa program, both to improve efficiency and service delivery and to provide greater security. USCIS has centralized EB-5 program operations in Washington, D.C. This unit, augmented with staff with expertise in economics and transactional law, are dedicated solely to the review and adjudication of EB-5 petitions and applications. In May 2013, USCIS published a comprehensive policy memorandum to guide EB-5 adjudications. On the security side of the program, USCIS has expanded security checks to cover Regional Centers and executives participating in the program, and has embedded FDNS officers and intelligence professionals to work alongside EB-5 adjudications officers. In order to provide information to stakeholders, USCIS now hosts a series of quarterly stakeholder engagements.

E-Verify

E-Verify is a critical program within the Department that encourages and assists employers in their compliance with our immigration laws. We are doing everything we can not only to optimize performance of the system but to ensure its integrity and accuracy, improve ease of use, and expand customer services. I am committed to building on the success of this program that continues to enroll approximately 1,500 new employers per week in addition to the more than 539,000 employers already enrolled covering more than 1.6 million worksites.

The latest E-Verify accuracy study from 2012 found that the percentage of authorized workers who were not automatically confirmed declined from 0.7 percent in 2005 to 0.3 percent in 2010. The study also looked at the accuracy rate of final nonconfirmations issued by E-Verify and found that they were accurately issued to unauthorized workers 94 percent of the time.

USCIS continues to improve E-Verify's accuracy by increasing the number of databases checked by the system and introducing quality control enhancements designed to reduce the likelihood of data entry errors. In 2012, we launched Self Check as a service that helps

employees proactively identify and resolve data issues outside of the hiring process that could help prevent data mismatches with the E-Verify system. Before users can check their employment authorization records, they must pass a third party “identity assurance” quiz to ensure that the system is not being misused.

We are working hard to further improve E-Verify’s ability to detect identity fraud. USCIS has already added the ability to view photos associated with DHS-issued immigrant status documents to the system and U.S. passport photos. We have also significantly enhanced our capabilities to monitor system use for evidence of identity fraud, and in FY 2013 we began locking Social Security numbers (SSNs) in E-Verify that are suspected of fraudulent misuse. We are developing a FY 2014 enhancement to allow individuals to lock their SSNs in E-Verify so they cannot be used by others who work for E-Verify employers. And in four states, USCIS has deployed “Records and Information from DMVs for E-Verify” (RIDE) which allows employers to check the authenticity and validity of driver’s licenses and state identification cards. Talks with additional states are ongoing to continue the expansion of RIDE.

It is important to note that E-Verify is but one tool in the Department’s efforts to ensure a lawful workforce. USCIS continues to implement improvements to E-Verify this year using the \$114 million in funding Congress provided for FY 2014, and we plan to further improve the system in FY 2015 and beyond. In the upcoming fiscal years, USCIS plans to increase the scalability of E-Verify’s technical infrastructure for future expansion and establish a formal process by which individuals can request a review of their final case outcomes in order to help reduce erroneous results.

Transformation

USCIS has undertaken an enterprise-wide Transformation Program to transition the agency from a fragmented paper-based operational environment to a centralized and consolidated environment facilitating electronic processing requests for immigration benefits. Our goal is to modernize USCIS-wide business processes using information technology enabled re-engineering. The USCIS Transformation Program is implementing this vital initiative through the Electronic Immigration System, or ELIS. ELIS will employ the types of online customer accounts used in the private sector to manage transactions, track activities, and enhance security. The revised processes enabled by ELIS will help the agency meet customer expectations for on-demand information and immediate real-time electronic service over the Internet.

Progress has been made since the last time my predecessor as USCIS Director testified before your Subcommittee on Immigration and Border Security. In May 2012, USCIS deployed ELIS. The initial launch provided the core capability for electronic filing, processing and adjudicating of one benefit type. Earlier expectations had been high, and at the time of the first deployment the Transformation Program was behind schedule and over budget for this first release.

Due to the cost and schedule challenges, the Office of Management and Budget reviewed the program in March 2012. As a result of this review, we made four significant program changes.

The first change was streamlining the governance process by dispersing decisions to the lowest required level. DHS delegated acquisition and milestone gate decisions to the agency's Transformation Executive Steering Committee to review the cost, schedule and performance of the program.

The second program change involved the methodology for developing the software. Initially, we utilized the waterfall methodology which is a classic approach to software development that involves a sequential design process with each phase being 100% completed before going to the next phase. In this approach, changes could not be incorporated easily. We are now using a development methodology known as Agile, which is used in the private sector. Agile methodology is based on iterative and incremental development. It is more flexible and offers more frequent value-added releases to USCIS ELIS.

The third program change was to simplify the system's architecture. The deployed system has 29 proprietary Commercial-Off-The-Shelf products. The new architecture will have an open-source code framework that allows for development and production using the Department of Homeland Security Cloud services. The new architecture is using best practices and removes products that duplicate other USCIS products.

Lastly, the acquisition strategy was changed from a single developer and systems integrator to a strategy of multiple contracts for and supporting software development with the government as the integrator. This new strategy was approved two years ago by the Transformation Executive Steering Committee. We have awarded contracts to support architectural design, integration and configuration management, and coaching for agile processes. The final contracts that will support development were awarded this month with new resources starting at the end of September.

Since the initial launch of USCIS ELIS, USCIS has added more capabilities to include allowing new immigrants to pay the USCIS Immigrant Fee and foreign investors to electronically file the Immigrant Petition by Alien Entrepreneur.

The next added capability will be in the new architecture and will support the Form I-90, Application to Replace Permanent Residence Card. Deployment in the new architecture is expected by the end of the year. The new architecture, once completed will support multiple contractors working together, faster development and better quality. The new architecture supports rigorous and ongoing performance and end user testing before deployment. Finally, the new architecture will support operations in the DHS cloud environment. This will eventually allow for expansion should workload increase.

The overall program is expected to be completed in fiscal year 2018 or 2019; however, new user functionality will be deployed at a minimum of every four to six months. The Transformation Program remains focused on delivering innovative capabilities to support the USCIS mission. The Transformation Executive Steering Committee will continue to guide the pathway, will include all appropriate stakeholders at the table for participation during future capability development opportunities, and will strive to ensure that the capabilities are delivered on time and within budget.

USCIS Implementation of *United States v. Windsor*

I am very pleased to inform the Committee that USCIS took immediate and proactive action following the decision of the Supreme Court in *United States v. Windsor* on June 26, 2013, which held unconstitutional section 3 of the Defense of Marriage Act (DOMA). DOMA had previously required USCIS to deny marriage-based immigration benefits to same-sex married couples. Shortly after the *Windsor* decision, USCIS announced that it would provide couples whose same-sex marriages are lawful in the state or foreign country where they were celebrated with marriage-based immigration benefits on an equal basis with opposite-sex married couples. USCIS also took prompt action to identify and reopen, on our own motion and without fee, more than 150 cases which the agency had to deny on the basis of DOMA for a new adjudication to take full advantage of the *Windsor* decision. In the last year, USCIS also has received and favorably adjudicated numerous new petitions and applications seeking immigration benefits based on same-sex marriages, and we will continue to do so.

Challenges and Path Forward

While USCIS has made vast improvements in both customer service and reduced processing times, USCIS also faces significant challenges that it is working to overcome. There is a great deal to do, but there is a great deal we can do and I am excited by the opportunities which lie ahead for us. As the Director of this agency, I am committed to maintaining a strong focus on improving our performance in all program areas even in the face of challenges. We must be even more efficient out of respect for the customers who pay fees and the taxpayers who support our operations. Our customer service must continue to be enhanced. USCIS activities must continue to be transparent and we will continue to work closely with our stakeholders and the public at large to collaborate on the outcomes we collectively want and need to achieve.

I appreciate the support and interest of this Committee in our efforts. I look forward to working with you on these and other matters critical to the transparency, integrity, consistency and efficiency of our immigration system and the work of USCIS. I look forward to your questions.