

**WRITTEN TESTIMONY PREPARED FOR
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**FOR A HEARING ON
“NATURALIZATION DELAYS:
CAUSES, CONSEQUENCES AND SOLUTIONS”**

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

JANUARY 17, 2008

Introduction

Chairwoman Lofgren, Ranking Member King and Members of the Subcommittee, thank you for the opportunity to appear before you today to testify about the work U.S. Citizenship and Immigration Services (USCIS) is conducting to manage the dramatic increase in applications and petitions received in the summer of 2007. Mr. Jonathan Scharfen, Deputy Director of USCIS, is accompanying me.

Today, I will share with you how we are addressing this challenge by energizing our agency to handle this incredible task. Our plan focuses on the following areas, which will have an immediate impact on our workload:

- Staffing through multiple approaches, including but not limited to increasing the allowable overtime for key functions during the first half of this calendar year in anticipation of productive personnel coming onboard later this year;
- Enhancing our training programs to meet the demands of a fast-growing workforce that needs to be both productive and well-equipped to deliver high-quality immigration services;
- Incorporating creative approaches to our adjudication processes by increasing output without negatively impacting quality; and
- Increasing efficiencies through the use of improved information technology.

Our goal is to resolve this current processing delay as immediately as possible without taking shortcuts in the process that compromise national security or the agency's integrity.

I will frame our discussion around five themes:

1. I will describe the challenge, to include the nature and dimensions of the surge;
2. I will explain what we have done to date;
3. I will explain what we are planning to do in the future;
4. I also will share with you what we will not do, in particular, not compromising integrity for the sake of production; and finally
5. I will tell you where these actions will take us in terms of processing times.

The Challenge

In the summer of 2007, we received in excess of three million applications and petitions for immigration benefits. Such volume in just a short couple of months is unprecedented in the history of immigration services of our nation. (See attached chart).

Historically, there have been increases in naturalization filings in advance of fee increases, Presidential elections, immigration debates, and new legislation. Still, none of the past increases compare to the magnitude of the surge we experienced this summer. Most surges relating to a fee increase are followed by a commensurate dip in filings, so that annual numbers generally even out. This is unlikely to be the case this year. Additionally, this naturalization filing increase was contemporaneous with the opening of the employment-based visa window in the July Visa Bulletin, a window that had not been

opened fully in many years. USCIS received approximately 300,000 adjustment of status applications this summer. With the related work authorization and travel document requests, this workload equates to approximately 800,000 applications.

In June, July and August alone, over three million immigration benefit applications and petitions of all types were received, compared to 1.8 million applications and petitions received in the same period the previous year. In Fiscal Year 2007, USCIS received nearly 1.4 million applications for naturalization, nearly double the volume received the fiscal year before. For the months of June and July 2007, the spike in naturalization applications represented an increase of nearly 350 percent compared to the same period in 2006. This was a significant surge, as our chart illustrates.

Please understand that at USCIS we view the surge as very good news in that applicants for these immigration benefits are demonstrating a deep desire to participate fully in our country's civic life. This is a good thing. Applying for citizenship and immigration benefits is more than an administrative process; it is a life-changing event. At USCIS, we are committed to providing immigration services and benefits to eligible applicants as expeditiously as possible.

What We Have Done to Date

We immediately implemented steps to manage this new workload. As an agency, our first priority was to accept filings and provide applicants with proper receipt notices as quickly and efficiently as possible. In an average month, USCIS receipts are about 530,000. The three million applications and petitions received in June, July and August, 2007, initially exceeded our capacity. We addressed this sudden increase by expanding work hours, adding shifts, and detailing 84 staff to our Service Centers. We also hired additional contract staff. As early as June of 2007, recognizing the impact that a receipt delay would have on customers, USCIS began advising the public on our website regarding the status of receipting progress. Since then, we have also published and updated "Frequently Asked Questions" on the USCIS website, participated in various community forums, and updated our customer service hotline with information to respond to questions from the public.

Due to these measures and the truly remarkable efforts made by employees at our Service Centers, we were able to meet our commitment to process employment authorization cards for individuals within the 90-day regulatory requirement. We resolved the receipt delay for adjustment-of-status applications by November, with all remaining naturalization receipt delay cases completed earlier this month. We currently are receipting pending Form I-130s, Petitions for Alien Relatives, filed in a Lockbox in October, but expect to complete this receipting by early February.

At the same time, we began to work on a response plan that would address the workload beyond this first stage. The plan is constructed with innovative approaches to maximize our resources and relies on our most valuable resource—human capital—while also leveraging technology and instituting key process changes. Fortunately, we were able to

build upon the foundation of planning and work that was designed to implement the new fee rule. The new fee rule was designed to provide necessary funding for the agency to continue strengthening the security and integrity of the immigration system, improving customer service, and modernizing business operations for the 21st century. To that end, we began to work on new paradigms for hiring and training and are prepared to hire and train quality employees at a faster rate than previously available.

Under the new fee structure, USCIS has begun hiring 1,500 new employees, of which 723 are adjudicators. These adjudicators will be trained through our newly created BASIC immigration training program, which includes both classroom training and on-site practicum at the National Benefits Center, a Service Center and a District Office. In the past, we had trained one class of 24 students at a time at the Federal Law Enforcement Training Center. This year, we are utilizing commercial training facilities where we will be able to conduct six classes of 48 students concurrently on a rolling basis. The new capacity will support bringing well-trained new hires on board as quickly as possible. Classroom training will occur at select USCIS Academy Training Center locations throughout 2008 and into 2009.

Initial announcements for new positions were posted in USAJOBS.gov on October 26, 2007. That announcement attracted more than 10,000 applicants in only six days. To date, we have hired more than 580 permanent staff, including more than 274 adjudicators. Almost 70 were temporary staff already trained and have successfully transferred to permanent positions. USCIS is also using Federal Career Intern Program hiring authority to fill Adjudications Officer positions. More than 173 selection certificates have been provided to managers in the locations where new hiring will take place.

In addition, the Office of Personnel Management has approved our request to authorize us to re-hire experienced annuitants to further bolster our workforce with temporary staff. This authority will help us meet hiring goals upon which our production plan is based. To the extent that an annuitant has the ability to be productive more quickly than a new hire, we anticipate that use of annuitants would reduce processing times. There is a database with the capability to identify former USCIS personnel. We have identified 704 former USCIS employees through our database who have retired. Of those, 469 individuals were in adjudication-related positions. Also, the other immigration agencies have databases for former employees who at one time worked for legacy INS.

In addition, we will employ the more traditional methods of managing a large workload by asking current staff to continue working additional overtime and shift work and detailing employees to areas that have been most heavily impacted by the surge. By maximizing use of overtime early in the year, we hope to boost productivity with existing employees while we work on bringing the new employees on board.

We realize that such a sustained effort associated with managing this workload will require continuous communication with our employees and stakeholders. Agency-wide communications from senior leadership have kept employees and stakeholders informed about the agency's application surge situation, including steps being undertaken to

remedy the delays, and reinforcing expectations for integrity in processing applications. Similarly, USCIS field operations and Service Center teams meet regularly to discuss the workload impact and work together on opportunities for operational efficiencies and adhering to processing guidelines. We intend to continue this communication to keep customers and key USCIS stakeholders informed of our progress as we address the backlog.

What We Will Do

Our response plan has three core elements to address the surge: staffing, technology, and process improvements.

As part of our efforts to transform the agency from a paper-based environment to an electronic environment, we have identified technological initiatives that will have a lasting positive impact on adjudication processes. In Fiscal Year 2008, we plan to expand on the Systems Qualified Adjudication process, an automated process for certain application where individuals are already qualified and in the USCIS database. These will include, for example, replacement of an expired permanent resident card or temporary employment authorization.

Systems Qualified Adjudication has been very successful in completing the processing of Temporary Protected Status renewal applications, and we want to leverage this success. While these technologies will not be applied to naturalization applications, the efficiencies gained will allow for a greater amount of adjudications efforts to be placed on naturalization. Other technology enhancements include improving the background check process and the capability to produce system-generated Naturalization Certificates.

We are also adjusting some administrative procedures. We plan to centralize the intake of naturalization applications to a Lockbox and move the pre-processing of these applications to the National Benefits Center. This will improve the consistency of service throughout the country by standardizing intake processing. USCIS is reviewing the naturalization examination process to determine whether any additional efficiency can be achieved, including the possibility of having a USCIS officer, other than an adjudications officer, administer the civics and history test. By making such adjustments, however, more adjudicator time would be available to concentrate on adjudicating cases, improving their ability to make sound decisions, and to focus on fraud detection.

The surge plan anticipates hiring close to 1,800 individuals. This includes extending about 370 temporary staff to permanent positions, nearly 900 Federal employees and more than 500 contractors, all in addition to those we planned to hire under the fee rule. We will also hire more temporary adjudication officers, and administrative and information technology support staff. We will build on the recruitment and hiring already underway to hire these new employees.

With respect to resources, we plan to utilize and spend over two years worth of fee revenue generated by surge applications estimated at \$450 million and \$480 million. A

response plan detailing the use of these dollars is currently being considered by the appropriation committees.

What We Will Not Do

It is important that everyone appreciate what we will not do. We will not forsake integrity and sound decision making in favor of increased productivity, or compromise national security. Similarly, we will not lose momentum on transformation and other technology enhancements.

Since its inception in March 2003, USCIS has operated under a business approach that emphasizes integrity as an overriding consideration in processing, reviewing, and adjudicating applications and petitions. Our decision-making process today is more robust and thorough than it has ever been—an approach we believe to be consistent with our obligation to individual applicants and the Nation as a whole.

Some key enhancements to our process include the following:

- The creation of our National Security and Records Verification Directorate to oversee fraud cases;
- The establishment of a Transformation Program Office to guide vital improvement of the agency through business modernization, information technology enhancements, and long-term resource allocation to update the agency and its infrastructure for 21st century service delivery; and
- Improved USCIS web-based services and tools that allow our customers to schedule appointments, change their address, access the status of their case online, and submit certain applications through e-filing.

Where Does this Take Us?

This surge will have a serious impact on application processing times for the next couple of years. As a result, based on our response plan, most customers will wait much longer to have their applications completed. As we have reported, the average processing time for naturalization applications has increased from the current average of seven months or less to approximately 18 months. Family-based adjustment-of-status applications increased from the current average of six months or less to 12 months. Our two-year response plan will help us accomplish reducing processing times to six months by the third quarter of Fiscal Year 2010.

Conclusion

I believe this hearing and the meetings I have had with many of you provide an opportunity for a healthy dialogue on this subject. I look forward to hearing your views and input as to how we are managing this workload. USCIS understands the need to balance and prioritize work to ensure the best possible service for all our customers without jeopardizing national security or the integrity of the adjudications process. As our agency moves beyond the limitations of its previous fee structure, we remain committed to our promise of maintaining the integrity of our immigration system and providing the service our customers seek and deserve. I welcome any questions you may have.

USCIS RECEIPTS

■ I-485 Regular ■ N-400 ■ All other

