

**Senator Grassley's Written Questions for Alejandro Mayorkas to be Director of U.S.
Citizenship and Immigration Services at the Department of Homeland Security
June 24, 2009**

(1) Do you support the Executive Order that requires federal contractors to use E-Verify in order to obtain or keep contracts with the federal government? Will you work to ensure that this order is implemented as quickly as possible when you are confirmed by the Senate?

E-Verify is an important and useful tool that enables employers to verify the legal immigration status of their workforce. The contractor rule is currently under interagency review and has also been challenged in litigation. Whatever the outcome of the review and the litigation, I will work to ensure maximum participation by federal contractors in the E-Verify system, including giving full USCIS support to effective implementation of all federal rules dealing with contractor participation.

(2) Would you support an effort that would allow employers to voluntarily use E-Verify for their existing workforce, if an employer wishes to use the system and check all workers within a specified time frame?

If I am confirmed, I will look into this proposal. Any plans of this type must be evaluated based on a full understanding of the law, the broader implications, and the overall capacity of the E-Verify system, including that of the Social Security Administration, to deal with a possible sudden new load of mismatches needing manual resolution.

(3) Would you support efforts to allow self-verification for employees or pre-verification for employers?

If I am confirmed, I will study further the issues of employee self-verification and employer pre-verification, and I will communicate with the members of the Committee and their Staff to help ensure that E-Verify is used effectively in furtherance of the Department's law enforcement objectives.

(4) Will you work with Immigration and Customs Enforcement on non-confirmations? Specifically, will you make sure that ICE has a list of individuals that are not confirmed by employers who use E-Verify?

Throughout my twelve years of experience in law enforcement, I developed collaborative relationships with varied federal agencies to ensure the achievement of common goals. If I am confirmed, I will use the skills I previously developed to forge the most effective working relationship between USCIS and ICE. This would include USCIS' cooperation with ICE in the communication of information USCIS possesses that is relevant to ICE's enforcement efforts.

(5) What plans do you have for improving E-Verify in the next year?

I am informed that several initiatives already underway will bring further improvements to E-Verify, including enhancing Federal database accuracy; adding new tools to prevent fraud, misuse, and discrimination; strengthening training, monitoring, and compliance; and enhancing privacy protections. If I am confirmed, I will support these initiatives fully and look for additional improvements. I believe E-Verify is an effective law enforcement tool, and its improvement will better serve the enforcement of, and compliance with, federal immigration law.

(6) The FDNS unit has provided some valuable information with regard to visa fraud, namely in the religious worker and H-1B visa programs. What new areas of focus will you ask FDNS to study in the coming year or two?

If I am confirmed, I will promptly conduct a thorough review of USCIS programs to identify areas in need of improvement and in need of increased focus. I am aware of the existence of fraud in visa programs and, with my law enforcement background, I believe I am well-positioned to help develop new, improved, and more robust anti-fraud programs where needed.

(7) Do you agree that reforms to the H-1B visa program are needed? If so, what legislative changes do you believe are a priority to get at the fraud and abuse?

I believe the existence of fraud in the H-1B visa program needs to be addressed forcefully. To that end, if confirmed I will study the program and work with other members of the Department and with the Committee and its Staff to develop any legislation that could be effective in more ably preventing and responding to fraud in the program.

(8) The L visa program allows companies to use a “blanket” petition to transfer employees, but there is some concern that the State Department and USCIS do not work collectively to fully understand who is in the United States and to what extent individuals are screened under the petition.

- **What are your thoughts about retaining or striking this provision from the INA that allows employers to use the blanket petition?**
- **Will you work with the Department of State to improve communication and understanding of those that use this program?**

If I am confirmed, I will conduct a review of the petition process in the L visa program to evaluate the benefits and challenges of its use as well as whether the process, on balance, serves the goals of our immigration laws. I commit that, if I am confirmed, I will work with the Department of State -- and with all of USCIS' partners -- to ensure robust lines of communication and full cooperation.

(9) What do you plan to undertake administratively to reduce fraud in the H-1B and L visa programs? How will you work to reduce the use of body shops so foreign workers are not misused to replace American workers?

If I am confirmed, I will conduct a review of USCIS, including its anti-fraud efforts in specifically the H-1B and L visa programs, to understand how the immigration laws can be more effectively administered and violation of the laws can be more effectively addressed. I also will, if confirmed, work with the Committee and its Staff to achieve these goals.

The misuse of foreign workers to replace American workers is a problem that requires the collaboration of USCIS, ICE, and other agencies to develop an appropriately forceful response.

(10) Currently, many fraud detection agents across the country are uncovering fraud and abuse in the H-1B program, but many of the scams are not being pursued for criminal prosecution.

- **How will you work with the Department of Justice and the US Attorneys to bring more cases against employers who violate the law?**
- **Will you pledge to report any disagreements between CIS and USDOJ prosecutors over the decision to file criminal charges against employers who violate the law? Why or why not?**

If I am confirmed, I will develop a close working relationship with ICE to help ensure that fraud and abuse are addressed through criminal prosecution consistent with the goals of the Department. I will also work with ICE to better understand our current communication of information to ICE and the information needs in ICE's enforcement of criminal law. I believe ICE is the agency best positioned in the Department to refer potential criminal matters to the U.S. Department of Justice or to other law enforcement agencies, including state and local law enforcement authorities where appropriate.