

**Nomination of Joseph Edlow
To be Director of the United States Citizenship and Immigration Services
Questions for the Record
May 28, 2025**

QUESTIONS FROM CHAIRMAN GRASSLEY

1. Under the Biden administration, USCIS was deluged by flood of immigration applications. Many of these applications are still pending.

- a. **As director, how would you tackle the massive USCIS caseload this administration has inherited?**

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

2. The Affirmative Asylum program alone has over 1 million applications pending.

- a. **As USCIS director, how would you reduce this caseload efficiently while still detecting and deterring fraud?**

As you are aware, the asylum caseload rose exponentially (over 1 million cases) in the past four years. It is incumbent upon USCIS to adjudicate those matters in a manner that puts national security and public safety at the forefront. If confirmed, my priority will always be detecting and deterring fraud in the asylum context, as well as other benefit types.

3. It is well known that certain countries are exploiting our immigration system for economic espionage, including the EB-5 program and foreign student work programs.

- a. **What measures should USCIS take to protect the United States from economic espionage and threats to our national security?**

Countering economic espionage and threats to national security require a whole of government approach. If confirmed, I will ensure that USCIS can leverage

emerging technologies and place appropriate staffing levels to focus on screening and vetting

4. In your nomination hearing, you stated that USCIS should “remove the ability for [OPT] employment authorizations for F1 students beyond the time that they that they are in school.” The INA, however, does not provide for OPT work authorization at all, whether a student is still enrolled in school or a post-graduate.

a. Do you believe USCIS should continue issuing OPT work authorizations to foreign students while they are enrolled at a university?

As I stated in the hearing, I think the way in which OPT has been handled over the last four years, culminating with the opinion of the DC Circuit Court, has been a real problem in terms of misapplication of the law. If confirmed, I look forward to working with my DHS counterparts and Congressional partners to address this issue.

5. CPT work authorizations, which permit foreign students to engage in employment that is an “integral part” of a school’s curriculum, are statutorily-suspect, especially in light of the Supreme Court’s recent rulings in *Looper Bright v. Raimondo* and *West Virginia v. EPA*.

a. As USCIS director, will you conduct a post-Chevron review of CPT’s conformity with the INA?

Although ICE, not USCIS, is responsible for administering CPT, if confirmed I will support efforts by ICE and DHS to conduct a review of CPT.

6. Even assuming that CPT is permitted under the INA, it is still being abused by unscrupulous institutions. Papermill colleges known as “Day-1 CPT” schools build a curriculum around employment to justify CPT eligibility, then impose minimal class attendance and coursework requirements so foreign “students” can work full-time. Day-1 CPT programs have been described as a “work visa in disguise.”

a. As USCIS director, will you crack down on CPT fraud and abuse?

As above, USCIS is not responsible for administering CPT, but if confirmed, I am committed to supporting a review by ICE and DHS.

7. USCIS is responsible for conducting a review of a country’s conditions to help the DHS Secretary determine whether an extension of TPS is warranted.

- a. Will you carefully consider improvements in a country's conditions before recommending any extension of TPS?**

Yes

Senator Ricard J. Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Joseph Benjamin Edlow
Nominee to be Director of U.S. Citizenship and Immigration Services
May 28, 2025

1. In your opening statement at your confirmation hearing, you said:

If confirmed, my vision for USCIS is simple. I will restore integrity within the legal immigration system. While the whole Department of Homeland Security is working hard to make America safe again, USCIS must play as critical a role in that mission as any other immigration enforcement agency. At its core, USCIS must be an immigration enforcement agency, an agency that is dedicated to ever evolving and innovative techniques for screening and vetting its applicant pool.

The Homeland Security Act (HSA), however, does not include language stating that USCIS is an immigration enforcement agency. Prior to the creation of the Department of Homeland Security (DHS), all immigration enforcement and services were housed under one agency at the former Immigration and Naturalization Service. The HSA intentionally split those functions into three parts and three separate agencies within DHS—one focused on border enforcement (Customs and Border Protection); one focused on interior enforcement (Immigration and Customs Enforcement); and one focused on services (U.S. Citizenship and Immigration Services). Specifically, under Sec. 451 of the HSA, the functions transferred from the INS Commissioner to the Director of USCIS were:

- (1) Adjudications of immigrant visa petitions;
- (2) Adjudications of naturalization petitions;
- (3) Adjudications of asylum and refugee applications;
- (4) Adjudications performed at service centers; and
- (5) All other adjudications performed by the Immigration and Naturalization Service.

The statute makes clear that unlike ICE and CBP, USCIS’s primary mission is adjudication and processing of applications, not enforcement.

- a. Will you retract your inaccurate statement that “USCIS must be an immigration enforcement agency”?**

No. The statement was not inaccurate as the adjudication of immigration benefits is inherently an act of enforcement of the immigration laws.

- b. If confirmed, how will you ensure that USCIS performs its statutory functions?**

If confirmed, I will work with agency leadership to ensure that all statutory functions are being performed.

- c. How are this Administration's staffing cuts at USCIS going to impact the agency's statutory responsibilities of benefit adjudication?**

If confirmed, I will work with agency leadership to ensure that current USCIS workforce performs its statutory responsibilities.

2. According to various media outlets, USCIS employees have been detailed to assist ICE in carrying out enforcement actions. One of USCIS's recent press releases indicated that 450 USCIS employees have been detailed to ICE.

- a. How many USCIS staff have been detailed outside of USCIS?**

Approximately 570

- b. Of these, how many have been detailed to ICE?**

Approximately 550.

- c. What is the payroll cost on a monthly basis for 450 USCIS employees?**

It depends on their grade level and the location of the various employees. If confirmed, I would be happy to discuss this issue further with you and your staff.

3. The Antideficiency Act prohibits federal agencies from spending funds in excess of an appropriation, restricts volunteers unless authorized by law, and carries both civil or criminal penalties for violations. The vast majority of USCIS employees are funded by the Immigration Examination Fee Account (IEFA), which requires that money in that account be spent on adjudications and naturalization services. Under 286(m) of the Immigration and Nationality Act, USCIS may only use the vast majority of its funding "for providing adjudication and naturalization services[.]" This funding comes from those who pay USCIS to adjudicate applications for immigration and naturalization, including American businesses and U.S. citizens.

- a. Has ICE reimbursed the IEFA for USCIS employees who have been detailed?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

- b. If so, please provide a copy of the reimbursement agreement.**

I am happy to work with USCIS OLA to provide this agreement.

- c. **If these USCIS detailees to ICE have not been reimbursed, how are these detailees funded, since the relevant statute requires IEFA fees to be used for adjudicating benefits applications?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

- d. **If there is no reimbursement agreement, please provide an explanation of how the Trump Administration is ensuring compliance with the Antideficiency Act and INA 286(m)?**

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

4. According to various news reports, DHS has spent \$200 million on an ad campaign featuring DHS Secretary Noem praising President Trump for increasing border security and threatening migrants by stating, “we will hunt you down.”

- a. **Were any USCIS funds used to pay for this ad campaign?**

I am not aware of a USCIS funds used for this ad campaign.

- b. **If so, how much funding was used, and please provide an explanation for how the payments complied with the Antideficiency Act and INA 286(m).**

See my previous answer.

5. What percentage of USCIS staff members have left since January 20 under so-called “voluntary” agreements, retirements, and otherwise?

Approximately 10%

6. How many USCIS employees remain?

As of May 17th, USCIS has approximately 20,667 onboard staff.

7. What percentage of the Office of Legislative Affairs (OLA) workforce, and how many OLA employees, have left since January 20?

As of May 17th, approximately 27% or 9 people.

8. Given Congress’s oversight role, with these cuts, if you are confirmed how will you ensure that response times and the quality of responses to Congress will not suffer as a result?

As a former Congressional staffer, I fully appreciate the oversight role that Congress plays and I am committed to providing quality responses.

9. How many USCIS employees are on staff and working today?

As of May 17th, USCIS currently has approximately 20,667 onboard staff.

10. How many USCIS employees are projected to be on staff at the end of May 2025, and every month thereafter through the end of this calendar year?

I am unable to speculate on this.

11. Do you have additional plans for, or have you been involved in any discussions, about reducing the USCIS workforce through another round of incentives to separate from federal service?

No.

12. Do you have any plans for, or have you been involved in any discussions about, instituting a Reduction in Force?

I was involved in some discussions previously, but I am unaware of any current discussions. If confirmed, I look forward to moving forward at the agency to implementing the President's agenda to restore integrity to the legal immigration system.

13. USCIS is 96 percent fee-funded, so the Trump Administration's efforts to slash the agency's workforce does not save taxpayer dollars. Those fees are paid by U.S. citizens, lawful permanent residents, and U.S. businesses and their beneficiaries for the adjudications of immigrant and nonimmigrant applications.

Why are you cutting staff at a fee-funded agency?

USCIS, as part of DHS, participated in a voluntary workforce transition program. If confirmed, I look forward to moving forward at the agency to implementing the President's agenda to restore integrity to the legal immigration system.

14. Do you have plans for, or have you been involved in any discussions about, reorganizing or merging USCIS into another agency within the Department of Homeland Security?

I do not have plans nor have I been in discussions regarding merging USCIS into another DHS agency.

15. When there was a hiring freeze in place at USCIS previously, the low staffing levels severely impacted processing times, leading to increased backlogs. The Homeland Security Act also states specifically that the Director of USCIS is to work "to prevent any backlog in the processing of such [immigration benefit] applications from recurring."

- a. Given the staffing cuts to USCIS since January 20, how will you avoid increased processing backlogs?**

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

b. How has detailing approximately 450 USCIS employees to ICE impacted the backlog?

I am unaware of any specific impact of USCIS details to ICE on the backlog.

c. If there are increased processing times, how will you prevent other issues, such as the inability to use all the immigrant visa numbers in a given year?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

16. I understand that at USCIS, career officials who have been with the agency for decades are being asked to undergo invasive polygraph tests. They are being asked deeply personal questions about themselves and their families that are completely unrelated to their job functions.

a. Are you aware of these polygraph tests being conducted?

I am anecdotally aware that polygraphs have been conducted by the department.

b. Why is USCIS asking career officials to undergo polygraph tests?

To my knowledge as a Senior Advisor, I am not privy to this decision making.

17. Earlier this year, the Fifth Circuit affirmed a district court's ruling that DACA is illegal, but narrowed the nationwide injunction issued by the lower court to block processing new DACA applications only for Texas residents. This means under the current regulations, USCIS can process initial applications for DACA from around the country. USCIS has been accepting initial applications for years now, but there has been no announcement that the agency will start processing them.

a. When will USCIS announce its plans to process and adjudicate initial DACA requests in accordance with the Fifth Circuit's ruling?

If confirmed, I will consult with OGC and DOJ regarding DACA.

b. When will USCIS begin to adjudicate initial applications for DACA?

If confirmed, I will consult with OGC and DOJ regarding DACA.

- c. What agency resources, if any, is USCIS currently allocating to process initial DACA applications?**

If confirmed, I will consult with OGC and DOJ regarding DACA. Based on advice of counsel, resources will be allocated as required.

- d. What is USCIS's target goal for ensuring processing times are optimal, given that many of these individuals have been waiting for years in the processing queue?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

- e. If there are no plans for processing initial DACA applications, please explain why and what legal authority permits USCIS to continue to hold these applications and not comply with the Fifth Circuit's decision?**

If confirmed, I will consult with OGC and DOJ regarding DACA.

18. During our meeting two weeks ago, you stated that you oppose the DACA program. But the President has publicly stated that he supports Dreamers and would let them stay in the United States.

Why does your position differ from that of the President?

Support for Dreamers is different than support for DACA. If confirmed, I will work with the President regarding his agenda regarding all facets of legal immigration.

19. Since January 20, USCIS has been taking on the enforcement responsibilities of ICE. For example, USCIS has prioritized enforcement activities at its field offices. These activities discourage eligible applicants from attending their own interviews. Noncitizens have been arrested at green card interviews without any advance notice that there has been a determination that they have violated the law.

Please provide any USCIS guidance as to how noncitizens are identified for arrest at USCIS interviews.

USCIS is in no way taking on the enforcement responsibilities of ICE nor have enforcement activities been prioritized. However, where law enforcement has determined that an alien should properly be detained, USCIS will continue, if I am confirmed, to work with its law enforcement partners to facilitate that arrest in a safe and secure environment.

20. You have stated that, if confirmed, you plan to deny immigration applicants who are “Anti-American.” Proposed changes to the USCIS citizenship tests reportedly include “social media vetting for anti-Americanism.”

a. Please provide the statutory authority for this change.

To my knowledge, there are no changes to the citizenship test related to social media vetting.

b. Please provide the Committee with a copy of the guidance for adjudicators who are determining what qualifies as anti-Americanism.

If confirmed, I would be happy to provide guidance. In my understanding, USCIS OLA provided Committee staff with documentation last week.

c. If confirmed, how will you make sure that USCIS denials for anti-Americanism are not in violation of the First Amendment of the Constitution?

If confirmed, I will ardently strive to ensure all adjudications are made consistent with the law and the Constitution.

21. DHS recently issued an Interim Final Rule that requires noncitizens to register with USCIS and carry proof of their registration or risk criminal prosecution. The rule went into effect on April 11 and applies to noncitizens 14 years of age or older who were not registered and fingerprinted (if required) when applying for a U.S. visa and who remain in the United States for 30 days or longer. Many undocumented immigrants want to comply with the law, have paid taxes for years, and are looking for a way to regularize their status. However, they have been confused by what will happen after they register.

a. Will registration provide noncitizens with opportunities to seek work permits or otherwise obtain status?

No, the longstanding statutory requirement for aliens to register does not provide for work authorizations. Nor is it a pathway to status.

b. What is the justification for requiring registrants to always carry physical proof of registration, especially given that registration information can be electronically available?

8 U.S.C. Section 1304(e) mandates that “Every alien...shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him...” Failure to comply with this provision is a misdemeanor criminal offense.

c. Will the agency expect all individuals in the U.S. to carry paperwork proving their status at all times?

The agency expects all aliens in the U.S. to comply with congressionally-mandated requirements. 8 U.S.C. Section 1304(e) mandates that “Every alien...shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him...” Failure to comply with this provision is a misdemeanor criminal offense.

- d. Will G-325R form deficiencies, such as presenting either “Entered Without Inspection (EWI)” or leaving the box blank as the only drop-down menu options for immigration status at last arrival, be addressed promptly?**

Yes, it is my understanding the agency is actively reviewing public comments on the interim final rule and as part of that will be making updates as necessary to the Alien Registration Rule.

- e. Can you explain how the information collected is in line with the goals of USCIS and within the scope of the information collection provided for in 8 U.S.C. § 1304(a)?**

This is a longstanding congressionally-mandated requirement that the Trump Administration is enforcing.

- f. Will USCIS share with ICE information about noncitizens who register?**

I am unaware if USCIS has shared information about aliens who have registered using the Alien Registration Tool, however it is my understanding that information about aliens who fail to complete the registration is being shared with ICE

22. Reporting indicates that DOGE staffers have been given access to sensitive USCIS data, including applicant information. The vast majority of applications received by USCIS are filed by U.S. citizens, lawful permanent residents, and American businesses seeking to sponsor a noncitizen. They are required to file detailed applications, often including sensitive information. You are prohibited by law from releasing personal information of U.S. citizens and lawful permanent residents without their consent.

- a. Why is DOGE being given access to this sensitive information?**

I’m not privy to the scope or justification of any access to sensitive information.

- b. How will USCIS protect this sensitive information, as required by law?**

I’m not privy to the scope or justification of any access to sensitive information. However, if confirmed I will work with all relevant partners to ensure sensitive information is protected under all applicable federal law.

- c. Has USCIS information been shared with and/or between the:**

i. Internal Revenue Service?

Not that I am aware of.

ii. Transportation Security Administration?

USCIS has always shared information with its DHS partners in the interest of national security and public safety pursuant to longstanding DHS policy.

iii. Social Security Administration?

My understanding is that USCIS has been sharing with SSA for several years and that that sharing continues today.

iv. Any other entities?

It is my understanding that USCIS has always shared information with its DHS partners in the interest of national security, public safety, and immigration enforcement pursuant to longstanding DHS policy.

d. What specific information has been shared with these agencies?

I am not aware of any specifics and would not want to speculate.

e. For what purpose has this information been shared?

As previously stated, I am not aware of any specifics on what information is shared and would not want to speculate but I understand the purpose to be in the interest of national security, public safety, and immigration enforcement.

f. What steps, if any, has USCIS taken to ensure compliance with the Privacy Act before actually sharing this information, including through Systems of Records Notices and Privacy Impact Statements?

It is my understanding that USCIS has a robust privacy policy and I will continue to follow them in accordance with the law.

23. When responding to a question from Senator Coons about individuals in the United States who have Temporary Protected Status (TPS), you said that those in the United States with temporary protection should apply for permanent protection, such as asylum, if eligible. According to public reporting, however, USCIS has currently paused processing many applications for lawful status, including for parolees applying for permanent status like asylum, as well as refugees and those already approved for asylum

applying for adjustment of status. As you know, the law requires refugees to apply for a green card after one year of physical presence in the United States.

a. Why has USCIS paused processing on these cases?

To my knowledge, USCIS has not paused processing of applications for aliens who have TPS.

b. When does USICS plan to resume processing?

To my knowledge, USCIS has not paused processing of applications for aliens who have TPS.

24. DHS Secretary Noem recently announced the termination of TPS for Afghan nationals. Country conditions in Afghanistan remain poor, particularly for those who served alongside U.S. troops in Afghanistan, and for women and girls.

What steps is USCIS taking to ensure that Afghan nationals who previously had TPS will not be sent back to persecution or torture in Afghanistan?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing.

25. In your confirmation hearing, you said that those no longer eligible for TPS should apply for permanent protection, such as asylum, if eligible.

How will you ensure that the large volume of individuals from Afghanistan, Venezuela, Cameroon, and other nations still in crisis who no longer have TPS and who may now apply for affirmative asylum do not contribute to the USCIS affirmative asylum backlog?

If confirmed, I will consult with asylum division leadership to address this concern and to take appropriate action to ensure that all affirmative asylum cases are heard efficiently.

26. The USCIS Chief of Public Affairs, Matthew Tragesser, said with respect to TPS, “Bad actors are taking advantage of this humanitarian program. President Trump and Secretary Noem are taking decisive action to make America safe again.”

a. What evidence do you have supporting the claim that our Afghan allies are “bad actors”?

In general, Afghan nationals applying for any immigration benefit, including TPS, present unique challenges from a screening and vetting perspective due to a lack of information sharing with the Government of Afghanistan. If confirmed, I will commit to engaging with your staff to provide a briefing on this matter.

- b. What percentage of the Afghan population previously eligible for TPS were proven to be bad actors?**

See previous response. *If confirmed, I will commit to engaging with your staff to provide a briefing on this matter.*

- c. Was USCIS one of the interagency partners involved in determining that nationals from Afghanistan should no longer remain eligible for TPS designation?**

USCIS provides recommendations on all TPS matters.

27. How do you justify reductions in humanitarian protections while maintaining the United States' commitment to human rights and international obligations?

If confirmed, I commit to following the law.

28. **What steps will USCIS take to ensure that the public gets proper notice when policies are changed?** For example, the agency abruptly ended medical deferred action in 2019 without notice. USCIS also changed several USCIS forms and instructions were given to begin using them immediately without providing notice that the forms had been amended, sowing confusion.

USCIS routinely publishes notices in the Federal Register that allow the public to participate in the policy and rulemaking process. USCIS also provides notice of forms and in many cases provides grace periods. If confirmed, I commit to continue to follow those same practices.

29. Changes without notice cause chaos and uncertainty for U.S. businesses, American families, and can contribute to a spike in litigation filed against USCIS, as you saw during your last stint at USCIS.

Will USCIS undertake notice-and-comment procedure for all changes, whether substantive or procedural changes implicating and affecting access to substantive immigration benefits, to ensure compliance with the Administrative Procedure Act?

If confirmed, I will comply with all requirements of the APA.

30. The Trump Administration has announced the availability of a "Gold Card" for wealthy foreign nationals that will give them a pathway to U.S. residency—and eventually citizenship—in exchange for a \$5 million payment. The Administration said that this would be available as of last month. However, no existing laws provide for a Gold Card and any new visa program requires Congressional action.

- a. Has the Administration issued any Gold Cards? If so, how many and under what legal authority?**

I am unaware of any gold cards being issued.

b. What steps has USCIS taken to establish the Gold Card program?

This is a deliberative process, it would be inappropriate for me to comment.

c. With what other federal departments and officials (including Secretary of Commerce Howard Lutnick) and agency partners have you discussed the Gold Card process?

This is a deliberative process, it would be inappropriate for me to comment

d. What fund will the \$5 million be deposited in, as it far exceeds the cost to adjudicate the application, as required by the IEFA?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

e. Has USCIS created any forms for this process? If so, will USCIS publish a regulation and will the forms meet the Paperwork Reduction Act requirements?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time. Of course, we will comport with all statute and regulations.

f. Other than paying \$5 million, what other eligibility requirements must an individual establish to receive a Gold Card?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time. Of course, we will comport with all statute and regulations.

g. What type of security and vetting will applicants undergo to ensure that individuals who may pose a threat are not admitted into the United States?

If confirmed, I will commit to ensure all appropriate screening and vetting processes are implemented, in accordance with the law.

h. Commerce Secretary Howard Lutnick has said the Gold Card will be ready within weeks. How will you ensure that such an expedited process will not admit an individual who is a national security or public safety risk, and that none of the \$5 million that a Gold Card will reportedly cost will not be money made from drugs, human trafficking, or other criminal enterprises?

If confirmed, I will commit to ensure all appropriate screening and vetting processes are implemented, in accordance with the law.

i. Wired.com recently reported that the Gold Card visa is an option on the CBP Global Entry form. Can you confirm if USCIS is working on a potential Form I-140 change to account for the Gold Card Visa?

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

- j. Will the Gold Card take immigrant visa numbers from the existing EB-5 program?**

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

- k. How will the Gold Card visas fit into the country quotas, which are capped at seven percent per country under the INA?**

This is an ongoing deliberative process, it would be inappropriate for me to comment at this time.

31. DHS is reportedly considering a game show that would create a competition for citizenship.

- a. Do you support the creation of a televised game show to gain U.S. citizenship?**

I have not been involved in any plans and have no knowledge that any plans exist.

- b. How would such a game show comply with the requirements for naturalization in the INA?**

I have not been involved in any plans and have no knowledge that any plans exist.

32. It is not clear that every new policy or sub-regulatory policy that has been announced by USCIS since January 20, 2025 has a basis in statute or regulation.

- a. Before rolling out a new policy, does it undergo a thorough review process involving all relevant USCIS attorneys with equity interests in the policy?**

It is my understanding that all policies have been appropriately reviewed by the Office of Chief Counsel.

- b. Can you provide specific metrics that demonstrate the effectiveness of recent operational solutions? Such operational changes include recognizing only two sexes, reviewing social media accounts, and moving naturalization ceremonies away from “sanctuary cities,” among other changes.**

If confirmed, I commit to engaging with you and your staff to provide relevant information.

33. Does USCIS use any safeguards to prevent discriminatory practices?

Yes.

34. Are there any safeguards in place that can correct human error or errors with AI? As we witnessed with the termination of student records and revocation of visas, such errors led to individuals with minor traffic violations being caught in the Administration's dragnet, despite the fact that such violations are not grounds of inadmissibility, nor do they pose a national security risk.

If confirmed, I will work with the Chief Information Officers at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

35. There has been an uptick in Requests for Evidence in employment-based cases requesting current address and biometrics collection, even when approval of the case will not grant status to the individual (for example, an I-140 Petition).

a. Please explain the sudden change in this process.

I am unaware of this. Once confirmed, I am happy to engage with your staff on specific examples.

b. Does USCIS do this because it has reason to do so, on an individualized basis, or is this now routine practice?

See my previous answer.

36. Does USCIS have plans to issue Notices to Appear or detain individuals when noncitizens appear to provide their biometrics?

I am unaware of any such plans.

37. Paul Ingrassia is the White House Liaison to DHS, of which USCIS is a component. In his prior role as White House Liaison at the Department of Justice (DOJ), Ingrassia claimed that he oversaw the selection of candidates for senior positions at the agency. Public reporting indicates that after initially serving at DOJ, Ingrassia clashed with a top DOJ aide, was locked out of his agency devices, and was ultimately reassigned to a lower-profile role at DHS.

a. Have you had any contact with Mr. Ingrassia about your candidacy for USCIS Director or any other matters?

No.

b. If confirmed, do you expect to consult Mr. Ingrassia on personnel decisions?

I will consult appropriately with the White House PPO, as necessary.

38. During the 2024 Republican presidential primary, Ingrassia published an article elevating the discredited theory that then-presidential candidate Nikki Haley was not a natural born

citizen and thus not eligible to be president.¹ He also later called Haley an “insufferable bitch.”²

- a. Do you agree with Ingrassia’s claim about Haley’s eligibility to serve as president or vice president?**

I have not looked into the issue and therefore have no position.

- b. Do you believe that a Trump Administration official such as Ingrassia who advances spurious legal claims and denigrates public officials should have a say in selecting personnel for senior positions at USCIS?**

If confirmed, I will work with the White House PPO.

39. Ingrassia tweeted that “illegal aliens are given more rights than American citizens.”³

What extra rights are undocumented immigrants given?

I defer to Mr. Ingrassia to explain his comments.

40. Ingrassia argued that successful immigrants who speak out need to “read the room and understand the pecking order” and need some “humility.”⁴

Should immigrants who are granted benefits or citizenship by USCIS subordinate themselves to natural born citizens?

No.

41. On his Instagram, Ingrassia posted a picture of himself with Andrew Tate, who was charged with rape and human trafficking in Romania.⁵ Ingrassia called Tate an “extraordinary human being” who embodies excellence. USCIS is charged with assisting victims of alleged human traffickers such as Andrew Tate.

Does Ingrassia’s support for Tate make you question Ingrassia’s judgment?

As previously stated, I do not know Mr. Ingrassia.

¹ Paul Ingrassia, *The Constitution Absolutely Prohibits Nikki Haley From Being President or Vice President*, SUBSTACK (Jan. 1, 2024), <https://paulingrassia.substack.com/p/the-constitution-absolutely-prohibits>.

² Paul Ingrassia (@PaulIngrassia), X (Jan. 19, 2024, 8:37 AM), X, <https://imgur.com/a/IGunT0Z>.

³ Paul Ingrassia (@PaulIngrassia), X (April 19, 2025, 5:05 PM), <https://x.com/PaulIngrassia/status/1913700436466602225>.

⁴ Paul Ingrassia (@PaulIngrassia), X (Dec. 27, 2024, 8:10 PM), <https://x.com/PaulIngrassia/status/1872812336374849614>.

⁵ Paul Ingrassia (@paulingrassia513), Instagram (July 5, 2023), <https://www.instagram.com/paulingrassia513/p/CuUm9cdOeQC/?hl=en>.

42. Ingrassia stated that American universities should be for American students only.⁶

Given that USCIS oversees F visas for foreign students, do you trust Ingrassia to help select your advisors at USCIS?

USCIS does not generally oversee F visas. I defer to ICE and the Department of State.

⁶ Paul Ingrassia (@PaulIngrassia), X (Nov. 18, 2024, 4:58 PM), <https://x.com/PaulIngrassia/status/1858630814445310202>.

Questions for the Record from Senator Alex Padilla

Senate Judiciary Committee

“Nominations”

May 28, 2025

Questions for Joseph Edlow:

1. Can you please detail what Department of Government Efficiency (DOGE) staff were doing within the SAVE database?

In my current role as senior advisor, I was not privy to this information.

- a. Can you commit that USCIS will continue to review and monitor all the user access, usage, and other relevant data related to the SAVE database to ensure that the individuals’ data is not compromised?

If confirmed, I will commit to ensuring USCIS continues to monitor access and usage of SAVE going forward.

2. Can you explain why DOGE and the United States Citizenship and Immigration Services (USCIS) would consider reducing staff from an agency that isn’t funded by taxpayer dollars, but instead has a budget that is more than 95 percent fee based?

Regardless of the manner in which funds come into the agency, it is incumbent upon the agency to act as good fiscal stewards of that agency. USCIS, as part of DHS, participated in a voluntary workforce transition programs including, VERA and VSIP and employees were able to avail themselves of these departure programs.

3. Do you agree that the SAVE database, as it currently exists, is not a standalone tool for determining a voter’s eligibility?

SAVE is an important tool that is available to states for them to determine voter eligibility.

4. Mr. Edlow, what level of access to the SAVE database was provided to DOGE staff?

As Senior Advisor, I was not privy to the level of access provided.

What precautions, if any, were taken to ensure the integrity of the SAVE database was not compromised?

I was not privy.

5. If confirmed as the Director of USCIS, will you commit that going forward USCIS will review and monitor all the user access, usage, and other relevant data related by all personnel to the SAVE database to ensure that the individuals' data is not compromised?

USCIS already has safeguards in place to ensure that SAVE is used appropriately and only by those with a need-to-know. If confirmed, I will commit to ensuring USCIS continues to monitor access and usage of SAVE going forward.

6. USCIS has now announced that users can search the database using an individual's Social Security Number and date of birth. What categories of information are being shared by USCIS with the Social Security Administration?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

7. Does USCIS plan to segregate that data from searches that are conducted using an Alien Registration Number?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

8. Can you describe the testing USCIS has done to confirm accuracy of this expanded system?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

- a. What is your accuracy rate?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

9. Is it possible to determine what percentage of U.S. citizens could be falsely identified as non-citizens in this new system?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

10. There are well known issues with the SAVE database being used as a standalone tool for determining voter eligibility. How will USCIS work to educate state and local election officials on the potential for false positives that can occur when using the system in the context of verifying voter eligibility?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

11. Does USCIS have agreements in place with states to notify individuals they will remove from voter lists as a result of the information found in the SAVE database?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

12. If confirmed as the Director of USCIS, how do you plan to fund the SAVE database now that it is free to government agencies at the federal, state, and local level?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

- a. What steps will be taken to ensure the database has the infrastructure to support this level of use?

If confirmed, I would be happy to schedule a briefing with you and your staff to provide information on the updates to the SAVE System as well as a demonstration of the tool.

13. I understand the current USCIS backlog to be more than 10 million cases – if USCIS reduces its workforce, what is your plan to ensure that the backlogs will be properly addressed and reduced?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

14. Please provide the data on the following:

- a. Size of workforce reductions at USCIS;

Approximately 1,800 employees opted to participate in the department's voluntary workforce transition program.

- b. The number of staff that have been detailed or reassigned to immigration enforcement;

Approximately 550.

- c. How many USCIS staff have had to sign the voluntary resignation agreements;

It is my understanding that staff did not sign an agreement.

- d. How many staff have had to sign voluntary retirement agreements.

It is my understanding that staff did not sign an agreement.

15. What is your plan to ensure that I, along with my fellow colleagues, will receive timely and substantive responses to our inquiries?

As I stated during our meeting, if confirmed I will commit to ensuring timely responses to inquiries.

16. What is your policy on the use of AI in determining immigration cases, in particular, for complex cases?

If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

17. What is USCIS's policy on the use of AI tools across immigration agencies?

I am unaware of a specific USCIS policy on the use of AI tools across immigration agencies. If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

- a. What is USCIS's policy of the use of AI tools to ensure that they will not violate an individual's rights?

If confirmed, I will work with the Chief Information Officer at USCIS and DHS to ensure appropriate safeguards are in place regarding the use of AI.

18. What is USCIS's current policy on information sharing with ICE for immigration enforcement?

It is my understanding that USCIS has a longstanding policy of sharing information with ICE for immigration enforcement. I look forward to continuing that partnership.

19. What is your plan for the Optical Practical Training (OPT) if confirmed?

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

20. What is your plan for USCIS's current lack of translation services which impact the ability for people to access information on their cases?

It is my understanding that translation services are available.

- a. How do you plan to guide USCIS in order to navigate the lack of translation services?

It is my understanding that translation services are available.

21. Do you agree that USCIS's main mission is to oversee the adjudication of immigration applications?

Yes.

22. Across agencies, employees are being asked to take polygraph tests, have you taken one or will you be taking one if you are confirmed as Director of USCIS?

I have not taken one. I cannot speak to whether I will be asked to take one in the future.

- a. Which employees are selected to take polygraph tests within USCIS?

I am unaware.

- b. What are the questions asked on USCIS's polygraph tests?

I am unaware of a USCIS-specific polygraph test.

- c. If you have not already, will you – as an example – submit to taking a polygraph test?

If requested to take a polygraph, I cannot imagine why I would not submit to a polygraph.

- 23. Did USCIS divulge any funds from its Innovations in Citizenship Preparation Program (IEPA) for purposes other than citizenship and naturalization application services?

I am unaware of any decisions pertaining to this program.

- 24. USCIS's has a current policy to monitor the social media accounts of noncitizens for "anti-American" activity.

- a. Please define what USCIS identifies as "anti-American" activity.

It is my understanding that this refers to activity that would undermine U.S. national security and public safety.

- b. What policy and/or training materials have been distributed regarding the screening for "anti-American" activity?

I am not privy to the specifics of that training.

- c. Have you received any training on this policy?

No.

- 25. What is the current USCIS policy for the Fraud Detection and National Security Directorate (FDNSD)?

FDNS safeguards the integrity of the nation's lawful immigration system by leading agency efforts to combat fraud, detect national security and public safety threats, and maximize law enforcement and Intelligence Community partnerships.

- a. Which agencies is USCIS currently working with for FDNSD?

FDNS is a vital part of USCIS and works with partners across the federal government.

- b. How many USCIS staff members are assigned or have been reassigned to work on FDNSD?

As of May 29, 2025 there are currently 1,679 employees hired permanently to work in FDNS.

**Nomination of Joseph Edlow to be Director of
U.S. Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR COONS

1. At any point during the process that led to your nomination, did you have any discussions with anyone—including but not limited to individuals at the White House, at the Department of Homeland Security, or at outside groups—about your loyalty to President Trump? If so, please elaborate.

No.

2. If President Trump asked you to do something you judged to be illegal or unethical, would you resign? Please answer yes or no.

It would be inappropriate to speculate on hypotheticals.

If you would not resign, what would you do?

It would be inappropriate to speculate on hypotheticals.

3. Is there ever a circumstance when an executive branch agency may choose not to comply with a federal court order, until such time as that order is stayed or vacated by a higher court?

As I stated in the hearing, I would seek the advice of the chief counsel if this situation ever were to arise.

4. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

While I do not expect this situation to occur, I am uncertain that the remedy is within the purview of USCIS.

5. As the Director of U.S. Citizenship and Immigration Services (USCIS), when is it appropriate to refuse to follow a directive from the President?

President Trump follows the law and has repeatedly stated as such. I don't anticipate a situation implied in this question from occurring.

6. How would you respond to the President calling on USCIS via social media, a press conference, or other means, to revoke the immigration status of an individual where that action was not justified by the facts and the law?

If confirmed, I will faithfully enforce the Immigration and Nationality Act and the Constitution.

7. Do you agree with USCIS' mission statement, updated in 2022, that reads, "USCIS upholds America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve?" If not, why not?

I agree that fairness and integrity are critical components of the USCIS mission and have been lacking for the past 4 years. If confirmed, my focus and attention will be on screening and vetting and restoring integrity.

Should you be confirmed, do you intend to change the mission statement? Please explain your answer.

If confirmed, my focus will be on restoring integrity to the immigration system and not on mission statements. The agency should be judged by its actions, not by meaningless words.

8. Do you agree that legal vetted immigration has substantial benefits to our economy and national security? Please explain.

I believe that legal vetted immigration is critical to our national security and should supplement, not supplant, our economy.

9. Do you agree that attracting international talent is a critical component of our global competition with China, especially with regard to development of superior artificial intelligence?

I believe that the INA provides adequate mechanisms to attract international talent and ensure American competitiveness and I look forward to following the INA, as prescribed by Congress to make America great again.

- a. If so, please explain. If not, why not?

See previous answer.

- b. Should you be confirmed, what would you do as USCIS Director to support attracting international talent necessary to compete with China on AI and other areas?

If confirmed, I will faithfully execute the laws passed by Congress.

- 10. In your view, would it ever be appropriate for the USCIS Director to add burdens to an immigration benefit application process for the purpose of reducing legal immigration?

No. I do not see requirements set by Congress or prudent screening and vetting as burdensome.

Should you be confirmed, do you commit to not imposing burdens for this purpose?

I do not see requirements set by Congress or prudent screening and vetting as burdensome.

- 11. In June 2024, President Trump said, “What I want to do and what I will do is, you graduate from a college, I think you should get automatically, as part of your diploma, a green card to be able to stay in this country. And that includes junior colleges, too.” He described people who “desperately wanted to stay here” and “they can’t” and so they go back to India or China to create companies “employing thousands and thousands of people,” when “it could have been done here.” He noted that “you need a pool of people to work for your companies. You have great companies and they have to be smart people. . . . You have to be able to recruit these people and keep the people. . . . Somebody graduates at the top of the class, they can’t even make a deal with a company because they don’t think they’re going to be able to stay in the country. That is going to end on day one.”

- a. Do you agree with President Trump’s statements? If so, please explain. To the extent you do not agree with any of them, please explain why not.

If confirmed, I will commit to following the law.

- b. As Director of USCIS, would you support and advocate within the administration for legislation to provide graduates of U.S. universities green cards consistent with President Trump’s statements? If not, why not?

If confirmed, I will work with the President to advance his legislative agenda.

- c. As Director of USCIS, would you pursue administrative policies that would make it easier for international graduates to stay and work here, consistent with President Trump's statements? If not, why not?

If confirmed, I will work with the President to advance his legislative agenda.

12. During your confirmation hearing, you indicated that if you were confirmed, you would seek to end the Optional Practical Training (OPT) program insofar as it allows foreign graduates to work in the U.S. for a limited time after completing their studies.

- Please clarify your testimony and whether this is in fact your intent. Insofar as you indicated you would pursue not just regulatory but also sub-regulatory means to modify OPT, please specify the sub-regulatory means you were referring to.

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

- Do you agree that ending OPT insofar as it allows for work after the completion of studies would significantly reduce the incentives of top talent overseas to come study in the United States? Please explain your answer.

I have not studied the issue outside of the lens of immigration law. I cannot speculate on foreign students purpose for coming to the U.S. for education.

- What would be your plan to address the hundreds of thousands of current OPT participants and international students who relied on prior agency practice when making educational and career decisions?

If confirmed, I look forward to working with my DHS counterparts and Congressional partners to review the program.

- How can you reconcile your position on OPT with President Trump's stated intention to ensure that international students are able to stay and work here after graduation?

If confirmed, I commit to advancing President Trump's legislative agenda. I believe we should examine it to ensure it aligns with current statute. I support President Trump's stated intention of ensuring that international students are able to avail themselves of all pathways in the INA. OPT is not in the INA, which is a separate consideration.

13. In 2020 and 2021, over 80,000 employment-based green cards went to waste because they were not adjudicated in time. This engendered bipartisan concern.

- a. Will you make it a priority to ensure that no green cards authorized by Congress go to waste because of a failure to adjudicate the green cards in time? If not, why not?

If confirmed, I will commit to ensuring the agency meets the congressionally-mandated requirements of the legal immigration system.

- b. I appreciated your testimony about finding efficiencies in how green cards are adjudicated. Please elaborate on what steps you plan to take to ensure that green cards do not go to waste.

If confirmed, I plan on prioritizing efforts to modernize our systems both for vetting and screening purposes, but also to allow attorneys to more seamlessly transmit forms. USCIS needs to emerge from the Twentieth Century and end its reliance on paper forms. This includes technology known as PDF Intake where forms can be scanned in and the information electronically collected for a more effective and efficient adjudication and an easier user experience.

14. I am greatly concerned about the impacts of this administration's actions to end Temporary Protected Status (TPS) and other temporary forms of status that were providing hundreds of thousands, if not millions, of noncitizens with work authorization in this country. Delaware and states across the country have an acute need for workers in a number of industries and I believe these actions will have an extremely negative impact.

- a. Do you agree that hundreds of thousands of people losing work authorization at the same time would have negative effects on our economy? Please explain.

If confirmed, my duty is to the constitution and the law and to ensure immigration laws are faithfully executed. I have not studied the economics related to TPS determinations.

- b. Will you make it a priority of USCIS to expedite pathways that would allow people who have lost work authorization to find other forms of work authorization that they may be eligible for?

If confirmed, my duty is to the constitution and the law and to ensure immigration laws are faithfully executed.

15. As USCIS Director, would you make TPS determinations based solely on documented country conditions and statutory criteria, or would you consider broader immigration policy goals?

The USCIS director does not make determinations, USCIS' role is to provide recommendations to the Secretary.

16. Do you believe that Afghans who directly supported the United States' mission, such as by working with our armed forces in Afghanistan, generally would have a well-founded fear of persecution if sent back to Afghanistan?

Without knowing the specifics of each case, I cannot speculate whether each individual has a well-founded fear of persecution.

- Would you make it a priority to ensure that Afghans living here still in limbo have their applications for asylum or other forms of permanent status adjudicated as soon as possible?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing or a fair adjudication on any other applicable application for status or relief.

17. Businesses in Delaware and my constituents often contend with exorbitant USCIS processing backlogs that make it difficult to plan, whether for the businesses, the employees, or the customers that the businesses serve.

- a. Do you agree that reducing USCIS processing backlogs should be an important benchmark and goal for the agency? Please explain your answer.

Yes. As I stated at the hearing, the ramifications of backlogs at the agency are far-reaching and have serious national security and public safety ramifications. If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

- b. How has your experience working in business immigration informed your understanding of the impact of these processing backlogs on American businesses?

As stated during the hearing, I've had the privilege of serving in the private sector, and I've seen the need to modernize forms in a way that I never really understood before. If confirmed, I plan on prioritizing efforts to modernize our systems both for vetting and screening purposes, but also to allow attorneys to more seamlessly transmit forms. USCIS needs to emerge from the Twentieth Century and end its reliance on paper forms.

- c. What do you plan to do to address these backlogs as USCIS Director?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

18. On November 20, 2024, Elon Musk wrote on X that “Legal immigration to America is ridiculously slow & difficult, even for super talented people. Needs to be fixed.”

- a. Do you agree with this statement? If so, please explain. If not, please explain why not.

Leveraging new technology and an empowered workforce will enable us to get to where we need to be.

- b. What do you plan to do as USCIS Director to make legal immigration less difficult, apart from what you described in answer to the preceding question regarding addressing processing backlogs?

I don't see the requirements set by Congress or prudent screening and vetting standards as burdens.

19. Elon Musk has also said legal immigration should be “greatly expanded.”

- Do you agree or do you think it should be reduced? Please explain.

I would refer back to Section 203 and 204 of the INA. If those are amended, I will commit to following them, if confirmed.

- How would you support expanding legal immigration as Director?

I would refer back to Section 203 and 204 of the INA. If those are amended, I will commit to following them, if confirmed.

20. In April 2025, approximately 20,000 USCIS staff received emails informing them that if they do not retire, they will be fired. USCIS is already struggling with lengthy backlogs in processing immigration applications, leaving individuals in limbo regarding their ability to work and be reunited with family members.

- Do you think a reduction in staff capacity to process applications will increase the existing backlog? To what extent?

If confirmed, I am committed to focus on existing the pending caseload to ensure cases are handled and adjudicated in a timely manner.

21. How would you handle situations where executive branch priorities conflict with congressional intent as expressed in immigration statutes?

If confirmed, I intend to faithfully follow the law and the Constitution.

22. I am greatly concerned by indications that the protections of the *Privacy Act* may not have been followed throughout the federal government as data is being shared with the Department of Government Efficiency or other entities.

- Please describe your understanding of the *Privacy Act* and its importance.

My understanding is that The Privacy Act governs and sets the relevant parameters on how federal agencies collect, maintain, use, and share personal identifiable information. My understanding that, as defined in the statute, it only applies to United States Citizens and Lawful Permanent Residents

- Do you commit to ensuring that the *Privacy Act* is scrupulously followed by USCIS?

Absolutely.

23. I am concerned by how it appears senior administration officials have conducted official business on personal devices or on commercial messaging applications in ways that violate executive branch responsibilities under the *Freedom of Information Act* and *Presidential Records Act*. I am especially concerned by indications that conversations may have occurred concerning classified information on devices not cleared for such use. Do you commit to ensuring that you will not conduct official business in such ways that fail to comply with the *Freedom of Information Act*, *Presidential Records Act*, or safeguarding the sensitivity of classified information?

Yes.

Senate Judiciary Committee
Hearing on the Nomination of Joseph Benjamin Edlow
to be Director of United States Citizenship and Immigration Services
May 21, 2025
Questions for the Record
Senator Amy Klobuchar

Secretary Noem recently announced that the Department of Homeland Security intends to terminate Temporary Protected Status for our Afghan allies who came to the United States after the Taliban took over, which was based on U.S. Citizenship and Immigration Services review of country conditions.

I've led the effort to provide a pathway to permanent status for the thousands Afghan allies who stood shoulder to shoulder with us in Afghanistan. We know that people who helped the U.S. mission in Afghanistan are being actively hunted by the Taliban.

- If confirmed, what will you do to ensure that our Afghan allies who supported U.S. soldiers are not forced to return to Afghanistan where they face political persecution?

Yes, if confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing or a fair decision on the merits of a special immigrant visa.

Questions for the Record

Sen. Adam Schiff (CA)

Joseph Benjamin Edlow, Nominee to be Director of the United States Citizenship and Immigration Services (USCIS)

1. Secretary of Homeland Security Kristi Noem recently announced the termination of Temporary Protected Status (TPS) for people from Afghanistan after alleging that conditions on the ground have improved and that it is no longer dangerous for those who worked for or assisted the U.S. government during the war in Afghanistan to return. Veterans across the country have decried the termination of TPS for Afghans and an international watchdog issued a report in 2025 saying the situation in Afghanistan has worsened, rather than improved.

- a. Will you ensure that Afghan immigrants who assisted the United States government, including the U.S. military, will not be sent back to Afghanistan, where they risk persecution or torture?

If confirmed I will continue to ensure any Afghan who seeks asylum will get a fair asylum hearing.

2. While the Administration has repeatedly claimed to only target undocumented immigrants with criminal records for deportation, DHS recently announced that it is requiring noncitizens to register with USCIS and carry proof of their registration at all times. Under this process, undocumented immigrants will face an impossible choice: register with the federal government and face likely detention and deportation; or fail to register and face possible criminal prosecution and time in federal prison, followed by deportation.

- a. Will the administration protect undocumented farmworkers without a criminal history who register with USCIS from detention and deportation?

The requirement for aliens to register is a long-standing Congressionally-mandated requirement. Questions on detentions and deportations should be directed to ICE.

3. Whistleblowers play a critical role in calling out waste, fraud, and abuse across government. If confirmed, do you commit to protecting and in no way adversely affecting, or retaliating against, the employment of any employees who report internal waste, fraud and abuse of authority by the Trump Administration, including any activity that may involve you, through the proper channels to DOJ management, to the DOJ Inspector General, and to Congress?

Yes.

4. USCIS has deployed employees to assist ICE with its enforcement and removal operations, shifting valuable resources away from USCIS's mission to uphold "America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve."
 - a. How is shifting USCIS employees' time and attention away from the agency's core mission an efficient use of agency resources?

Respectfully, USCIS has not shifted employee time or attention away from the USCIS core mission. Under the original 2003 USCIS delegation of authority from DHS, USCIS was expressly provided authority to, among other things:

- *administer the immigration laws,*
- *investigate civil and criminal violations of the immigration laws,*
- *place aliens in removal proceedings by issuance of a Notice to Appear,*
and
- *other functions or duties as the Secretary may direct.*

USCIS employees have been, and will continue in the future to, follow all applicable laws and guidance to fulfill USCIS' entire mission.

5. Yes or no, do you believe it would ever be appropriate to ignore or contravene a district court order or opinion because you believe the Supreme Court will ultimately reverse the lower court's decision?

I do not anticipate this situation. However, if confirmed, in responding to any court order, I will always seek the advice of counsel.

Senator Peter Welch
Senate Judiciary Committee
Written Questions for Joseph Edlow
Hearing on “Nominations”
Wednesday, May 21, 2025

1. Please detail your involvement in Project 2025.

I, along with many others, contributed to the USCIS portion of the DHS chapter in the Mandate for Leadership 2025. I intend to work with Secretary Noem and the department in achieving President Trump’s agenda to Make America Safe Again.

2. What steps will you take to ensure USCIS reduces the net backlog of over 4 million cases and process new applications in a timely, secure, and even-handed manner, despite reductions in force that have taken place over the last five months?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

3. Do you believe USCIS employees should be temporarily assigned to assist other entities within the Department of Homeland Security (DHS)?

If confirmed, in the interest of national security and public safety, I would be happy to continue the longstanding practice of having USCIS employees assist in department-wide efforts to support President Trump’s agenda.

4. How will you ensure USCIS’s resources are directed towards core functions, such as employment authorization, and not diverted elsewhere?

If confirmed, I will ensure that USCIS resources are used appropriately for core functions.

5. Pursuant to P.L. 117-103, Congress has directed USCIS to make publicly available an online dashboard detailing the number of forms received, processed, approved, denied, and pending by month, along with the average processing time and the number of forms pending for more than six months for all USCIS forms. That directive requires the agency

to update the dashboard monthly. Will you commit to complying with Congress' directive and making that information publicly available each month?

Yes.

6. Will you commit to not using USCIS offices for enforcement and/or removal actions targeting individuals lawfully in the United States where the enforcement and/or removal is based on activities that are protected by the First Amendment?

Yes, I commit to not using USCIS offices for enforcement or removal actions based on First Amendment protected activities.

**Nomination of Joseph Edlow
To be Director of United States Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. If President Trump or anyone at the Department of Homeland Security asks you to engage in conduct that violates the law or your ethical obligations, what will you do?

I do not anticipate this situation. However, if confirmed, in responding to any court order, I will always seek the advice of counsel.

2. What is predication? In what circumstances is it appropriate to open an investigation or pursue enforcement actions without predication?

While I cannot speculate, I cannot imagine a situation where, if confirmed, I would pursue actions without predication.

3. Has President Trump or any member of his team asked you to commit to pursue or facilitate certain investigations, arrests, or enforcement actions? If yes, please describe.

No.

4. Has President Trump or any member of his team asked you to commit to refrain from facilitating certain investigations, arrests, or enforcement actions? If yes, please describe.

No.

5. Have you had any discussions with any member of the Trump administration concerning personnel at the Office to which you've been nominated? If yes, please describe with specificity.

Yes, I have spoken with Department leadership commending the hardworking employees at the agency. I have also provided feedback on possible political appointees to serve in the agency.

6. How do you plan to cut immigration backlogs and processing times?

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available

to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

7. Under what circumstances, if any, could a federal government official legally defy a court order issued in a case to which the official or the government was a party?

It would be inappropriate for me to speculate on hypotheticals.

8. What are the obligations of the Department of Homeland Security, to the greatest extent possible, to ensure executive branch compliance with a court order?

I defer to the DHS Office of General Counsel.

9. What would be the appropriate action for a court to take in the event that the government or a public official defied a court order?

It is inappropriate for me to speculate as to any action that a judge should or should not take in enforcing compliance.

10. Was the U.S. Capitol attacked by a violent mob on January 6, 2021? Were violent rioters who were convicted of assaulting police officers on January 6 political prisoners?

I condemn any acts of violence. Like all Americans who saw the events of January 6, 2021, it is clear that there was violence on that day. I have not studied the details of any of the cases of those convicted for actions taken on that day and it would be inappropriate for me to provide an opinion.

11. Did Joe Biden win the 2020 presidential election?

Joseph R. Biden served as the 46th President of the United States of America.

12. Does the 22nd Amendment permit a president to be elected more than twice?

No.

13. Do you believe birthright citizenship should be abolished? Explain.

It would be inappropriate to comment on an issue that is involved in ongoing litigation.

14. Do you believe that migrant children should be indefinitely detained?

I defer to ICE and the Department of Health and Human Services.

15. Do you intend to implement Project 2025's recommendations for USCIS? Explain which recommendations and how they will be implemented.

I intend to work with Secretary Noem and the department in achieving President Trump's agenda to Make America Safe Again.

16. Will you commit to resuming and protecting DACA?

If confirmed, I will consult with OGC and DOJ regarding DACA.

17. Is First Amendment protected speech a basis for deportation or the revocation of a visa?

I defer to the DHS Office of General Counsel, ICE, and the Department of State

18. Is criticism of a government or government actions basis for deportation or revocation of a visa?

I defer to the DHS Office of General Counsel, ICE, and the Department of State

19. What steps will you take to ensure that everyone's First Amendment rights are protected and not used as means to target immigrants?

I defer to ICE.

**Nomination of Joseph Benjamin Edlow to be
Director of the United States Citizenship and Immigration Services
Questions for the Record
Submitted May 28, 2025**

QUESTIONS FROM SENATOR CORY A. BOOKER

1. In the few months since President Trump took office, his policies have already increased processing times for the forms United States Citizenship and Immigration Services (USCIS) reviews. Between January 31 and February 28, 2025, median processing times increased for half of the most common forms processed by USCIS.¹ Citizens and noncitizens alike in New Jersey and around the country face unnecessary delays that will prevent them from seeing their families or obtaining work authorizations.

- a. If confirmed, what measures will you take to decrease processing times? Please provide specific examples.

If confirmed, I will work with USCIS leadership to develop and implement a plan that will leverage an appropriate use of personnel, processes, and technology to address the current pending caseload, which is a direct result of the mismanagement of the last four years. I look forward to using all tools available to the agency to ensure efficiency and effectiveness in serving the interests of the American people in administering the lawful immigration system moving forward.

2. USCIS published two notices in the Federal Register, on March 3 and March 5, announcing the agencies intent to collect additional information like social media handles not only from the applicants, but also beneficiaries, and their family members.²
 - a. Please provide the specific statutory restrictions related to an applicant's speech that makes them ineligible for an immigration benefit?

To my knowledge, USCIS has reviewed statutory authority and can confirm that it does have the authority to collect this information to assess all elements of the discretionary factors of eligibility of benefits being requested.

¹ Cecilia Esterline, *Chaos, Confusion, and Uncertainty: Legal Immigration Under the Trump Administration*, NISKANEN CENTER (Apr. 24, 2025), <https://www.niskanencenter.org/chaos-confusion-and-uncertainty-legal-immigration-under-the-trump-administration/>.

² Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Social Media Identifier(s) on Immigration Forms, 90 Fed. Reg. 11324 (Mar. 5, 2025); Agency Information Collection Activities; New Collection: Generic Clearance for the Collection of Certain Information on Immigration Forms, 90 Fed. Reg. 11054 (Mar. 3, 2025).

- b. Will an applicant's disagreement with, or opposition to, President Trump or any of his policies, be disqualifying? To the extent that it will be a case-by-case determination, could this be a factor when considering an application?

If confirmed, I will work to ensure that adjudications are made in compliance with the INA and the Constitution.

- c. How will you ensure that additional data collection won't slow down the already overlong processing times?

If confirmed, I will work to ensure that adjudications are made in compliance with the INA and the Constitution.

- 3. Like many other federal agencies, USCIS's staff has been severely reduced the last several months. President Trump terminated nearly 50 USCIS in February, and recent reports indicate that 20,000 staff—up to 80 percent of the agency's workforce—have been “encouraged” to accept early retirement offers or risk termination.³

- a. Where do the majority of USCIS operating funds originate?

The majority of USCIS funds originate from fees.

- b. Because the majority of USCIS's operating costs are fee-funded, won't cutting USCIS staff decrease the fees collected?

No.

- c. What are the potential impacts of staffing reductions on agency morale?

If confirmed, I commit to engaging directly with employees and leadership to improve morale. I am confident employee morale will increase by freeing them up to do the job they have not been allowed to do the last four years.

- d. If a significant number of USCIS staff resign or are dismissed, how will you ensure that applicants who are eligible for a protection or benefit receive their documents in a timely manner?

If confirmed, I will work to ensure applications and benefits are correctly and fairly adjudicated in a timely manner.

³ Nicolae Viorel Butler, *USCIS Staff Cuts Threaten to Worsen Immigration Backlogs*, MIGRANT INSIDER (Apr. 16, 2025), <https://migrantinsider.com/p/uscis-staff-cuts-threaten-to-worsen>.

4. On March 21, the Department of Homeland Security put all staff from the USCIS Ombudsman office on administrative leave. This office was established by Congress in the Homeland Security Act of 2002 and helps resolve issues with cases in USCIS, identifying patterns of issues, and recommending improvements to benefit processing. Just last year, the office made recommendations to improve the collection of biometric data from asylum applicants; improve USCIS's ability to receive and process mail and paper documents; and create a more accurate reporting system for processing times.
- a. How will USCIS study problems within the agency and make recommendations for improvements without the Ombudsman office? Please list and describe the measures you will take to fulfill the responsibilities?

My understanding is that there is an ombudsman and, if confirmed, I look forward to working with the ombudsman as required by statute.

5. In March 2025, the State Department cancelled thousands of visas for international students in the United States. Some of these visas were cancelled because the students had a minor traffic violation. Notably, a minor traffic violation is not grounds for inadmissibility because it does not present a national security risk.
- a. Were you involved in any conversations about the decision to cancel these visas? If so, please detail the extent of your involvement, including with whom you had any conversations concerning the potential visa cancellations?

No.

- b. Do you agree that it appears that the visa cancellations for minor violations that pose no national security risk were pretextual and used to justify the cancellations?

I am not aware of the specifics of any of these cases and therefore am unable to comment.

- c. Do you agree that minor traffic violations are not grounds for cancelling visas? Will you ensure that USCIS does not terminate visas without cause in the future?

USCIS has no authority to terminate visas.

6. In March 2025, CBS News reported that officials at USCIS had been asked to volunteer for a 60-day detail to help Immigration and Customs Enforcement (ICE) operations.⁴

- a. How many USCIS officers have been detailed to ICE since the beginning of the President Trump's term?

Approximately 550.

- b. Have USCIS staff details to ICE impacted USCIS processing times? If so, please detail the extent of the impact.

I am not aware of any impact.

- c. Please detail the training received by USCIS employees who were detailed to ICE.

I defer to ICE on the training they provided.

- d. As you know, a majority of USCIS employees are funded by the Immigration Examination Fee Account, which requires that money is spent on adjudications and naturalization services, not immigration enforcement. Has ICE reimbursed the Immigration Examination Fee Account for all USCIS details?

It is my understanding that they are reimbursable details and that ICE has been reimbursing USCIS.

⁴ Camilo Montoya-Galvez, *Legal Immigration Agency Employees Asked to Volunteer to Help ICE Operations*, CBS NEWS (Mar. 8, 2025) <https://www.cbsnews.com/news/legal-immigration-agency-employees-asked-volunteer-help-ice-operations/>.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
AND
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
BOTH COMPONENTS OF THE DEPARTMENT OF HOMELAND SECURITY**

I. THE PARTIES

This Memorandum of Understanding (MOU) is entered into by and between U.S. Immigration and U.S. Customs Enforcement (ICE) and U.S. Citizenship and Immigration Services (USCIS), both components of the Department of Homeland Security (DHS), (herein after the parties), to establish a framework for collaboration and cooperation in managing immigration enforcement efforts, resource sharing, operational coordination, and reimbursement from ICE to USCIS.

II. AUTHORITY

1. 5 U.S.C. §3341 Details; within Executive or military departments
2. 31 U.S.C. §§ 1535-1536

This MOU is authorized under The Economy Act, 31 U.S.C. §§ 1535-1536, which authorizes ICE to reimburse USCIS for the actual costs of USCIS support to ICE as described herein, and USCIS to accept such reimbursement.

III. THE PURPOSE

The purpose of this MOU is as follows:

1. To enhance coordination between ICE and USCIS to further joint mission needs.
2. To strengthen the identification, arrest, and removal processes for illegal aliens.
3. To facilitate the allocation and support of USCIS personnel in key ICE operational areas.

IV. RESPONSIBILITIES OF PARTIES

Each party shall undertake the following responsibilities:

A. USCIS will

1. Deploy up to 1,000 USCIS personnel to support ICE operations across the United States.
2. Assign individual personnel to a 60-day detail as described below.
3. Coordinate with ICE on data sharing and case processing.

B. ICE will

1. Provide operational guidance, training, and operational supervision for deployed USCIS personnel.
2. Allocate necessary resources to facilitate USCIS personnel integration, including equipment, training, and access to (to include vetting) ICE systems and files where necessary.
3. Ensure continuous communication and coordination between USCIS and ICE offices.

4. Ensure personnel are strategically placed to maximize efficiency and minimize travel expenses.

C. COSTS

Both parties agree to cost share as follows:

1. ICE will reimburse USCIS for the follow activities (Reimbursable Activities):
 - a. Processing aliens and issuing immigration charging documents that are outside of USCIS authorities.
 - b. Managing budget and contracts for immigration enforcement programs.
 - c. Supporting Enforcement and Removal Operations (ERO) field offices in oversight and communication efforts including supporting ICE call center needs.
 - d. Supporting Detained/Alternatives to Detention/Non-Detained Docket/Bond Management.
 - e. Supporting flight removal operations.
 - f. Assisting in the management of detained and non-detained dockets.
 - g. Supporting in retrieval, preparation, and shipment of A-files in support of ICE operations.
 - h. Maintain open communication for referring removable cases, including recent addresses, for lead generation related to ICE operations at large.
 - i. ICE is to pay for all premium pay expenses incurred by USCIS performing reimbursable activities under this MOU.
 - j. Serve any charging documents including but not limited to notices to appear, credible fear/reasonable fear decision, expedited removal orders.

D. Personnel Records and Administration:

The parties will document in further amendments personnel and administrative information.

E. Travel

ICE will pay all travel expenses incurred by USCIS for employees performing reimbursable activities under this MOU.

F. Duration of Services

Services to be provided in no more than 60-day increments. Parties may extend services in 60-day or less increments only upon mutual written consent.

G. Payment

Payment and reimbursement will be documented through an Inter Agency Agreement (IAA). Reimbursement will be made monthly following the effective date of this agreement and will continue monthly thereafter until the termination of the MOU.

V. OTHER PROVISIONS

A. Severability

Nothing in this MOU shall be construed in a fashion that conflicts with law, regulation, or directive of the Department of Homeland Security. If a term of this MOU is inconsistent with such authority, that term shall be invalid to the extent of the inconsistency. The remainder of that term and all other terms of this MOU or any annex shall remain in effect.

B. Rights and Benefits

Nothing in this MOU is intended to diminish or otherwise affect the authority of any agency to carry out its statutory, regulatory, or other official functions, nor is it intended to create any right or benefit, substantive or procedural, enforceable by law by any party against the United States, its agencies or offices, state agencies or officers carrying out programs authorized under federal law, or any other person.

C. Disagreements

Should disagreements arise in the interpretation of the provisions of this MOU, or amendments and/or revisions thereto, that cannot be resolved at the operating level, the area(s) of disagreement shall be stated in writing by each Party and presented to the other Party for consideration. If agreement on interpretation is not reached within 30 days, the Parties shall forward the written presentation of the disagreement to respective higher-level officials for appropriate resolution.

D. Effective Period of Agreement and Termination

This MOU is effective on the date of final signing by both Parties and will be incorporated into an IAA signed by an authorized representative of the Office of the Chief Financial Officer. Either Party may terminate this MOU 60 days after written notice to the other party. Unless otherwise extended in writing by the Parties, this agreement shall terminate and or renew each Fiscal Year not to exceed December 31, 2025.

E. Funding

This MOU is not legally binding and does not create any contractual obligations. It serves as a statement of intent to foster cooperation. This MOU does not authorize a transfer of funds or otherwise create a financial obligation between the Parties. Once signed, this MOU shall be incorporated into an IAA, which will form the basis of the reimbursable agreement between USCIS and ICE. No provision of this MOU shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. §§ 1341-1519.

F. No Private Right or Cause of Action

This MOU is an agreement between the Parties. It does not create or confer any right or benefit, of any kind, either substantive or procedural, that may be enforceable by any third party against the Parties, the United States, or the officers, employees, agents, or associated personnel thereof.

Nothing in this MOU is intended to restrict the authority of either Party to act as provided by law, statute, or 10 regulation, or to restrict any Party from administering or enforcing any laws within its authority or jurisdiction

VI. AMENDMENTS

Any amendments to this MOU must be made in writing and signed by authorized representatives of both parties.

VII. POINTS OF CONTACT

Each party shall provide to the other party, and update as necessary, a list of contact information for staff authorized to implement this MOU and coordinate further operations details. At time of signature, each party has identified the following positions as the primary points of contact for the named subject areas:

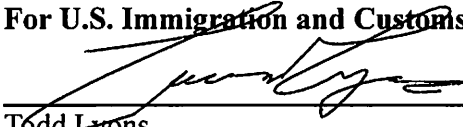
For ICE ERO Ralph Ferguson, Assistant Director, Ralph.Ferguson@ice.dhs.gov, (202) 809-6048

For USCIS James Robinson, Chief of Staff, james.e.robinson@uscis.dhs.gov, mobile: (802) 540 5768.

VIII. SIGNATURES

IN WITNESS WHEREOF, the undersigned, duly authorized representatives, have signed this MOU as of the date indicated below:

For U.S. Immigration and Customs Enforcement:



Todd Lyons
Acting Executive Associate Director

02/28/2025

Date

For U.S. Citizenship and Immigration Services:

Kika Scott
Senior Official Performing the Duties of the Director

Date

Operational Guidance on Antisemitism in Social Media

Per the decision memo, an alien endorsing, espousing, promoting, or supporting antisemitic terrorism, antisemitic terrorist organizations, or antisemitic ideologies should be considered an overwhelmingly negative factor in any USCIS discretionary analysis when adjudicating immigration benefit requests.

As stated in EO 13899, according to the non-legally binding working definition of anti-Semitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (IHRA), “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

"Contemporary Examples of Anti-Semitism" identified by the IHRA include (but are not limited to):

- Calling for, aiding, or justifying the killing or harming of Jews (often in the name of a radical ideology or an extremist view of religion).
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non- Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of the State of Israel a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Note: Criticism of Israel similar to that leveled against any other country (e.g., the actions of the Israeli government), in general, should not be regarded as antisemitic.