

Testimony of  
**The Honorable Michael Chertoff**

April 2, 2008

Statement for the Record

The Honorable Michael Chertoff

Secretary  
United States Department of Homeland Security

Before the  
United States Senate Committee on the Judiciary

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Chairman Leahy, Ranking Member Specter, and Members of the Committee:

Thank you for inviting me to appear before the Committee to discuss the Department's progress in securing our homeland and protecting the American people. At the outset, I'd like to thank the Committee for its past support of the Department and your continued guidance as we take aggressive steps to achieve our mission.

As you know, on March 1st we reached an important milestone with the five-year anniversary of the Department's creation. In those five years, we have acted with great urgency and clarity of purpose to meet our five priority goals, which are protecting our nation from dangerous people, protecting our nation from dangerous goods, protecting critical infrastructure, strengthening emergency preparedness and response, and continuing to integrate the Department's management and operations.

Today I would like to focus my attention on one of those goals, namely protecting our nation from dangerous people. In particular, I would like to discuss the Department's efforts with respect to the critical issue of immigration. As you know, we are a nation of immigrants and our country draws tremendous strength from the fact that people all over the world choose the United States to live and work and raise their families. But we are also a nation of laws, and illegal immigration threatens our national security, challenges our sovereignty, and undermines the rule of law.

We remain committed to doing everything within our power and within the law to promote legal immigration and to end illegal immigration. For this reason, on August 10, 2007, Commerce Secretary Carlos Gutierrez and I announced a set of 26 reforms the Administration would immediately pursue to address our nation's immigration challenges within existing law. We have been aggressively pursuing this agenda since then, as my testimony will illustrate.

Today I would like to summarize the Department's efforts across five key areas:

I. Strengthening border security through greater deployment of infrastructure, manpower, and technology;

II. Enhancing interior enforcement at worksites, providing new tools to employers, and identifying and arresting fugitives, criminals, and illegal alien gang members;

III. Making temporary worker programs more effective;

IV. Improving the current immigration system; and

V. Assimilating new immigrants into our civic culture and society.

In each category, you will see clear progress over the past year, reflecting our determination to make a down-payment on credibility with the American people and to meet their rising demands to secure the border and tighten immigration enforcement.

But I want to emphasize at the outset that despite our substantial gains over the past year, enforcement alone will not permanently solve this problem. As long as the opportunity for higher wages and a better life draws people across the border illegally or encourages them to remain in our country illegally, we will continue to face a challenge securing the border and enforcing immigration laws in the interior. For this reason, I remain hopeful that Congress will once again work together to take up this issue and provide a solution that will fix this long-standing problem.

## I. STRENGTHENING BORDER SECURITY

I would like to begin today by discussing our efforts to secure the border through installation of tactical infrastructure, including pedestrian and vehicle fencing; hiring and training new Border Patrol agents; and deploying a range of technology to the border, including cameras, sensors, unmanned aerial systems, and ground-based radar.

### Pedestrian and Vehicle Fencing

We made a commitment to build 670 miles of pedestrian and vehicle fencing on the southern border by the end of this calendar year to prevent the entry of illegal immigrants, drugs, and vehicles. We are on pace to meet that commitment. As of March 17, we have built 309 miles of fence, including 169 miles of pedestrian fence and 140 miles of vehicle fence.

In building this fence, we have sought the cooperation of land owners, state and local leaders, and members of border communities. We are willing to listen to any concerns communities have with respect to fence construction and we are willing to seek reasonable alternatives provided the solution meets the operational needs of the Border Patrol.

Though we will try to accommodate landowner concerns, we cannot indefinitely delay our efforts or engage in endless debate when national security requires that we build the fence. Moreover, in areas where we use our authority to waive certain environmental laws that threaten

to impede our progress, we do so in conjunction with the necessary environmental studies so that we can take reasonable steps to mitigate the impact of our construction. Of course, we will provide appropriate compensation for any property the federal government acquires through the process of eminent domain.

## U.S. Border Patrol

Fencing is an important element of a secure border, but it does not provide a total solution. For this reason, we also have continued to expand the Border Patrol to guard our nation's frontline and respond to incursions with speed and agility.

Over the past year, we have accelerated recruitment, hiring, and training of Border Patrol agents. 15,500 Border Patrol agents are currently on board and we will have over 18,000 agents by the end of this year - more than twice as many as when President Bush took office. This represents the largest expansion of the Border Patrol in its history, and we have grown the force without sacrificing the quality of training the Border Patrol Academy prides itself on delivering.

As an additional force multiplier, we continue to benefit from the support of the National Guard under Operation Jump Start. This has been an extremely fruitful partnership. We are grateful to the Department of Defense as well as governors across the United States for allowing us to leverage the National Guard in support of our border security mission.

## Technology and SBInet

A third critical element of border security is technology. While not a panacea, technology allows us to substantially expand our coverage of the border, more effectively identify and resolve incursions, and improve Border Patrol response time.

Over the past year, we have deployed additional technology as part of our Secure Border Initiative (SBI), which includes the development of the Project 28 (P-28) prototype in Arizona to test our ability to integrate several border technologies into a unified system. There has been some confusion about the purpose of the P-28 prototype and its role in the Department's larger efforts at the border. Allow me to put P-28 into its appropriate context.

P-28 was designed to be a demonstration of critical technologies and system integration under the broader SBInet initiative. Specifically, its purpose was to demonstrate the feasibility of the SBInet technical approach developed by the contractor, Boeing, and to show that this type of technology could be deployed to help secure the southwest border. After successful field testing, we formally accepted P-28 from Boeing on February 21st of this year. We have a system that is operational and has already assisted in identifying and apprehending more than 2,600 illegal aliens trying to cross the border since September 2007.

It is important, however, to recognize that key outcomes of any prototype or demonstration are the lessons learned. These lessons learned are part of the true value of the technology demonstration. P-28 is no exception. Different segments of the border require different approaches and solutions. A P-28-like system would be neither cost-effective nor necessary everywhere on the border. Accordingly, we are building upon lessons learned to develop a new

border-wide architecture that will incorporate upgraded software, mobile surveillance systems, unattended ground sensors, unmanned and manned aviation assets, and an improved communication system to enable better connectivity and system performance. This is Block 1 of our SBInet technology and will be deployed this year to two sites in Arizona.

As part of our broader SBI effort, we are continuing to deploy additional assets and technology along both the southern and northern borders. This includes a fourth unmanned aerial system, with plans to bring two more on-line this fiscal year. One of these systems will be operating on the northern border. We also anticipate expanding our ground-based mobile surveillance systems from six to forty. And we will acquire 2,500 additional unattended ground sensors this fiscal year, with 1,500 of those planned for deployment on the northern border and 1,000 on the southwest border. These will supplement the more than 7,500 ground sensors currently in operation. To continue to support our investment in border security, we have requested \$775 million in funding as part of the President's Fiscal Year 2009 budget.

We are also mindful of the need to coordinate these strategies with our operational components in order to achieve effective situational awareness along the border. Intelligence and information integration is a priority for the President and Congress, and we have taken steps to achieve this goal. The Department's Homeland Intelligence Support Team, or "HIST", working with DHS operational components, ensures that strategic fencing, border patrol personnel, and intelligence technology form the foundation of our Secure Border Initiative. The HIST, an initiative co-located at the El Paso Intelligence Center (EPIC), will coordinate the delivery of national intelligence and information-sharing capabilities in support of operational objectives along the border. The HIST will work directly with our Border Patrol, law enforcement personnel, and intelligence analysts to identify how intelligence can strengthen our enforcement activities and ensure information is coordinated with key stakeholders quickly and accurately.

#### Metrics of Success

Have our efforts achieved their desired impact? If we look at the decline in apprehension rates over the past year and third-party indicators such as a decrease in remittances to Mexico, the answer is unquestionably yes.

For Fiscal Year 2007, CBP reported a 20 percent decline in apprehensions across the southern border, suggesting fewer illegal immigrants are attempting to enter our country. This trend has continued. During the first quarter of Fiscal Year 2008, southwest border apprehensions were down 18 percent, and nationwide they were down 17 percent over the same period the previous year.

Through programs like Operation Streamline, we have achieved even greater decreases in apprehension rates in certain sectors. Under Operation Streamline, individuals caught illegally crossing the border in designated high-traffic zones are not immediately returned across the border. Instead, they are detained and prosecuted prior to removal. In the Yuma sector, for example, apprehension rates dropped nearly 70 percent in Fiscal Year 2007 after we initiated Operation Streamline. In the first quarter of this year, the Department of Justice prosecuted 1,200 cases in Yuma alone. And in Laredo, we experienced a reduction in apprehensions of 33 percent in the program's first 45 days.

In addition to the decline in apprehensions, our frontline personnel also prevented record amounts of illegal drugs from entering the United States last year. In Fiscal Year 2007, CBP officers seized 3.2 million pounds of narcotics at and between our official ports of entry. Keeping these drugs out of our country not only protects the border, but it protects cities and communities where these drugs may have ultimately been sold or distributed.

Unfortunately, there is another sign our efforts at the border are succeeding: an increase in violence against the Border Patrol, up 31 percent in Fiscal Year 2007. Last month, for example, the Border Patrol discovered a piece of wire that had been stretched across a road between double fencing so it could be pulled tight to seriously harm or kill an agent riding on an all-terrain vehicle. We will not tolerate violence against our agents. The Border Patrol is authorized to use force as necessary and appropriate to protect themselves.

### Ports of Entry

Of course, it makes little sense to secure the long stretches of border between our official ports of entry if we continue to have possible gaps in border security at the ports of entry themselves.

Since the Department's creation, we have continued to make major advances to prevent dangerous people from entering our country through official ports of entry. We have fully implemented US-VISIT two-fingerprint capabilities at all U.S. ports of entry. The State Department has deployed 10 fingerprint capabilities to all U.S. consulates overseas. We also have begun deploying 10 fingerprint capabilities to select U.S. airports (currently at 10 airport locations), with the goal of full deployment to airports by the end of this calendar year.

As you know, US-VISIT checks a visitor's fingerprints against records of immigration violators and FBI records of criminals and known or suspected terrorists. Checking biometrics against immigration and criminal databases and watch lists helps officers make visa determinations and admissibility decisions. Collecting 10 fingerprints also improves fingerprint-matching accuracy and our ability to compare a visitor's fingerprints against latent fingerprints collected by the Department of Defense and the FBI from known and unknown terrorists all over the world.

In January of this year, we also ended the routine practice of accepting oral declarations of citizenship and identity at our land and sea ports of entry. People entering our country, including U.S. citizens, are now asked to present documentary evidence of their citizenship and identity from a specified list of acceptable documentation. Not only will this help reduce the number of false claims of U.S. citizenship, but it will reduce the opportunity for document fraud by narrowing the list of more than 8,000 different documents that a traveler might present to our CBP officers. These changes are improving security and efficiency at the ports of entry. Over the next 14 months, we will continue to create an effective transition period for implementation of the land and sea portion of the Western Hemisphere Travel Initiative (WHTI) beginning in June 2009.

I might add that we implemented these most recent changes in travel document requirements without causing discernable increases in wait times at the border. Compliance rates are high and continue to increase. U.S. and Canadian citizens are presenting the requested documents when

crossing the border. This is a great "non-news" story, demonstrating that we can improve security at the ports of entry without sacrificing convenience.

Furthermore, as we move toward full WHTI implementation, we'll be utilizing radio frequency identification (RFID), which is a proven technology that has successfully facilitated travel and trade across our land borders since 1995 through our trusted traveler programs. RFID-enabled documents transmit a number (there is no personal information stored on the chip). WHTI will be implementing the latest state-of-the-art RFID technology, which has been assessed and tested to achieve a 95% read rate of up to 8 occupants in a vehicle at a range of 10 to 15 feet.

CBP has technology currently in place at all ports of entry to read any travel document with a machine-readable zone, including passports, Enhanced Drivers Licenses, and the new Passport Card to be issued by the Department of State. All CBP officers at the ports of entry are currently trained in the use of this technology.

In preparation for full WHTI implementation, CBP awarded a contract on January 10, 2008 to begin the process of deploying vicinity RFID facilitative technology and infrastructure to 354 vehicle primary lanes at 39 high-volume land ports of entry over the next two fiscal years. CBP deployed this new technology in vehicle primary lanes at the ports of Blaine and Nogales on February 12, 2008, in support of the anticipated RFID hardware installation.

## II. ENHANCING INTERIOR ENFORCEMENT

Our second major area of focus is interior enforcement, which includes targeted worksite enforcement operations across the United States; increasing fines and penalties; seizing assets and when appropriate, seeking incarceration for those who break the law; providing better tools to help employers maintain a stable, legal workforce; and identifying, arresting, and removing fugitives, criminals, and illegal alien gang members who pose a threat to the American people.

In Fiscal Year 2007, Immigration and Customs Enforcement (ICE) removed or returned more than 282,000 illegal aliens as part of a comprehensive interior enforcement strategy focused on more efficient processing of apprehended illegal aliens and reducing the criminal and fugitive alien populations.

This strategy has resulted in sustained advances across multiple areas of ICE's mission, including the continuation of "catch and return," a reengineered and more effective detention and removal system, and new agreements with foreign countries to ensure prompt and efficient repatriation of their citizens, including most recently a Memorandum of Understanding with Vietnam which went into effect on March 22, 2008.

### Worksite Enforcement

Fiscal Year 2007 represented a step forward for ICE's worksite enforcement efforts. ICE made 4,077 administrative arrests and 863 criminal arrests in targeted worksite enforcement operations across the country. Ninety-two of those arrested for criminal violations were in the employer's supervisory chain and 771 were other employees.

The majority of the employee criminal arrests were for identity theft. The employer criminal arrests included illegal hiring, harboring, conspiracy, and identity theft. Some cases also included money laundering charges.

Some recent worksite enforcement cases include:

**Universal Industrial Sales, Inc:** On February 7, 2008, fifty-seven illegal aliens were arrested during a worksite enforcement operation conducted at Universal Industrial Sales Inc. (UIS) in Lindon, Utah. ICE forwarded roughly 30 cases to the Utah County Attorney's Office for possible criminal prosecution for offenses such as identity theft, forgery, and document fraud. On the federal side, the U.S. Attorney for the District of Utah unsealed two indictments charging the company and its human resource director with harboring illegal aliens and encouraging or inducing workers to stay in the United States illegally.

**George's Processing:** On May 22, 2007, a total of 136 employees were arrested at the George's Processing plant as part of this investigation into identity theft, Social Security Fraud, and immigration-related violations. Twenty-eight of these 136 employees were later indicted for identity theft and those have been adjudicated. As a result, a second indictment was returned in October 2007 charging eight human resource managers. One manager has pled guilty, and one was found guilty at a jury trial.

**RCI Incorporated:** On March 3, 2008, the former President, Vice President and Accountant of RCI Incorporated - a nationwide cleaning service - were sentenced to 120, 51 and 30 months respectively for harboring illegal aliens and conspiring to defraud the United States. The RCI corporate members also agreed to forfeit an aggregate sum of approximately \$2.8 million. In addition, the RCI corporate members are also jointly and severable liable for approximately \$16.2 million in tax penalties. A total of 244 illegal aliens were arrested as a result of this investigation.

**Stucco Design Inc.:** On March 7, 2007, the owner of an Indiana business that performed stucco-related services at construction sites in seven Midwest states pled guilty to violations related to the harboring of illegal aliens. He was sentenced to 18 months in prison and forfeited \$1.4 million in ill-gotten gains.

These are the kinds of cases that have a high impact on those who would hire and employ undocumented and illegal aliens often facilitated through identity theft and document fraud.

#### Increasing Fines Against Employers

As a further disincentive to hire illegal aliens, we have partnered with the Department of Justice to increase civil fines on employers by approximately 25 percent, which is the maximum we can do under existing law. This action was one of the 26 administrative reforms we announced in August and is intended to change behavior and hold unscrupulous employers accountable for their actions.

#### Expanding Workforce Tools

As we are holding employers accountable for breaking the law, we are also providing honest employers with an expanded set of tools to maintain a stable, legal workforce.

We are moving ahead with supplemental rule-making to our No-Match Rule published last year. As you may know, this rule provided a safe harbor for employers that followed a clear set of procedures in response to receiving a Social Security Administration Employer No-Match Letter that indicated a potential problem with an employee's records, or receiving a Department of Homeland Security letter regarding employment verifications. Unfortunately, the American Civil Liberties Union and others have sued the Department to stop the rule from taking effect. We have made progress in addressing the judge's concerns by releasing a supplemental proposed rule on March 21 that provides a more detailed analysis of our no-match policy. The supplemental No-Match proposed rule was published in the Federal Register on March 26, 2008 (73 FR 15944).

We are also working to promote the use of E-Verify, an on-line system administered by U.S. Citizenship and Immigration Services that allows employers to check, in most cases within seconds, whether an employee is authorized to work in the United States. Some states have begun to require employers to enroll in E-Verify, most notably Arizona, where the system is adding about 500 new users per week. Nationally, we are adding 1,000 new E-verify users per week. More than 58,000 employers are currently enrolled, compared to 24,463 at the end of Fiscal Year 2007, and nearly 2 million new hires have been queried this fiscal year. We are expanding outreach across the country in an effort to increase participation. To support this work, we have requested \$100 million in the Fiscal Year 2009 budget.

We recognize no system is perfect, and some employers may not comply with all requirements of the program. For this reason, we are establishing a robust monitoring and compliance unit to check employers' use of E-Verify and respond to situations where employers could use the system in a discriminatory or otherwise unlawful manner. We are also increasing our outreach to employers and the American public to ensure that employers and employees understand their respective rights and obligations.

Additionally, we have added a new photo screening tool capability to E-Verify that will significantly reduce document fraud. With this new enhancement, employers are able to compare the photo on DHS-issued permanent residence cards, (green cards) and employment authorization documents (EAD) with the photo held in the DHS database to determine if the document is authentic.

E-Verify is a critical program that businesses across our country rely upon to obtain quick, accurate information about a worker's legal status. It is important that Congress take the appropriate action to reauthorize E-Verify this year so that employers can continue to benefit from this valuable system.

Finally, the federal government will continue to lead by example. In the near future, the Administration will take steps to require federal contractors to use E-Verify. As there are more than 200,000 companies doing business with the federal government, this will significantly expand the use of E-Verify and make it more difficult for illegal immigrants to obtain jobs through fraud.



## Boosting State, Local, and International Cooperation

Of course, while immigration enforcement is primarily a federal responsibility, we also work with state and local law enforcement who want to participate in our immigration enforcement efforts by receiving training and contributing to joint federal, state, local, and international law enforcement initiatives.

Much of this work is organized through the ICE Agreements of Cooperation in Communities to Enhance Safety and Security (ICE ACCESS) program, which includes training under the 287(g) program, participation in Border Enforcement Security Task Forces (BEST) and Document and Benefit Fraud Task Forces (DBFTF).

Through the 287(g) program, ICE delegates enforcement powers to state and local agencies who serve as force multipliers in their communities. As of March 20, 2008, ICE has signed 47 memoranda of agreement (MOAs) with state and local law enforcement agencies to participate in the program. Last year, ICE trained 422 state and local officers. In the program's last two years, it has identified more than 28,000 illegal aliens for potential deportation.

ICE also has continued to expand its BEST teams to work cooperatively with domestic and foreign law enforcement counterparts to dismantle criminal organizations operating near the border. In Fiscal Year 2007, ICE launched new BEST teams in El Paso and the Rio Grande Valley, and in San Diego, bringing the total number of teams to five. These task forces have been responsible for 519 criminal arrests and 1,145 administrative arrests of illegal aliens, the seizure of 52,518 pounds of marijuana and 2,066 pounds of cocaine, 178 vehicles, 12 improvised explosive devices, and more than \$2.9 million in U.S. currency.

ICE DBFTFs are a strong law enforcement presence that combats fraud utilizing existing manpower and authorities. Through comprehensive criminal investigations, successful prosecutions, aggressive asset forfeiture and positive media, the DBFTFs detect, deter and dismantle organizations that facilitate fraud. The task forces promote the sharing of information, ensure the integrity of our laws, and uphold public safety. In April 2007, ICE formed six new task forces, bringing the total number of DBFTFs to 17. These task forces have been responsible for 954 criminal arrests and 635 criminal convictions.

## Targeting Fugitives, Criminals, and Gang Members

Finally, our interior enforcement efforts have focused on identifying, arresting, and removing fugitives, criminals, and illegal alien gang members in our country.

In Fiscal Year 2007, ICE Fugitive Operations Teams arrested 30,407 individuals, nearly double the number of arrests in Fiscal Year 2006. The teams, which quintupled in number from 15 to 75 between 2005 and 2007, identify, locate, arrest and remove aliens who have failed to depart the United States pursuant to a final order of removal, deportation, or exclusion; or who have failed to report to a Detention and Removal Officer after receiving notice to do so. In Fiscal Year 2008, Congress authorized an additional 29 teams. Fugitive Operations Teams have arrested 14,047 individuals this year.

ICE also expanded its Criminal Alien Program (CAP) in Fiscal Year 2007, initiating formal removal proceedings on 164,000 illegal aliens serving prison terms for crimes they committed in the United States. ICE has already initiated 91,066 formal removal proceedings against additional criminal aliens in the first quarter of Fiscal Year 2008. ICE is developing a comprehensive strategic plan to better address CAP.

In addition, in Fiscal Year 2007 ICE arrested 3,302 gang members and their associates as part of Operation Community Shield. This total includes 1,442 criminal arrests. For Fiscal Year 2008 (through March 20, 2008), ICE has arrested 1098 gang members and their associates.

As an added layer of protection against the entry of known gang members, we have worked with the Department of State to expand the list of known organized street gangs whose members are barred from entry into the United States. This action will ensure that any active member of a known street gang from El Salvador, Honduras, Guatemala, or Mexico will be denied a visa.

In all of these enforcement operations, we work cooperatively with state and local law enforcement to make sure we achieve our purpose with minimal disruption to surrounding communities. We also work with community organizations to ensure that children of illegal immigrants directly impacted by these operations are treated humanely and given appropriate care according to established protocols.

### III. MAKING TEMPORARY WORKER PROGRAMS MORE EFFECTIVE

When Secretary Gutierrez and I announced the 26 reforms to strengthen border security and immigration last August, we noted the importance of improving the effectiveness of existing temporary worker programs to ensure the needs of our country's labor force continue to be met.

One of the consequences of our stepped-up enforcement has been that some economic sectors in our country have experienced labor shortages, most notably the agricultural sector. Of the 1.2 million agricultural workers in the United States, an estimated 600,000 to 800,000 are here illegally. This is not an argument for lax enforcement. Rather, we need to make sure our temporary worker programs are effective. To this end, we have joined the Department of Labor in proposing changes to modernize the H-2A seasonal agricultural worker program to remove unnecessarily burdensome restrictions on participation by employers and foreigners, while protecting the rights of laborers.

Under our proposed rule, which we announced in February, an employer will only need to identify an H-2A worker by name in its petition if the worker is already in the United States, even if there is only one worker. It is unreasonable to expect - given the realities of labor recruitment in the agricultural industry - that an agricultural employer in the U.S. would know the names of all the workers it hires from abroad. We have proposed to extend the amount of time a worker can remain in the United States after the end of his or her employment from 10 days to 30 days. This will make it easier for H-2A workers to extend their stay through a job with a new agricultural employer.

In addition, we have proposed to shorten the time period that a worker must wait outside our country before U.S. agricultural employers may petition again for that worker. Currently,

workers must wait six months after their H-2A status expires before they can return. We want to cut that time in half to three months.

Of course, while it is important to make the H-2A process as flexible as possible for U.S. agricultural employers, we also want to protect workers. Our proposal requires an employer to attest, under penalty of perjury, that it will not materially change the scope of the foreign worker's duties and place of employment. This will help prevent the employment of H-2A workers in a manner different from what the employer stated on the petition. Employers will also be required to identify any labor recruiter they used to locate foreign workers to fill the H-2A positions. And employers and labor recruiters will be prohibited from imposing fees on foreign workers as a condition for H-2A sponsorship.

To ensure that we have appropriate law enforcement and security measures in place, we are also seeking to prohibit the approval of H-2A petitions for nationals of countries that consistently refuse or unreasonably delay repatriation of their citizens that we are trying to remove from the United States. We are requiring employers to notify us within 48 hours if an H-2A employee is fired or absconds from a worksite.

Finally, we are seeking to implement a land border exit pilot program for certain H-2A guest workers, requiring the temporary workers to register their departure through designated ports of departure before exiting the country. The objective is to ensure that temporary workers in the United States comply with the requirement to leave the country when their work authorization expires.

In addition to these proposed modifications to the H-2A program, we continue to work with federal partners on a number of other reforms announced last August to improve our temporary worker programs. These include reforms of the H-2B program for temporary or seasonal non-agricultural workers; an extension from 1 year to 3 years of the period that professional workers from Canada and Mexico may stay in the U.S. under the TN visa program; and potential improvements to visa programs for high-skilled workers. We will continue to keep the Committee apprised as these efforts proceed.

#### IV. IMPROVING EXISTING IMMIGRATION PROCESSES

As we take steps to meet the lawful needs of our economy, we are also working to improve existing immigration benefits and services for those seeking to live in, work in, or immigrate to the United States.

As you know, USCIS has faced a challenge keeping pace with unprecedented levels of citizenship applications. During Fiscal Year 2007, USCIS received 1.4 million requests for citizenship, which is nearly double the 730,000 received in Fiscal Year 2006. In June, July, and August 2007 alone, USCIS received more than 3 million immigration benefit applications and petitions of all types, compared to 1.8 million during the same period the previous year. In fact, for the months of June and July 2007, the spike in naturalization applications represents a 360 percent increase compared to the same period in 2006. We anticipate that it may take 13 to 15 months to work through these citizenship cases. The processing time goal is five months.

Much of this spike in citizenship applications came in anticipation of an increase in application processing fees that USCIS implemented in July 2007 to add needed resources and capacity to its operations. USCIS is a fee-funded agency and draws its operating expenses from the fees it collects from applicants. By raising fees, USCIS has put itself on a path to modernize its aging business practices and meet an ever-expanding set of responsibilities.

Raising fee revenue gave USCIS the ability to begin to substantially expand capacity to process applications. As an agency primarily funded through fees, USCIS could only begin to take on more personnel once the new revenue structure was approved and in place. Nevertheless, USCIS began the planning process for this hiring and had shifted existing resources towards overtime. USCIS will hire 1,500 new employees resulting from the new fee structure, 723 of whom are adjudicators. More than 869 permanent employees (442 adjudicators) have already been hired. USCIS will also hire an additional 1,800 employees as part of its backlog reduction plan and has been approved to rehire experienced retirees on a temporary basis to assist with adjudications.

Moreover, the Office of Fraud Detection and National Security (FDNS) continues to enhance the integrity of the legal immigration system by identifying threats to national security and public safety, detecting and combating benefit fraud, and removing other vulnerabilities. During Fiscal Year 2007, FDNS submitted approximately 8,700 fraud or criminal alien referrals to ICE. While USCIS works through the backlog of cases, it remains committed to ensuring the preservation of high quality standards and anti-fraud counter-measures.

In addition, USCIS has modified its background and security check policies with respect to applications for lawful permanent residence to make them consistent with those of ICE. Under this new guidance, USCIS will continue to require that a definitive FBI fingerprint check and Interagency Border Inspection Services (IBIS) check be obtained and resolved favorably before adjusting the status of an individual to that of a lawful permanent resident. USCIS will also continue to require initiation of the FBI name checks, but it will grant an adjustment of status application if it is otherwise approvable and the FBI name check request has been pending for more than 180 days. At that point, the name check will continue, and if actionable derogatory or adverse information is later received from the FBI, the Department will take appropriate action, which may include rescinding the individual's lawful permanent resident status and/or initiating removal proceedings against that individual. This change to security check policies will help reduce the backlog of adjustment of status applications without compromising our commitment to national security or the integrity of the immigration system.

Beyond the August 2007 initiatives to improve border security and immigration, USCIS also continues to work closely and cooperatively with the State Department to process refugees from foreign countries, including Iraqi nationals. The Department's role in this process is to interview and adjudicate cases, perform certain security checks, and make sure that cases are approved once all the necessary steps have been completed. The U.S. government has put in place the resources necessary to process and admit up to 12,000 Iraqi refugees this fiscal year. This remains an attainable but challenging goal. The results depend on a number of factors and variables outside our control.

While USCIS officers are interviewing Iraqi refugee applicants in Jordan, Syria, Egypt, Turkey, and Lebanon, limits on our refugee processing capacity in Syria continue to make it difficult for

the program to reach its full potential. To further assist this process, we are implementing in-country refugee processing in Iraq for U.S. Embassy staff. This could potentially allow even greater numbers of individuals who have assisted U.S. efforts in Iraq to seek resettlement in the U.S.

As of March 19, USCIS had completed interviews of over 7,600 Iraqi refugee applicants this fiscal year, and we expect that the total will exceed 8,000 applicants when the final figures for the second quarter - which just ended on Monday - are tallied. USCIS plans to interview approximately 8,000 more Iraqis during the third quarter. Since the program's inception last spring, a total of 21,847 individuals have been referred for resettlement. Altogether, USCIS has completed interviews of 12,163 individuals. To date, 3,835 Iraqi refugees have been admitted to the United States in Fiscal Years 2007 and 2008.

We remain committed to working with the State Department to process eligible Iraqis as efficiently as possible. However, we will not compromise our nation's security by relaxing our standards or cutting corners.

## V. ASSIMILATING NEW IMMIGRANTS INTO OUR CIVIC CULTURE

Finally, we have continued to take the necessary actions to assimilate new Americans into the rich tapestry of American culture and society.

Part of this effort involves revising the naturalization test for U.S. citizenship to create a testing process that is more standardized, fair, and meaningful. The new test design, which USCIS announced last fall and expects to implement in October of this year, emphasizes fundamental concepts of American democracy and the rights and responsibilities of citizenship. It is designed to encourage citizenship applicants to learn and identify the basic values we all share as Americans, rather than simply memorize a set of facts.

Of course, knowledge of English is one of the most important components of assimilation. By learning English, immigrants are able to communicate and interact with their fellow Americans. It is the first step to full integration. Assimilation does not mean losing cultural identity or diversity. It means learning English and embracing the common civic values that bring us together as Americans and adopting a shared sense of those values.

To promote assimilation, USCIS' Office of Citizenship provides a number of educational products, resources, and training opportunities for community and faith-based organizations, civic organizations, adult educators, and volunteers who work with immigrants. This includes hosting regional training seminars. Adult educators, volunteers, and other organizations also use USCIS' publications and videos to teach English as a Second Language and American history, civics, and the naturalization process to immigrant students. Several new educational resources are initiatives of the Task Force on New Americans.

USCIS and USA Freedom Corps' New Americans Project are also currently engaged in a public service and educational campaign to promote volunteer opportunities among both U.S. citizens and immigrants to help newcomers adjust to life in the United States. The project also offers opportunities for immigrants to get involved in their communities through volunteer service.

## VI. CONCLUSION

Immigration is an issue that goes to the very core of what it means to be an American. We must continue to welcome new generations of immigrants to the United States to pursue their dreams and enrich our civic culture and our society. But, as we also know, immigration has become an issue that is inextricably linked to our national security.

What I hope is clear from my testimony today is that we take our commitments with respect to immigration seriously and that we have made a great deal of progress over the past year. We have set clear goals and established strategies and timelines to meet those goals using the resources and authorities currently available to us.

As I stated at the beginning of my testimony, however, an enforcement-only approach will not address the full breadth of the nation's immigration challenges over the long term. Only congressional action will achieve that goal.

We stand ready to work with Congress this year to build on our success at the border and in the interior and to advance reforms that will create the necessary temporary worker programs and pathways to citizenship for those already in our country. Taking these actions will remove pressure from the border and allow our Department to continue its focus on protecting our nation against dangerous people while making progress across all areas of our mission. I look forward to working with this Committee to achieve these very important objectives for our nation.