



United States General Accounting Office  
Washington, D.C. 20548

General Government Division

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April 21, 1999

The Honorable Ted Stevens, Chairman  
The Honorable Robert C. Byrd, Ranking Minority Member  
Committee on Appropriations  
United States Senate

The Honorable Orrin G. Hatch, Chairman  
The Honorable Patrick J. Leahy, Ranking Minority Member  
Committee on the Judiciary  
United States Senate

The Honorable C.W. Bill Young, Chairman  
The Honorable David Obey, Ranking Minority Member  
Committee on Appropriations  
House of Representatives

The Honorable Henry J. Hyde, Chairman  
The Honorable John Conyers, Jr., Ranking Minority Member  
Committee on the Judiciary  
House of Representatives

Subject: Immigration Benefits: Applications for Adjustment of Status Under the Haitian Refugee Immigration Fairness Act of 1998

The Haitian Refugee Immigration Fairness Act of 1998<sup>1</sup> (HRIFA) authorizes certain Haitian nationals to apply to adjust their status to legal permanent residence. Section 902(k) requires the Comptroller General to report every 6 months on the number of Haitian nationals who have applied and been approved to adjust their status to legal permanent residence. The reports are to contain a breakdown on the numbers who applied as asylum applicants, parolees, children without parents, orphaned children, or abandoned children; or as the eligible dependents of these applicants, including spouses, children, and unmarried sons or daughters. The reports are to be provided until all applications have been finally adjudicated.

The Immigration and Naturalization Service (INS) and the Executive Office for Immigration Review (EOIR) have not yet received or approved any applications for adjustment of status under HRIFA. INS and EOIR expect to jointly publish interim regulations by the end of April

<sup>1</sup> P.L. 105-277, Division A, Title IX, 1998.

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or early in May. According to INS officials, 30 days after the publication of the interim regulations, Haitian nationals will be able to file applications for adjustment of status. Accordingly, data on the number of applications received and the types of applicants should be available for our next report, due October 21, 1999.

Applications filed with INS are to be sent to INS' Nebraska Service Center in Lincoln, NE. INS has prepared draft procedures for adjudicating the applications. To facilitate processing, INS plans to provide training for examiners, who are to adjudicate the applications, and for staff of nongovernmental organizations, who plan to assist Haitian nationals in completing and filing the applications. Data from the applications are to be coded according to the type of Haitian applicant. The codes are to be entered in INS' Computer Linked Application Information Management System (CLAIMS). According to INS officials, CLAIMS has been modified to accept the codes.

Generally, applications properly filed with EOIR by eligible Haitian nationals in proceedings are to be adjudicated by the immigration court. According to EOIR, Haitian nationals who qualified for deferred enforced departure had their cases administratively closed following the President's announcement of the policy on December 23, 1997. The deferred enforced departure policy delayed for 1 year the removal of qualifying Haitian nationals. It applied to any Haitian national who, prior to December 31, 1995, was paroled into the United States or applied for asylum, and who had been continuously present in the United States since that date.

To determine the status of INS and EOIR efforts to implement HRIFA, we spoke to officials of both agencies. We also provided the agencies with a draft of this letter and have incorporated their comments where appropriate. This work was performed by Evi Rezmovic and Jay Jennings. If you have any questions about this letter, please contact me on 512-8777.



Norman J. Rabkin  
Director  
Administration of Justice Issues

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