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United States General Accounting Office
Washington, DC 20548

April 18, 2002

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The Honorable Ted Stevens
Ranking Minority Member
Committee on Appropriations
United States Senate

The Honorable Patrick J. Leahy
Chairman
The Honorable Orrin G. Hatch
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 F. James Sensenbrenner, Jr.
Chairman
The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
House of Representatives

Subject: Immigration Benefits: Seventh Report Required by the Haitian Immigration Fairness Act of 1998

This report responds to certain requirements of the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998¹ that authorized certain Haitian nationals and their dependents to apply to adjust their status to legal permanent residence. Section 902(k) of the act 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 of the

¹ P.L. 105-277, 112 Stat. 2681-538.

numbers who applied and the number who were approved 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. Reports are to be provided until all applications have been finally adjudicated. This is our seventh report.²

Results in Brief

As of March 31, 2002, the Immigration and Naturalization Service (INS) had received a total of 36,420 HRIFA applications and had approved 7,351 of these applications. The Executive Office for Immigration Review (EOIR) had 198 applications filed and had approved 98 of them. Details on the categories of the applicants and approvals are provided in this report.

Background

Haitian applicants are to send their applications to INS's Nebraska Service Center in Lincoln, Neb. INS's contractor at the service center is responsible for processing the applications up to the point of their adjudication by INS examiners. An application may be adjudicated at the service center or in the INS district with jurisdiction over the area where the alien applicant resides. Generally, applications that are complete and evidentially sufficient can be adjudicated at the service center, according to INS officials. If an interview is required or other issues need to be resolved, the application is to be forwarded to the appropriate INS district where the applicant can be interviewed and the application adjudicated. Data on Haitian applicants are to be entered in INS' Computer Linked Application Information System (CLAIMS).

Haitian nationals who are eligible for HRIFA should file their applications with EOIR rather than INS if they have (1) a proceeding pending before the Immigration Court or the Board of Immigration Appeals, or (2) a pending motion to reopen or reconsider filed on or before May 12, 1999. Thus, Haitian nationals who are in deportation, exclusion, or removal proceedings, and whose cases have not been administratively closed, are to file their HRIFA application with EOIR, not INS. Data on Haitian applicants are to be entered in EOIR's case-tracking system, the Automated Nationwide System for Immigration Review (ANSIR).

² The previous reports were (1) *U.S. General Accounting Office, Immigration Benefits: Applications for Adjustment of Status Under the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-99-92R, (Washington, D.C.: Apr. 21, 1999); (2) *Immigration Benefits: Second Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-00-25R, (Washington, D.C.: Oct. 19, 1999); (3) *Immigration Benefits: Third Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-00-122R, (Washington, D.C.: Apr. 14, 2000); (4) *Immigration Benefits: Fourth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO-01-118R, (Washington, D.C.: Oct. 20, 2000); (5) *Immigration Benefits: Fifth Report Required by the Haitian Immigration Fairness Act of 1998*, GAO-01-651R, (Washington, D.C.: Apr. 20, 2001); and (6) *Immigration Benefits: Sixth Report Required by the Haitian Immigration Fairness Act of 1998*, GAO-02-114R, (Washington, D.C.: Oct. 22, 2001).

The deadline for principal applicants filing an application for adjustment of status under HRIFA was March 31, 2000. Dependents of principal applicants have no application deadline.³

HRIFA Applications Received by INS

As of March 31, 2002, INS data showed that INS had received 36,420 HRIFA applications at the Nebraska Service Center, all of which had been entered into CLAIMS. The categories and numbers of these applicants are shown in table 1. As of March 31, 2002, INS had approved 7,351 applications for adjustment of status under HRIFA.

Table 1: HRIFA Applications and Categories of Applications Received and Approved by INS, as of March 31, 2002

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	17,306	4,178
Principal	Parolee	8,896	1,693
Principal	Child without parents	1,226	74
Principal	Orphaned child	239	11
Principal	Abandoned child	480	13
Dependent	Spouse	3,128	491
Dependent	Child	4,827	849
Dependent	Unmarried son or daughter	318	42
Total		36,420	7,351

Source: INS data.

HRIFA Applications Received by EOIR

As of March 31, 2002, EOIR data showed that 198 HRIFA applications had been filed with EOIR, of which 98 had been approved for adjustment of status. table 2 provides information on the categories and numbers of HRIFA applicants and approvals.

Table 2: HRIFA Applications and Categories of Applications Received and Approved By EOIR, as of March 31, 2002

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	115	46
Principal	Parolee	34	20
Principal	Child without parents	26	17
Principal	Orphaned	4	3
Principal	Abandoned child	2	2
Dependent	Spouse	11	5
Dependent	Child	3	2
Dependent	Unmarried son or daughter	3	3
Total		198	98

Source: EOIR data.

³ The Legal Immigration and Family Equity Act (title XI of P.L. 106-553, as amended by title XV of P.L. 106-554) went into effect on December 21, 2000. This Act amended HRIFA to waive certain grounds of inadmissibility for aliens applying for relief under HRIFA. Interim regulations implementing these changes to HRIFA went into effect on May 31, 2001.

Objectives, Scope, and Methodology

Our objectives for this report were to determine (1) the number and categories of applicants who filed applications with INS or EOIR and (2) the number and categories of applicants whose applications were approved by INS or EOIR. To ATTAIN these objectives, we relied on INS and EOIR to provide us with data on applicants and the number of approvals. We conducted our work between March and April 2002, in accordance with generally accepted government auditing standards.

We provided the Department of Justice with a draft of this report for comment and received informal comments on April 16, 2002. In their verbal comments, INS and EOIR agreed with the information in the report.

We are providing copies of this report to the, Attorney General and will make copies available to others upon request. If you have any questions about this report, please contact Evi L. Rezmovic or me at (202) 512-8777. The key contributor to this assignment was Anthony L. Hill.

A handwritten signature in black ink, reading "Laurie Ekstrand". The signature is written in a cursive style with a large, sweeping flourish at the end.

Laurie E. Ekstrand
Director, Justice Issues