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United States General Accounting Office  
Washington, DC 20548

October 17, 2003

Congressional Committees

Subject: *Immigration Benefits: Tenth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*

This report responds to certain requirements of the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998<sup>1</sup> 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 number of Haitians 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 tenth report.<sup>2</sup>

### Results in Brief

Through September 30, 2003, the Bureau of Citizenship and Immigration Services (BCIS), formerly part of the Immigration and Naturalization Service (INS), had received a total of 37,851 HRIFA applications and had approved 11,067 of these applications.<sup>3</sup> The Executive Office for Immigration Review (EOIR) had 1,094 applications filed and had approved 273 of them. Details on the categories of the applicants and approvals are provided in this report.

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<sup>1</sup>P.L. 105-277, 112 Stat. 2681-538.

<sup>2</sup>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); (6) *Immigration Benefits: Sixth Report Required by the Haitian Immigration Fairness Act of 1998*, [GAO-02-114R](#) (Washington, D.C.: Oct. 22, 2001); (7) *Immigration Benefits: Seventh Report Required by the Haitian Immigration Fairness Act of 1998*, [GAO-02-600R](#) (Washington, D.C.: Apr. 18, 2002); (8) *Immigration Benefits: Eighth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-03-240R](#) (Washington, D.C.: Oct. 22, 2002); and (9) *Immigration Benefits: Ninth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-03-681R](#) (Washington, D.C.: Apr. 21, 2003).

<sup>3</sup>On March 1, 2003, INS was transferred from the Department of Justice to the Department of Homeland Security. Within Homeland Security, the adjudication of HRIFA benefits is the responsibility of BCIS.

**Background**

Haitian applicants are to send their applications to BCIS’s Nebraska Service Center in Lincoln, Nebraska. A contractor at the service center is responsible for processing the applications up to the point of their adjudication by BCIS examiners. An application may be adjudicated at the service center or in a BCIS 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 BCIS officials. If an interview is required or other issues need to be resolved, the application is to be forwarded to the appropriate BCIS district where the applicant can be interviewed and the application adjudicated. Data on Haitian applicants are to be entered in BCIS’s Computer Linked Application Information System (CLAIMS).

Haitian nationals who are eligible for HRIFA should file their applications with EOIR rather than BCIS 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 BCIS.<sup>4</sup> Data on Haitian applicants are to be entered in EOIR’s case-tracking system, the Automated Nationwide System for Immigration Review (ANSIR).

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.<sup>5</sup>

**HRIFA Applications Received and Approved by BCIS**

Through September 30, 2003, BCIS data showed that it had received 37,851 HRIFA applications at its Nebraska Service Center, all of which had been entered into CLAIMS. The categories and numbers of these applicants are shown in table 1. Through September 30, 2003, BCIS had approved 11,067 applications for adjustment of status under HRIFA.

**Table 1: HRIFA Applications and Categories of Applications Received and Approved by BCIS, through September 30, 2003**

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	17,324	5,992
Principal	Parolee	8,899	2,611
Principal	Child without parents	1,228	121
Principal	Orphaned child	240	25
Principal	Abandoned child	480	24
Dependent	Spouse	3,414	745
Dependent	Child	5,931	1,474
Dependent	Unmarried son or daughter	335	75
<b>Total</b>		<b>37,851</b>	<b>11,067</b>

Source: BCIS data.

<sup>4</sup>EOIR was not transferred to Homeland Security and remains part of the Department of Justice.

<sup>5</sup>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.

## HRIFA Applications Filed with and Approved by EOIR

Through September 30, 2003, EOIR data from ANSIR showed that 1,094 HRIFA applications had been filed with EOIR, of which 273 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 Filed with and Approved by EOIR, through September 30, 2003**

Principal or dependent	Category of applicant	Number of applications in ANSIR	Number of applications approved
Principal	Asylum	629	145
Principal	Parolee	281	66
Principal	Child without parents	50	22
Principal	Orphaned child	7	4
Principal	Abandoned child	6	3
Dependent	Spouse	75	21
Dependent	Child	39	9
Dependent	Unmarried son or daughter	7	3
<b>Total</b>		<b>1,094</b>	<b>273</b>

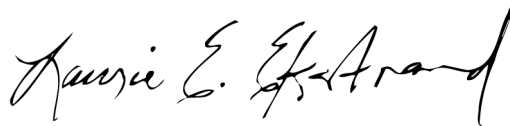
Source: EOIR data.

### Objectives, Scope, and Methodology

Our objectives for this report were to determine (1) the number and categories of applicants who filed applications with BCIS or EOIR and (2) the number and categories of applicants whose applications were approved by BCIS or EOIR. To attain these objectives, we relied on BCIS and EOIR to provide us with data on applicants and the number of approvals. We did not independently verify the data provided by BCIS or EOIR. We conducted our work between September and October 2003, in accordance with generally accepted government auditing standards.

We provided the Departments of Justice and Homeland Security with a draft of this report for comment and received their informal comments on October 15, 2003. BCIS and EOIR had no comments on the report.

We are sending copies of this letter to the Attorney General and the Secretary of the Department of Homeland Security and will make copies available to others upon request. The letter is also available on GAO's home page at <http://www.gao.gov>. If you have any questions about this report, please contact me at (202) 512-8777. The key contributor to this assignment was Anthony L. Hill.



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