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April 14, 2005

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House of Representatives

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

Subject: *Immigration Benefits: Twelfth 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 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 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,

¹P.L. 105-277, 112 Stat. 2681-538.

children, and unmarried sons or daughters. Reports are to be provided until all applications have been finally adjudicated. This is our twelfth report.²

Results in Brief

Through February 28, 2005, United States Citizenship and Immigration Services (USCIS), formerly part of the Immigration and Naturalization Service (INS), had received a total of 39,050 HRIFA applications and had approved 13,045 of these applications.³ The Executive Office for Immigration Review (EOIR) had 1,635 applications filed and had approved 568 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 USCIS'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 USCIS adjudication officers. An application may be adjudicated at the service center or in a USCIS 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 USCIS officials. If an interview is required or other issues need to be resolved, the application is to be forwarded to the appropriate USCIS district, where the applicant can be interviewed and the application adjudicated. Data on Haitian applicants are to be entered in USCIS's Computer Linked Application Information Management System (CLAIMS).

²The previous reports were (1) GAO, *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); (9) *Immigration Benefits: Ninth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-03-681R](#) (Washington, D.C.: April 21, 2003); (10) *Immigration Benefits: Tenth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-04-189R](#) (Washington, D.C.: October 17, 2003); (11) *Immigration Benefits: Eleventh Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, [GAO-04-1030R](#) (Washington, D.C.: August 13, 2004).

³On 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 USCIS.

Haitian nationals who are eligible for HRIFA should file their applications with EOIR rather than USCIS 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 USCIS.⁴ 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 to file an application for adjustment of status under HRIFA was March 31, 2000. Dependents of principal applicants have no application deadline.⁵

HRIFA Applications Received and Approved by USCIS

Through February 28, 2005, USCIS data showed that it had received 39,050 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 February 28, 2005, USCIS had approved 13,045 applications for adjustment of status under HRIFA.

Table 1: HRIFA Applications and Categories of Applications Received and Approved by USCIS, through February 28, 2005

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	17,327	6,310
Principal	Parolee	8,902	2,789
Principal	Child without parents	1,228	144
Principal	Orphaned child	240	26
Principal	Abandoned child	481	29
Dependent	Spouse	3,616	962
Dependent	Child	6,889	2,699
Dependent	Unmarried son or daughter	367	86
Total		39,050	13,045

Source: USCIS data.

HRIFA Applications Filed with and Approved by EOIR

Through February 28, 2005, EOIR data from ANSIR showed that 1,635 HRIFA applications had been filed with EOIR, of which 568 had been approved for adjustment of status. Table 2 provides information on the categories and numbers of HRIFA applicants and approvals.

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

⁵The 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. Finalized regulations implementing these changes to HRIFA went into effect on June 4, 2002.

Table 2: HRIFA Applications and Categories of Applications Filed with and Approved by EOIR, through February 28, 2005

Principal or dependent	Category of applicant	Number of applications in ANSIR	Number of applications approved
Principal	Asylum	897	296
Principal	Parolee	410	134
Principal	Child without parents	81	30
Principal	Orphaned child	11	5
Principal	Abandoned child	14	5
Dependent	Spouse	142	61
Dependent	Child	66	29
Dependent	Unmarried son or daughter	14	8
Total		1,635	568

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 USCIS or EOIR and (2) the number and categories of applicants whose applications were approved by USCIS or EOIR. To attain these objectives, we relied on USCIS and EOIR to provide us with data from their CLAIMS and ANSIR systems, respectively, on applicants and the number of approvals. We assessed the reliability of the data by reviewing existing information about the data and the system that produced them, and we questioned agency officials knowledgeable about the data. We determined that the data were sufficiently reliable for the purposes of this report. We conducted our work between March and April 2005, 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. The departments had no comments on this report.

We are providing copies of this report to the Attorney General and the Secretary of the Department of Homeland Security and will make copies available to others upon request. If you have any questions about this report, please contact me at (202) 512-8777. The key contributors to this assignment were Evi Rezmovic and David Makoto Hudson.



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