

Hearing Transcript

House Homeland Security Subcommittee on Oversight and Management Efficiency Hearing on Immigration Benefits Vetting

Thursday, March 16, 2017

PERRY:

The Committee on Homeland Security, Subcommittee on Oversight and Management Efficiency, will come to order.

The purpose of this hearing is to examine weaknesses in critical systems and processes at the Department of Homeland Security or DHS's U.S. Citizenship and Immigration Services, the U.S. CIS, that vet and adjudicate immigrant and non-immigrant applications. The chair now recognizes himself for an opening statement.

Last month, this subcommittee held a hearing on the challenges faced by the Department of Homeland Security, DHS, and reining in department correction, bureaucratic waste, inefficiency and mismanagement. In today's heightened threat environment DHS must have necessary systems in place to execute its mission, especially with regard to immigrant vetting.

The United States Citizenship and Immigration Services plays an essential role in processing millions of applications each year for people requesting permanent or temporary entry into the United States. However, watchdogs repeatedly voice concerns about U.S. CIS's management of the critical information technology systems used to process these applications and found instances of fraud in everything from asylum to immigration investor applications.

Today's hearing will focus on findings from the DHS Office of Inspector General, the OIG, and the Government Accountability Office, the GAO, on U.S. CIS's IT systems and the security risk from U.S. CIS's failure to manage these efforts effectively.

For example, in the last six months alone, the OIG reported that U.S. CIS should halt its plan to process naturalization applications through its primary system, the electronic immigration system, or ELIS, due to security concerns related to inadequate applicant background checks. I mean that's breathtaking. Told them to stop using its primary system for security concerns related to inadequate applicant background checks in this environment.

USCIS erroneously issued about 20,000 green cards due to design and functionality problems with ELIS. And USCIS granted citizenship to at least 858 individuals who had been ordered deported or removed under another identity because their digital fingerprint records were unavailable in the systems maintained by DHS and the FBI.

(UNKNOWN)

DHS Office...

PERRY:

Things on its own over here, sorry.

USCIS ineptitude inadvertently may have granted illegal aliens, criminals or even terrorists citizenship; citizenship or permanent residency, thereby putting American lives directly at risk. But the problems don't end there.

In 2015, the GAO reported that USCIS could not adequately detect fraud in asylum or immigration investor applications due to deficiencies in the ELIS system. GAO also reported that delayed implementation of initiative -- of an initiative aimed at automating paper-based application processes, called the Transformation Program, posed problems for identifying fraud. The GAO and the OIG further found that USCIS cannot -- cannot ensure that applicants are vetted adequately.

I mean, I just found that -- I just find that astounding in -- in the context that we currently live in regarding vetting. Cannot ensure that applicants are vetted adequately because of the problems with the transformation program and related system. In fact, the GAO and the OIG collectively made over 54 recommendations and 12 separate reports to address significant challenges implementing the transformation program.

Unfortunately, after investing 11 years and about \$1.4 billion, USCIS has very little to show for its efforts. Taxpayers absolutely deserve more than a program that's a poster child for IT mismanagement and just waste. I mean 11 years and \$1.4 billion. I gotta tell you, I'm just gonna go off the script here, a little bit.

If we handed this issue to any -- I really think, any national company that we have in your town, you know, I can name a few. But I -- but I don't want to go to my own town, just pick any big national company that you're familiar with their logo and said we need an information system to track these individuals that -- that we're involved with, whether it's customers, whether it's vendors or whatever.

It wouldn't take 11 years and \$1.4 billion and still have nothing to show for it. Nothing, functional, and if it did, they wouldn't be in business anymore, right? Individually, any of these reports would be alarming, but together they indicate systemic weaknesses in the way USCIS vets and processes immigrant application. The risk to national security are breathtaking and unacceptable.

Perhaps equally concerning, however, is that USCIS at times, has failed to take seriously these watchdog findings. In March 2016, the Inspector General Roth wrote the following to the director of USCIS with regard to the transformation program and I'm gonna read your statement. "I would be remiss if I did not take this opportunity to express my disappointment at the tone and substance of your office's response to the audit report, as well as audit staff efforts throughout this project.

This is our sixth review of a deeply troubled program, which has over its life, wasted hundreds of millions of dollars. USCIS has continually minimized the shortcomings of the program and resisted independent oversight. Non-concurrence of this nature, with our recommendations, does not appear rational.

It's contrary to department policy on audit resolution and suggest continued effort to promote disagreement for its own sake, rather than collaboration towards the shared goal of promoting effectiveness and efficiency in department operations," and that ends the statement. Ineffective program management is one thing and has a clear solution. But altogether, more concerning is that culture resistant to oversight and solutions, particularly when it provides a path forward, and recommendations for improvements.

Ms. Slabba, I hope I have your commitment today and the commitment of your successor when named, that the USCIS is willing to work constructively with the GAO, the OIG and the Congress to correct long-standing deficiency, long-standing deficiencies.

Management malpractice is simply unacceptable, but especially when criminals and terrorists seek to exploit any vulnerability in our system. We are absolutely, as Americans, we're relying on USCIS to ensure these enemies aren't allowed into our country.

The chair now recognizes the ranking minority member of the subcommittee, the gentleman from California, Mr. Correa, for his statement.

CORREA:

Thank you very much, Chairman Perry, for holding this most important and timely hearing. And thank the witnesses for being here today, good morning.

Ms. Slabba, I understand that you'll be retiring at the end of this month after 33 year career, behalf of the folks -- citizens of this great country, thank you very much for career, muchas gracias, well done.

While I appreciate your participation today in today's proceedings, I'm disappointed that the department did not send the USCIS Chief Information Officer to provide the subcommittee with direct testimony about the agency's information challenges, IT challenges.

And let me go off script here and just say that my prior life as a California legislator, IT was always a challenge, whether it was trying to fix the Department of Motor Vehicles or whatever it was, we always would contract with these companies that are always too big to fail and they always failed.

And so I'm to hear your perspective and those of the panelists here as to maybe a different approach we might be taking in terms of purchasing our software, our information systems that make sense as opposed to going with the one fits everything and end up with failure.

Let me go back on script, President Trump is engaged in an active campaign at the present to change the paradigm of our nation's immigration system from family unification, admitting skilled

workers, protecting refugees and promoting diversity to a merit based approach where only individuals deemed as having potential to contribute to our economy would be admitted.

So given this paradigm, I'm very surprised that the president wants to suspend the processing of the H1B visas. I'd look forward to engaging you about this decision that no longer offers these applicants, very skilled applicants a shorter wait time for their program in order to be admitted into the U.S. I also would like to hear your comments and engage you on the Muslim ban order, under the ban not only are individuals from six majority Muslim nations prohibited from receiving visas to travel to the U.S.

But also all refugee processing has been suspended. And given the critical of the USCIS place in refugee processing, which does include a vetting process in which I believe is probably the best, if not the best in the world.

I would like to ask what else can we do to better vetting these individuals, these refugees as they come to the U.S. One of my prior lives, I did some work with the U.S. Department of State at Foggy Bottom and I can tell you those people, when I worked with them, were some of the most qualified, most educated, most highly skilled federal workers that I've come across.

So given their qualifications given our vetting process, what else can we do to further vet these individuals that we are not doing today? Also, I'm very concerned with the president's proposed budget which is expected to prioritize building a wall on our southern border. And I'm concerned, not because the wall itself but -- but because of historical perspective.

20 years ago, our country's very successful in stopping the drug trade through the Caribbean. That only shifted the drugs and other negative elements through the inland. Now we're proposing to strengthen the southern border without looking at the northern border.

In this committee, not this subcommittee, but in this committee, recently our admiral of the Coast Guard stated that last year the US Coast Guard identified 500 special interest targets moving from South America into the U.S. And of those 500 targets, none of them could be touched because the Coast Guard lacked the resources to stop them from coming to the U.S., yet under our president's budget we are going to cut the Coast Guard's budget by 10 percent. Not quite sure how that helps stop drugs coming into this country.

Next, as you know, in 2006, USCIS initiated an effort to modernize our paper-based immigration processing system via the Transformation Program. Again, I look forward to hearing from you how we can make this a smoother system. Personally, about 20 years ago, I had the honor of processing my uncle -- God rest in peace -- his citizenship application. And as an attorney, fill out the application once, filled it twice, and then a third time.

Then as a third time is an attorney, I personally drove to the Los Angeles office to find out what was going on. A very nice immigration officer took me aside and said, "Let's see we can find that third application." They found half of it. The other half was missing. Literally, they taken my file that I put together and somebody had torn it in half or half of it had been lost. Thank goodness that

immigration officer said, "Sir, step aside over here. Here's a new application, I'm going to give you three hours. Go into the cafeteria, fill it out then come back."

So I think it is important that we go to digital, that we streamline the application process. But again, coming back to my prior statements, which are how do we come up with a better purchasing plan for your department in terms of IT? Instead of going out and signing these big contracts with these big firms that are too big to fail, how we can break it down into smaller pieces and be able to digest our needs in terms of your agency.

With that being said, I look forward to hearing the testimony, not only from you but from the other witnesses, how we can make government more effective, more efficient, make sure, as our chairman has said, those individuals that are not -- should not be eligible to become citizens or residents don't become residents. And those that have worked hard to earn those privileges should have the right to have them as quickly as possible. Thank you very much.

PERRY:

Chair thanks the gentleman. Other members of the subcommittee are reminded that opening statements may be submitted for the record. We are pleased to have a distinguished panel of witnesses before us today. The witnesses entire written statements will appear in the record.

The chair will introduce the witnesses first and then recognize each of you for your testimony. Ms. Lori Scialabba is acting director at U.S. Citizenship and Immigration Services, or USCIS. Previously, she served as the USCIS Deputy Director since May 2011. Prior to that USCIS, Ms. Scialabba was on the Board of Immigration Appeals in the Executive Office for Immigration Review, or the EOIR, in the Justice Department.

Ms. Carol Harris is a director for Information Technology Acquisition Management Issues with the Government Accountability Office, the GAO. Ms. Harris leads the GAO's work for IT across the federal government. Welcome.

The Honorable John Roth assumed the post of Inspector General for the Department of Homeland Security in March 2014. Previously, Mr. Roth served as the Director of the Office of Criminal Investigations at the Food and Drug Administration, as an assistant U.S. attorney for the Eastern District of Michigan, he's here often and we welcome you all. Thanks for being here today.

The chair now recognizes M. Scialabba for an opening statement. Make sure you press -- thank you, ma'am.

SCIALABBA:

Thank you, Mr. Chairman.

Chairman Perry, Ranking Member Correa and members of the subcommittee, thank you for this opportunity to discuss information technology systems at United States Citizenship and Immigration Services.

As you said, my name's Lori Scialabba, I'm the acting director of USCIS. I have almost 33 years of government service, beginning with the Department of Justice in 1985. During my career at justice, I served in a number of capacities leading up to my appointment by Attorney General John Ashcroft in 2002, to chair the Department of Justice Board of Immigration Appeals.

In 2006, I moved to USCIS within the Department of Homeland Security to serve as the associate director for Refugee, Asylum and International Operations. I also served as the advisor to DHS Secretary Michael Chertoff and more recently, I served as the U.S. deputy director and twice as the acting director.

In all of these roles, I've gained a deeper appreciation for the complexity of the work accomplished by our employees and required by the immigration system. I've also seen how the right technology can help accomplish our mission. Yet, bringing our nation's legacy paper- based immigration system into the digital air remains a substantial work in progress and it's not simply an IT challenge.

The United States has the largest immigration system in the world. In fiscal year 2016 alone, USCIS received over eight million applications filed for people wanting to live, work, invest, study and seek protection in the United States. As a component of DHS, we have a dual mission, that's to keep America safe and to ensure the integrity of the immigration system.

I note that this hearing was called to focus on findings by the DHS's Office of Inspector General and the Government Accountability Office, including findings about our transformation program. The OIG and GAO reports have been helpful in providing USCIS with an independent assessment of our efforts and we've accepted recommendations that will improve the performance and efficiency of our systems.

Indeed, in many cases, we'd already identified some of the improvements and begun implementation even before the reports were formally issued. It's no secret the transformation has not been easy. The program was launched in 2005, 2006 timeframe with the goal of thoroughly modernizing decades of old IT systems.

The effort began the same -- began the same way as other large government IT projects traditionally start with a large contract awarded to a single system integrator to manage virtually everything within that project. It's known as the waterfall method, it's the method that the governments used for quite some time, where all the improvements come all at once.

However, before the contract -- before the contractor delivered the first release in May of 2012, we realized it was not going to work. It was not going to address our agencies needs. And it actually slowed our work down, what they rolled out. Given our experience with this first release of ELIS, the electronic immigration system, we changed our strategy. We brought in the same agile development that you mentioned that are methods that are used by leading companies in the private sector.

Rather than investing years on a single contractor and building a monolithic system, we decided to move to smaller contractors and have the government serve as the integrator and rollout small

bits of code at a time more rapidly. We hired from the private sector a chief information officer who has a strong background in agile development and we also developed a more standard approach that incorporates more open source frameworks and nonproprietary software.

Finally, we decided to move the public cloud where we procure storage space and we serve on secure servers to store our data. These changes have enabled us to build more quickly, operate more efficiently and detect and fix bugs along the way. Since 2016, we've added five product lines to ELIS, of course just like any other major IT launch, we anticipated that when we moved to this -- when we moved last year to bring one of our most complicated products, the application for naturalization, N400 into the system that there may be issues.

So USCIS leadership team was prepared to pause the rollout if necessary. And that's exactly what we did when several problems surfaced with the N400. I want you to understand though that the N400 applications that were started in ELIS are not sitting idle. We continue to process them, and we are conducting 100 percent quality assurance reviews of the text background checks that we used to vet our applications.

With regards to the OIG and GAO recommendations, I'd like to provide some information on the actions that were taken consistent with those findings. First, we incorporated the transformation program into our office of immigration technology. And this has allowed us to leverage the knowledge and talent of both of those offices. This is a better fit for oversight and for coordination purposes.

We're also clarifying the scope of the program, especially when it overlaps with other agency initiatives. The goal is to focus on the benefit types that constitute the great majority of our work in order to be more responsive to the needs of our applicants, petitioners and employees. We're working to fix the issues that prevented us from continuing to ingest the new naturalization cases and ELIS. And I'm pleased with the progress that we're making.

We're also working with USCIS leadership to clarify specific outcomes that we want to achieve with each process we bring into the electronic environment. And I wanted to mention too that we have right now, 25 percent of our caseload is actually in ELIS and is being processed in ELIS.

While we're continuing to devise metrics and monitoring tools that will allow us to measure our success in accomplishing these outcomes. And finally, we're establishing uniform standards for what constitutes a well tested piece of code and were adopting more the development tools used by major companies.

As I prepare to conclude more than three decades of government service, I'm pleased and encouraged by the new direction that we are taking building a system that can meet today's needs and risks and adapt enough to whatever lies ahead. We're fortunate that we have an extremely dedicated, extremely talented team addressing the issues raised by the Inspector General and GAO. The American people deserve a 21st century immigration system that enables us to provide timely and accurate decisions while safeguarding the public and national security.

Again, I want to thank you for the opportunity to appear today and I look forward to interesting questions.

PERRY:

Thanks Ms. Shialabba.

The chair now recognizes Ms. Harris for her opening statement.

HARRIS:

Chairman Perry, ranking member Correa, and members of the subcommittee. Thank you for inviting us to testify today in the U.S. Citizenship and Immigration Services Transformation Program.

As requested, I'll briefly summarize the findings from our most recent reports completed at your request on this important IT acquisition. Each year USCIS processes millions of mostly paper based applications and petitions for more than 50 types of immigrant and nonimmigrant related benefits.

According to DHS on an average day, USCIS completes 23,000 applications for various immigration benefits and conducts 148,000 national security background checks. Our past work has identified lengthy backlogs of pending applications and an inability to complete -- to in an inability to comprehensively identify fraud because of the reliance on paper files. The transformation program was initiated in 2006 to address processing inefficiencies and improve national security by transforming the current method into an electronic account base system.

Among other objectives, the program is to allow applicants to establish an account with USCIS to track and file the status of their applications online. The program's main component, the ELIS system, is to provide case management for adjudicating immigration benefits. ELIS relies on and interfaces with other systems that provide additional such as user authentication and scheduling to deliver end- to-end processing.

Unfortunately this program has faced severe management and system development challenges since its inception. This morning I'd like to highlight two key points from our reports. First, the transformation program's deployment schedule is significantly delayed, causing mis- savings and deferred mission benefits.

After more than eight years and roughly \$475 million spent, USCIS abandoned the system they had initially been pursuing in May 2016 due to its instability. This largely occurred because the system was allowed to proceed through development despite challenges in program management and limited oversight.

In response to various technical issues, USCIS shifted its acquisition approach, which resulted in the proposed development of a new ELIS system. In April 2015, DHS and USCIS approved the

revised plan with full deployment of the new system planned for March 2019, a delay of more than four years from the initial approved baseline.

However, the new system is experiencing technical issues and the March 2019 date is under review by USCIS and DHS and could be pushed out even further. These delays mean legacy systems must remain in operation until the new ELIS is available, and the cost of maintaining the systems as of F.Y. '14 was about \$71 million per year.

In addition, USCIS's ability to realize operational improvements tied to the program have been deferred, including reducing the immigration benefit backlogs through business process change and enhancing national security by better authenticating users and integrating with external agency databases.

In addition, our work on immigration fraud has shown that USCIS's ability to systematically identify and address fraud risks on their asylum and immigrant investor programs will be deferred in part because of their dependence on planned ELIS functionality that does not yet exist.

My second point; ongoing program challenges are increasing the likelihood that the new Ellis will continue to in this cost, schedule and performance goals. In July 2016, we reported that the transformation program was not consistently following key practices in software development and testing, among other things. For example, while the program has establish an environment and procedures for continuously integrating and testing code. It was not meeting benchmarks for functional test and code inspection.

In other words, transformation risked poor system performance after being released to the public. At the time of our report, this risk was already being realized. For example, in November and December 2015, the program's quality assurance team reported that code quality had become a major issue. Later in March 2016, metrics maintained by the program indicated that issues being encountered on the system were increasing faster than they could be addressed.

In May 2015, we also reported that while the programs two key governance bodies were taking actions to monitor progress and implement corrective actions. They were not relying on complete and accurate data to make decisions. In light of these and other issues we had made a total of 30 recommendations to address the Transformation Program's poor progress and ineffective management.

As of this morning, USCIS has fully addressed 17 of them. And it will be critical for the agency to effectively implement the remaining 13 in order to improve Transformation's outcomes and help achieve its goals of modernizing the paper-based immigration process, improving customer service and enhancing national security. That concludes my statement, and I look forward to addressing your questions.

PERRY:

Chair thanks Ms. Harris.

The chair now recognizes Mr. Roth for his opening statement.

ROTH:

Thank you, Chairman Perry, Ranking Member Correa. Members of subcommittee, thank you for inviting me to testify.

For my oral testimony today, I will focus on CIS information technology Transformation issues and DHS's ineffective use of fingerprint records in the naturalization process. First, with regard to transformation, after 11 years, the CIS has made little progress in automating its paper-based procedures. Past automation attempts have been hampered by ineffective planning, multiple changes in direction and inconsistent stakeholder involvement.

After years of planning and delay, CIS began employing the Electronic Immigration System, which is known as by its acronym is ELIS, in May 2012 to modernize the processing of approximately 90 different immigration benefit types. However, currently customers can only apply online for two of the 90 benefit types, benefits and services.

As it struggles to address these system issues, CIS told us last March that it now estimates it'll take three more years, which is over four years longer than estimated, an additional billion dollars to automate all benefit types as expected. However, given past practice, we do not have confidence that CIS's estimations for completion are accurate.

The inability to automate their paper-based systems has real- world consequences. According to agency wide performance metrics, benefits, processes, and ELIS should take 65 days. However, we found that in May 2015, processing was taking an average of 112 days, which is almost twice the amount of time it should take.

Likewise, in our 2014 audit, we reported that although ELIS capabilities had been implemented, the anticipated efficiencies still had not yet been achieved. In fact, we reported that adjudicating benefits on paper was actually faster than adjudicating them in ELIS. That remains unchanged even today. The transformation process has created considerable risk for the program in the nation.

For instance, in November 2016, we reported that the design and functionality problems in ELIS resulted in CIS -- resulted in CIS in three years, receiving over 200,000 reports from approved applicants about missing green cards. That is, cards that should have been mailed and received by the applicant, but were not. We found such instances of missing or misdelivered green cards and actually doubled in two years, between 2013 and 2016.

Our work also revealed that during that time, CIS produced at least 19,000 cards that included incorrect information, or were issued in duplicate. The agency then appears to -- excuse me, the agency appears unable to address the root cause of these problems, which is the design and functionality limitations of ELIS. Although CIS went to considerable effort to try to recover inappropriately used issued cards, its efforts were not fully successful and lacked consistency and a sense of urgency.

Notwithstanding our significant body of work, highlighting the ELIS functionality and performance problems, in April of last year, CIS decided to roll out ELIS under the N-400 Form, which is the application for citizenship and one of the highest volume and most complex benefit types. The rollout was plagued with significant technical and functional issues, prompting the CIS director in August of 2016 to discontinue the use of ELIS and revert to the Legacy system for all new N-400 applications.

However, nearly 250,000 cases had already been adjusted between April and August and had to be completed in ELIS. As of February 24th of this year, more than 185,000 of those cases remain incomplete in ELIS. This is unsurprising given how little progress CIS has made in addressing ELIS's core technical and functional issues. We have found other issues that highlight the challenges that CIS faces in immigration benefits processing.

In September 2016, we issued a report that found that CIS granted citizenship to at least 858 individuals, who may have been ineligible for citizenship because they had received deportation orders or removal orders under different identities in the past. The only fingerprint records that were available that linked these individuals to the deportation orders have been taken on old paper cards and simply stored in manually collected alien files under different names.

When DHS decided to establish its electronic fingerprint repository did not digitize and upload those fingerprint cards. Because they were not digitized, CIS could not match applicants for citizenship against those fingerprints. In addition, the report identified about 148,000 fingerprint cards linking individuals to deportation orders, fugitive status and criminal histories that still had not been uploaded to the DHS fingerprint repository.

Fortunately, DHS has taken significant steps towards fixing this problem. We will continue to exercise diligent oversight over CIS paying particular attention to issues impacting national security. And consistent with our obligations under the Inspector General act, we'll keep Congress fully and currently informed of our findings and recommendations.

Mr. Chairman this completes my prepared statement. I'm happy to answer any questions that you or other members of the committee may have.

PERRY:

Chair thanks Mr. Roth. The chair now recognizes himself for five minutes of questions.

Mr. Roth, I mean you can hear in Ms. Scialabba's testimony that it is indeed a daunting task, right? I think about 23,000, is that what you said, 23,000 applicants a day that you have to review. We accept that it's that it's difficult, and it's large but it's a job that you have. In November, the OIG found that USCIS issued at least 19,000 green cards that duplicated existing cards or that had incorrect information.

And per your testimony, Mr. Roth, and I think you just mentioned it that USCIS received over 200,000 --200,000 reports for approved applicants about missing green cards.

Can you, Mr. Roth, can you discuss the potential national security implications regarding a lack of management and attention to a green card issuance and what the market may be for these green cards once they're out there?

ROTH:

Certainly. It's an identity document that is issued by the federal government. So you can use that identity document for any one of a number of things. You can get a driver's license, for example, you can get public benefits, for example, you can get access to secure areas. For example, there's something called the TWIC card which is the Transportation Worker Identity Card that allows you to go into seaports, and other sensitive areas if you have a the proper federal identification. So that worries us.

We talked to CBP and they said that there is an ongoing black- market for those kinds of fraudulent green cards that are used for nefarious purposes.

PERRY:

That sounds pretty significant. And while in the scale of the amount of information that Ms. Scialabba's agency goes through maybe it's seen as minuscule or de minimis. But if you're somebody that is aggrieved by somebody that used them nefariously or heaven forbid, there's an attack based on the use of them. It's not to be de minimus at that point.

Let's turn a little bit to asylum tracking and fraud. The GA reported in 2015 that USCIS and Department of Justice's executive office for immigration review had limited capabilities to detect asylum fraud for which the GAO concluded may affect the integrity of this -- the asylum system. The GAO also reported that neither DHS nor DOG (sic) -- DOJ had assessed the risks of assault across the asylum process.

Ms. Scialabba, what -- what are your plans to review these risks across the entire system?

SCIALABBA:

We're currently right now going through a process where we're reviewing all of the vetting that we do and all of the systems that we check in terms of asylum and refugee processing. I'm assuming when you say asylum, you mean here in the United States.

PERRY:

Correct.

SCIALABBA:

We are very careful with our asylum program. We do a lot of training. We do a lot of country condition training for asylum officers. We also look to check every system that we can find that we have access to in terms of data. And, as I said, we're currently in the process of reviewing that

vetting process and what were doing in the asylum program to make sure were covering as much as we can in terms of trying to determine fraud.

We're also looking at some additional tools that will help us identify schemes of fraud, where you have a situation where maybe you've used the same address a hundred different times to file asylum applications. In a paper-based system, that's hard to find.

PERRY:

Right.

SCIALABBA:

That's why we need to go to an electronic system we need to be able...

PERRY:

There's an urgency...

SCIALABBA:

... to analyze that...

PERRY:

... connected with this.

SCIALABBA:

... and be able to see that. Right now, we catch it sometimes. Most often it's an officer who will notice it and refer it to a federal...

PERRY:

You would agree that relying on just catching it is not...

SCIALABBA:

It's not...

PERRY:

... optimal right?

SCIALABBA:

... sufficient. It is not sufficient.

PERRY:

Ms. Harris, since the review is not completed under the previous administration. Is it safe to say that -- that those potentially wanting to do harm may have -- may have been granted asylum by providing fraudulent information to the U.S. government?

HARRIS:

Mr. Chairman, I -- I think you're raising a very good point in terms of the weaknesses associated with the -- the current process that USCIS uses to identify fraud -- fraud risks more strategically across the asylum program. I think the important thing to keep in mind here is that -- that because of the deferral of the ELIS functionality, that USCIS is not in a position to systematically identify these fraud risks associated with the asylum applications.

It's very difficult for them since it's all essentially paper- based. And so, to the extent that that information can be captured electronically so that software tools and other types of automated tools can be used to identify systematically these types of risks that will put USCIS in a better position to identify these types of risks as well as identify patterns and trends.

PERRY:

All right. And just for clarification, when we talk about fraud risks in this regard, I think maybe some people will assume that this has to do, maybe, with identity theft or -- or maybe some sub-level crimes, infractions that maybe they won't find harmful to the general populace. But when we're talking about fraud risk, we're talking about potential criminals and terrorists using this information to -- to compromise our national security.

So it's -- it's no small matter whatsoever. These fraud risks lead to potentially horrific occurrences within -- within the homeland, within the contiguous and noncontiguous United States. And -- and they're exceptionally important.

With that, chair now recognizes the ranking member, Mr. Correa.

CORREA:

Thanks, Chair.

I just wanted to follow up on the chair's questions, and in terms of digitalizing this information seems to be a challenge, yet it's one of the big glaring weaknesses in the process.

So question is what you need to go out and hire more folks internally to essentially digitalize fingerprint cards, digitalize other basic information that you need to crosscheck a lot of these applications. Question to whoever wants to answer it.

SCIALABBA:

I can answer that. Let me first start by saying paper based fingerprint cards are not just a USCIS issue. You've got paper-based fingerprint cards in local law enforcement; FBI still has paper-based fingerprint cards. They're everywhere, because back when you took those cards, there was no way to digitize them.

Going back through the process and trying to put those into a system and digitizing, you're talking about millions of fingerprint cards. I will say that the fingerprint cards that are now being ingested into our database, ICE is the one that's doing that which is good because then we have that access to that information so that we can review it. Once they've ingested that information in, we've gone back and reviewed the cases that were granted.

We're in the process of actually reviewing every single case that the inspector general referred to. Matter of fact, we've finished the review of all those cases and we're getting ready to refer the cases where we've found that someone has another identity, because they had that identity based on a paper-based fingerprint card that was not digitized and was not available for anybody to see. Not only us, law- enforcement, FBI, nobody could've seen that fingerprint at the time.

We've gone back, we've reviewed all of those files and we're getting ready to refer the cases to the Department of Justice for prosecution.

CORREA:

So a step further to that, it's a national issue then, if its not you...

SCIALABBA:

It's a national issue.

CORREA:

So you've taken it a little iteration further. Do you coordinate with other international police organization, Interpol, Mexico, Canada, some the others in terms of sharing some of that information to see if there are, in fact, some of those organized crime groups outside the U.S. that could possibly, some of that information assist you in that vetting process?

SCIALABBA:

We have some very good partners internationally, in terms of vetting, particularly the U.K., Australia, New Zealand, Canada. We've had robust sharing agreements with them for some time.

CORREA:

Have you had those with Mexico?

SCIALABBA:

We do get some information from Mexico. Mainly, that's through our law enforcement partners. But those are the -- those are the systems that we check. I wanted to make one particular statement, in terms of the asylum fraud. When I talk about fraud, I'm talking about a scheme of someone basically lying about whether or not they actually have an asylum claim.

We check systems that will tell us if there's a record that someone's a terrorist or if they've got a criminal background. We continuously vet those and we would know if there's any information available about someone being a terrorist or somebody being on a watch listed or somebody being a criminal. We check those in -- in our system, it's not just ELIS techs, we do techs checks.

CORREA:

A follow-up question, the chairman was talking and made some very good comments about some of the citizenship green cards. It should not have been issued that were issued, because of internal mistakes, because your IT systems are not up the way they should be. But converse to that, how many green cards, how many citizenships have there been denied because of mistakes, the other way? You understand what I'm saying?

If your information systems are not working to the point where you deny somebody -- or you give somebody a citizenship, a green card, they should not have, are there mistakes being made we deny a green card or citizenship to somebody who should have them?

SCIALABBA:

I'm not aware of that. I think if there is a situation where somebody's denied citizenship or permanent residence there -- there are appeal rights that they have to...

CORREA:

And let me -- let me follow-up one last question...

SCIALABBA:

Sure.

CORREA:

... I'm running out of time. Fraud, people getting information or documents they shouldn't get, how many of those to your knowledge are due to maybe folks on the inside that are being bought off or bribed. In the years past, I know some of the border agents were actually conspiring with bad elements to do things they shouldn't have been doing.

Are you aware of any those cases inside that may be taken advantage the weaknesses right now in the information systems.

SCIALABBA:

I'm not aware of any, you're talking about internal security.

CORREA:

That's correct.

SCIALABBA:

And we are very careful that internal security as well as external security. I'm not aware of any of those situations. Most of the time when a green card goes to the wrong place it's because we didn't have the right address. We use the last address that we had and this is a population that moves frequently.

So we've mailed the card to the last known address and it turns out that that's not the address, the -- the person is still at.

CORREA:

Mr. Chair, I yield my time.

PERRY:

Chair thanks the gentlemen.

The now recognizes the gentleman from Louisiana, Mr. Higgins.

HIGGINS:

Thank you, Mr. Chairman.

Mr. Roth, my question is going to be directed at you sir. I've been a law enforcement professional for last 13 years and I've personally -- I personally processed several thousand paper fingerprint cards. But during the course of my career, AFIS came into -- into full head of steam within the law enforcement community.

Are you familiar with AFIS, sir? The automated fingerprint identification system.

ROTH:

Yes I am.

HIGGINS:

Every -- as far as I know in the civilian world of law enforcement, every jail from sea to shining sea has been using digitalized finger printing for 25 years.

So if -- it's -- it's striking for me from perspective of reality that the civilian world has responded to digitalized fingerprints, for obvious reasons. People have had computers on our desks since the '80s and yet we're listening to a testimony stating that somehow the federal government, after billions of dollars of expenditure to people's treasure, has not quite caught up with that.

Can you explain that please, sir?

ROTH:

Sure. I mean DS -- DHS right now is completely digitalized with regard to fingerprints. They use the same kind of system that the FBI uses. It's actually different system, but they talk to each other. So there's complete uniformity with regard to currently how it is that, for example, immigrants are processed.

Or if in fact, somebody gets picked up and then order of deportation is issued or an order of removal is issued then those digital fingerprints will be available for adjudication.

The difficulty was in the past, so this is before the digitization occurred which was really for DHS right around the time of its inception around the early 2000, 2003, 2004 timeframe. They were still using paper fingerprints.

So you'd have an individual who was out of status who gets picked up and he gets an order of removal. They rolled his fingerprints, just like they do for everybody else. And then they stick those fingerprints into the alien, the paper-based alien file that CIS keeps or that the Department of Justice keeps or ICE keeps indicating that in fact there was a final order of removal against this person.

Now 10 years later, this guy one may have never left or two had come back and in fact applied for both status as a green card and then permanent -- citizenship. There was no way to access that paper-based fingerprint that got rolled 10 years before. So right now the system works perfectly fine.

The issue was that they knew that they had this large repository of fingerprints that were paper-based. And they didn't take the extra effort to digitize those -- those prints. And that's one of the things that we found and frankly, if we hadn't done the audit I think we'd still be sitting here with a whole host of paper-based files.

HIGGINS:

Immigration benefit fraud involves a willful misrepresentation of material fact the purpose of obtaining an immigration benefit, such as asylum status without lawful entitlement. The Department of Homeland Security and Department of Justice have established dedicated anti-fraud entities within USCIS.

Referring back to the fingerprint issue, does the USCIS IT system, sir, communicate with AFIS?

ROTH:

The -- the CIS system uses the DHS information system, which is called TECS, T-E-C-S, which gave back...

HIGGINS:

OK, those systems talk to each other?

ROTH:

... communicates -- yes. Justice and DHS talk to each other when it comes to those things.

HIGGINS:

The -- the paper print files that have been taken prior to the current digitalized age, as -- as the individuals interact with immigration services in some way, are their fingerprints upgraded to -- to digital status?

Because when -- in -- in a civilian world, if, you know, repeat offenders that -- that get arrested again and again as a common occurrence, and as they come through the jail, if they haven't been arrested for, you know, five, six, eight, 10 years, then it -- it doesn't matter that their original print files were paper because every time they get booked, they get loaded into AFIS.

Is there any system within the federal government's effort to control illegal and criminal status of -- of -- of emigrants? Is there any effort to digitalize prints?

And with that, my time has expired. So, perhaps in a further moment, Mr. Chair.

ROTH:

Sure, of course, yes, the -- what we had found in our audit was the fact that there was about 150,000 fingerprints that had not yet been digitized. They had digitize a number of them, functionally ran out of money, and then stopped the process.

As a result of our audit report, they found the money. And in fact, they should have all those fingerprints digitized by the end of the fiscal year. So, to answer your question, as far as it were -- as far as it concerns orders of removal, in other words the CIS and ICE deportation efforts, those will be fully digitized by the end of the fiscal year.

HIGGINS:

Thank you, sir.

PERRY:

Chair thanks the gentleman.

The chair now recognizes the gentlewoman from New York, Miss Rice.

RICE:

Thank you, Mr. Chairman.

Mr. Roth, can I take you back to -- I think it was in 2008, when IBM was hired to -- to -- at a cost of half a billion dollars to put the system together.

ROTH:

That's correct.

RICE:

Can you just walk us through that?

ROTH:

I -- I -- I can certainly talk about what it is that we saw, which was, you know, that was the old, sort of, what they call the waterfall system, where you'd hire some major contractor who would say, you know, create a system for beginning to end; a single unitary system. It would take years of development. And of course the IT systems don't stop.

In other words, the -- the technology improves, but somehow what it is that you contracted for doesn't move. As a result of what was clearly an unfortunate situation there, CIS has moved. And I believe in her testimony, Ms. Scialabba talked about the fact they moved from this waterfall system to an agile system, which is instead of doing one massive thing with one massive contractor, we'll have a bunch of different pieces of the process contracted out, and the government itself will be the integrator.

In other words, we'll contract out this part of it to one company and that part of it to another company and we will do it in smaller pieces and then implement it only in pieces. So that was the theory, it didn't quite work out that way and I think everybody at this table acknowledges that the agile system that CIS used had some problems with it.

RICE:

But -- but so why, I mean if the waterfall system was so bad, this system was supposed to be better. Why was it not?

ROTH:

There's a couple reasons. One is, it requires the Federal Government to do the integration, so it requires a fair level of sophistication by Feds, government individuals, to be able to do that in the right way. Second, it requires...

RICE:

Are you saying that we don't have that sophistication?

ROTH:

I think that was one of the core issues that we found during the series of our audits that in fact there wasn't that kind of expertise available.

Second, it requires communication between those folks who actually use the system and the people who are designing and implementing the system. And we found that that was problematic with regard to the CIS rollout.

Third, there's this issue of governance, in other words, the people at the top have to have clear information and an understanding of what the progress was. And quite frankly, I think that the senior leadership at CIS wasn't getting the kind of information it needed to make intelligent decisions.

In January of last year, I had a meeting with the head of CIS, not Ms Scialabba, but her predecessor, who seemed unaware and sort of highly resistant to some of our audit findings, our proposed audit findings. And frankly, the only thing that we could find -- figure out is that he wasn't getting the kind of information that he needed to make the kinds of decisions that -- that he needed to make.

So those were some of the issues and the other is this -- this idea of agile technology or agile development. It means you're gonna take the software and you're gonna put it out in what's called a minimal viable product, which means you know, we're gonna do small pieces but those pieces are actually gonna work.

So one of things for example, in today's testimony is like well, we're gonna rollout the N-400. And we're prepared to pull it back if it doesn't work. Well, that's not a minimum viable product, if in fact, you roll it out and four months later, you have a backlog of 250,000 applications that you're still not having been able to grind through. That means you released a product that was not minimally viable.

What you should have done, is engage in further testing, sort of stress testing, of the software before you roll it out. So to my point of view, the -- this idea that well, we'll put it out if it breaks and it breaks the system and we have a quarter million applicants, well we'll then just pull it back. That's not agile. That is just not the right way to -- to rollout software.

RICE:

So -- so I see a lot of parallels between the complete and utter waste of money, here. I mean now -- now this -- it goes from \$2.1 billion to over \$3 billion, right, in cost, right?

ROTH:

You know, we don't know exactly what -- what it's gonna cost at the end of the day.

RICE:

And that's not even -- and that's not even the end of the day. So you know, I sat on the Veterans' Affairs Committee too and I personally think that the V.A. should not be in the business, they're not general contractors. They should not be in the business of building anything. There is a hole the ground, practically, in Aurora, Colorado and you know, I don't know how many billions of dollars later, there's nothing there.

So in light of the lack of expertise that you are saying exists in CIS, number one from a technical standpoint, and in light of President Trump's desire to cut budgets that are gonna affect CIS, how they going to do what they have to do with even less money?

ROTH:

Well, CIS is fee-based so they -- they will not be as affected, I think, by whatever budget cuts occur. But I would agree that this is a high risk system. It's been...

RICE:

The hiring freeze is, that's not affected, you can't get the talent if -- there's a hiring freeze and you can't hire people.

ROTH:

I don't think there's any question that -- that this is a high risk system and there are some hard decisions to be made with regard to how CIS moves forward.

RICE:

I'm sorry, can you repeat that.

ROTH:

Sure. I don't -- I don't think anybody disputes at this is a high risk system. And that the history of it has shown that it's a high-risk system and I think CIS is gonna make -- have to make some hard decisions as to how they're gonna move forward on this.

RICE:

So they need money, they need real talent and they need real management, right?

ROTH:

Correct.

RICE:

Thank you Mr. Chairman.

PERRY:

Chair thanks the gentlelady.

The chair now recognizes the gentleman from South Carolina, Mr. Duncan.

DUNCAN:

Chairman Perry, thank you.

I would be remiss if I didn't mention the court decision yesterday on President Trump's executive order to pause refugees and visa issuance to people from six Middle East and North Africa countries. The judge -- this is judicial activism at its worst.

When the judge uses political rhetoric in his decision. Not the statute, not the law because the statute and the law is pretty doggone clear that the president has the ability to do this. It's been used from Jimmy Carter forward.

But use campaign rhetoric to pause or halt through judicial activism an executive order. These are the same countries that President Obama signed into law, that do not have the records necessary for the vetting process, don't cooperate with U.S. processes. It's where terrorist are embedded.

So if it was truly a Muslim ban, a rhetorical question to ask ourselves is, why wouldn't it list the largest Muslim population countries in the world? And if I ask you that question, you may say well that's Saudi Arabia or -- no, it's Indonesia, second is Pakistan, third is India.

So it's not a Muslim ban, it's targeting countries that we know ISIS is infiltrated. Take ISIS at their word. They said they're going to infiltrate our refugee program and our -- our visa program to try to come to this country to do harm to America and western interest. The facts are clear that these countries are harboring terrorists.

Case in point, countries that do cooperate with the United States, with the requirements of Department of State and Homeland Security aren't listed. In fact, Iraq was removed from the previous executive order listing to this one because they have stepped up to the plate to meet the requirements the U.S. puts in place for vetting of visa applicants and refugees.

So Iraq isn't -- isn't on this executive order. It shows you the process is working because the countries are actually changing their processes.

Let me shift gears, 49 percent of all illegal aliens in this country or visa over stays, 49 percent. You pick a number 12 million or 20 million, half of those are people that came to this country with a permission slip, that the people sitting at this table are responsible for giving. USCIS and Department of State.

They came with a visa, work visa, a student visa, you name it. They were vetted, they were granted a visa of our country, a permission slip. We invited them to come to our country. They decided they liked it and decided to violate our law and stay in this country. There visa over stays and they're here legally because they're out of legal status. That's something we work on. That's where we need a biometric entry exit visa system.

So we know when people enter our country and leave our country. Leaving our country being the big part of it. That's low hanging fruit. We know the names of these folks, we know where they were going in most cases. In a work visa or student visa, that's a great place to start for enforcement of the laws on the books that say you can't overstay your visa. We're you a period of time to be in our country. We'll even allow you graciously to extend that through the process. But if you overstayed, you're in violation of law and it's time to go.

So that's an enforcement aspect, a biometric entry exit systems being worked on, but we're not there yet. So regardless of how well USCIS and Department of State do their job on visa screening and refugee processing or whatnot, if we don't have a good biometric entry-exit system, I don't think we're fulfilling the wishes of the American people.

So, Ms. -- Ms. Scialabba, I ask you, where are we on that? Because that question may have been asked by someone, but where we are on the biometric entry-exit system that we've talked about in this committee since I joined it January of 2011?

SCIALABBA:

Congressman, I know that they're working on that. That's a DHS priority. It's Customs and Border Protection that's responsible for the entry-exit system, so I'm not really in a position to give you a good update on where they are with the system. But I know, for a fact, because I've been in meetings where they are actually talking about updating and formalizing that system.

DUNCAN:

Right.

SCIALABBA:

So I know they are working on it, but I'm -- I'm not in a position to give you a detailed answer on that.

DUNCAN:

Let me ask you this, do other countries do biometric entry-exit visa screening or entry-exit screening?

SCIALABBA:

Some do, some don't.

DUNCAN:

Go to Japan, you put your thumbprint on a screen when you enter the country and when you leave. They know when you're there.

SCIALABBA:

I -- I think...

DUNCAN:

Why don't we tap into these other countries technology and utilize some of that here? Let's cut this process down. They've got something that's working; rely on our allies.

And that -- that -- Mr. Chairman, I think that's just a simple start and we're going to spend billions of dollars on this, we're not even there yet. I -- I think that something that works. I have a lot other questions. If we go to round two, I'll be glad to ask them then.

I yield back.

PERRY:

Chair thanks the gentlemen from South Carolina.

The chair now recognizes the gentlewoman from California, Ms. Barragan.

BARRAGAN:

Thank you.

I would be remiss if I didn't say something in reply to that. I'm grateful for the judiciary system; it's a checks and balance system that we have in this country that is meant to provide the oversight when you have a president who is doing whatever he wants to regardless of the law.

This second travel ban was just the same ban in different wrapping paper. It had the same discriminatory intent, and we can't -- we don't even know what this president's financial ties are to

countries that are not on the list because he won't release that information. Activism; I would say not. The fact that Iraq was taken off the list I think is just another indicator of how random the process has been.

But, I will switch gears here and go onto what we are talking about today. And I want to talk about the merit-based system that the president has indicated we are going to move to. You know, my parents were immigrants from Mexico. My mom had only a third grade education. Under a merit-based system, she probably never would have been able to come here. I certainly wouldn't be sitting here today if that were the case.

The president has announced he's going to move for this merit-based immigration system, breaking from decades of long practice of giving families -- preference to families of U.S.-based citizens. While in many ways a patchwork, the U.S. immigration system is already attracting many of the best and brightest from around the globe. Trump's characterization of the U.S. immigration as a flood of low skilled migrants draining public finances is flawed. New arrivals to the U.S. are increasingly better educated and well off.

Ms. Scialabba, what can be USCIS fix to speed up processing for highly skilled immigrants?

SCIALABBA:

Well, as -- as I'm sure you're aware, there are visas available for highly skilled immigrants that we processed on a regular basis. I think if you're referring to the premium processing that -- that was suspended for a temporary period of time...

BARRAGAN:

Well, you raise a good point. Earlier this month, the U.S. Citizenship and Immigration Service announced that starting on April the 3rd, it would temporarily suspend premium processing for the H1B1 visas and the suspension may last up to six months?

SCIALABBA:

Yes.

BARRAGAN:

Well, what I'd like to do is I'd like to ask the chairman unanimous consent to enter a release from the USCIS announcing its temporary suspension into the record?

PERRY:

Without objection, so ordered.

BARRAGAN:

OK, thank you.

So companies can use these visas to hire foreign workers to temporarily fill these positions in the U.S. How would you implement the president's merit-based system when this administration is suspending a program that permits high entry for highly skilled immigrants?

SCIALABBA:

Lemme first say, the program's not suspended. We suspend premium processing, which means we would have to process the application in 15 days. The applications that come in beginning in April, we -- we see a flood of -- of applications that come and usually it's 200,000 or more. We're unable to process those premium processing, we can't process cases in 15 days when we get 200,000 in a week. It's only suspended temporarily.

Once we lift the suspension, people are able to file for premium processing and we will process their application within 15 days. I think the other thing to keep in mind is that these visas that they're applying for in April are not available until October. So what we do is we take them in, we process them, we organize them and then when we're ready, we let people file for the premium processing if they think that that's what they need.

But the visas aren't available until October in any event, so it's really not delaying anybody from getting their visa when they're ready to pick up the visa.

BARRAGAN:

So what's being suspended? Does that mean we were not doing it before?

SCIALABBA:

No we were doing it before. Before we have the -- before we open up the H1B season, which is when everybody can file, we are taking in those visas on a regular basis and a regular process. And you can apply for premium processing, at that point.

What happens in April is that we open a window, where people file -- and usually it's only for a week, because we get so many applications in that time period. We usually get in between 200,000, 240,000 applications in one weeks time. Just getting the data entered into our systems and getting those processed so that they're ready for adjudication takes some time. And that's why we are unable when we -- when we suspend, the only thing we're suspending is the premium processing. We're not promising to do anybody's visa, anybody's petition, in 15 days.

Once we get all that data into the system, once we're ready to turn it back on, we put premium processing back in play and people can then file if they want, to have their adjudication done within 15 days, as opposed to 30, 60, 90, whatever our processing time is at the time.

BARRAGAN:

All right, thank you. I -- my time has expired, I yield back.

PERRY:

The chair thanks the gentlelady. Chair's gonna open a second round of questioning, here.

Mr. Roth, looking through your testimony regarding the USCIS Systematic Alien Verification System for Entitlements, it says in most cases, an error and save verification means that a deportable individual can receive benefits ranging from public assistance to a drivers license.

And you already mentioned in previous testimony, the transportation worker identification card, which allows them unescorted access to secure areas of the nation's vessels. And it appears that, in your testimony, that USCIS has failed to identify the deportable status of 12 percent of individuals submitted through SAVE.

I'm wondering, you know, those -- according to your testimony are individuals that the court had ordered be deported for things like felony convictions. I imagine they run the gamut, including things like extortion, assault, burglary, drugs, et cetera.

What kind of numbers are we talking about Mr. Roth?

ROTH:

What we did was we did a representative sample, which is typical of what we do an audit. We try to make it large enough where it's statistically significant. So we can't estimate exactly how many we're talking about the entire universe.

But what we found in doing the statistical sampling was at about one in eight of those queries, in fact, did not turn up the fact that somebody actually had been ordered removed from the country for, you know, a variety of reasons as you said. That audit was in 2012. We made recommendations. CIS followed the recommendations, but in this follow-up audit that we did -- that we just released.

It took 46 months to get a solution finally online. And that was one of the things that to me, struck me about this entire process was there seemed to be a lack of urgency in fixing the problem in a reasonable amount of time.

PERRY:

So am I to understand, based on what you just said that -- that -- that situation has now been rectified. That weren't at 12 percent of deportable individuals in the SAVE program maintaining status here in United States, that's been rectified?

ROTH:

That's correct. Functionally what happened was SAVE was not talking to the right kind of databases.

PERRY:

Which is good news and we applaud and commend the department for taking care of that.

And that's with, Mr. Roth, that's with records that we know about, right? That's able to vet so to speak. Compare the application against information that we have to see whether the applicant is worthy, for lack of a better term, or justified in maintaining their status of the United States, right? That's generally, if I could describe that, you're comparing and...

ROTH:

It's actually simpler -- simpler than that because there is no judgment that, I mean...

PERRY:

Right.

ROTH:

If they've been ordered removed, then they've been ordered removed. It's not, oh we're going to assess their risks. They have no basis to be in the country so they can't get any benefits.

PERRY:

So in previous testimony, Ms. Scialabba, and -- and you can correct me. I just want to make sure I understand this correctly. You're saying that you check all this -- all the known databases et cetera for asylees (ph) to determine whether they might be criminals or terrorists et cetera.

You gave us this impression and I just want to make sure if we have the correct impression, that even though it might be a paper- based system and even though you might not have digital information, you're going to go ahead and check everything to vet these individuals. But what if you don't have anything to vet against is -- is my question. And that's a concern for -- for anybody coming in the country, whether it's through his USCIS, whether it's through the U.N., et cetera.

And -- and before you answer, I'd just like to hear from Ms. Harris on-- on -- on this particular issue. If you can shed any light to the fact because I get the impression based on that testimony that there's really nothing to be concerned about. All this is being checked but is that true or not true, in your opinion.

HARRIS:

Mr. Chairman, unfortunately we have -- I'm not in -- I'm not the best expert within JO (ph) to answer that question, so I'd like to take that for the record. But I can tell you that we do have

ongoing work on the SAVE program as well as work related to have refugee vetting. And so that work will be released, I believe in the spring time frame. So I'd like to get that information for you.

PERRY:

OK. Well springtime starts, I think in about a week. Is that about right? So what kind of time frame are we talking about Ms. Harris? If you know.

HARRIS:

I believe in the May timeframe.

PERRY:

OK. In the May timeframe.

HARRIS:

Yes.

PERRY:

All right. We're hoping it's a little warmer in hospitable outside. But we'll look forward to that report.

And in my remaining 20 seconds, Ms. Scialabba, if you want to enumerate?

SCIALABBA:

Yes, I -- what I was saying was that the systems that we can identify and that we can link to, we check. I -- as I said before, I was the Associate Director for a refugee asylum international operation. When we started processing Iraqi refugees, we made a concerted effort to go out to the intel community, the law enforcement community, to find what other databases there were.

We were able to get the Department of Defense to put their information into our ident system at Department of Homeland Security so that we had access to that information too. But before that happened, we were running our checks through -- it's called ABIS at the Department of Defense - - because they had a lot of information on the Iraq population.

We continue to review that constantly and always, because there are always databases being developed. There always systems that we aren't necessarily aware of because they're in the intel community, and they don't necessarily let us know what they have. It's an ongoing process; we never stop...

PERRY:

And we appreciate...

SCIALABBA:

... looking for more.

PERRY:

... and -- and encourage and your diligence and we applaud that diligence, but at the same time, especially when you mention Iraq, which is very different, I think, from countries like Iran or Syria in databases. And the concern is -- is that even though USCIS might seek out other databases, and diligently does so as it should, some of these individuals, maybe many of these individuals, there's nothing to check against.

There's nothing, there's no way to vet them because there is no database to refer to, but I do want to keep going on.

Chair now recognizes the ranking member, Mr. Correa.

CORREA:

Thank you, Mr. Chairman.

I do have a follow-up question; one of the comments made by our good colleague from South Carolina. He said 49 percent of all the undocumented are over-stays. Do you have any information from what countries those over-stays are from? And if you don't have it, I'd like to get that information some other time; very soon hopefully.

SCIALABBA:

We can get that information for you I believe from the Department of Homeland Security. It's not information that USCIS would normally maintain.

CORREA:

OK.

SCIALABBA:

But, I'm sure we can get it from the Department of Homeland ...

CORREA:

And the breakdown are those educational, work, what over-stays are those? You don't have it, but love to get it.

SCIALABBA:

I'll look to see what the department has.

CORREA:

In a timely basis. Thank you very much.

And other question I have is related to the EB-5 visas. Those are the, I guess, investment visas. There's been accusations of fraud, abuse, internal influence in issuing these. And these are very popular. I know my district, a lot of folks get together, you need some money to invest, you go out and round up some investors from overseas, you put the project together.

Is there any follow-up to assure that the requirements to get the EB-5 are actually complied with? And what -- do they actually create the 10 permanent U.S. jobs, so on and so forth; is there any follow-up at all, is it just certification up front? You can invest half a million dollars, you get your visa and nothing else is followed up on these visas.

SCIALABBA:

There is follow-up, particularly when they apply to remove the condition on the permanent residence. They have to prove and establish that they -- that they created the 10 jobs, that the -- whatever the -- whatever they developed, whether it's a store or whatever the enterprise is, that it's still functioning and it's still viable.

So at that point, there is -- there is follow-up, but we've also implemented a -- a process where we go out to visit the various enterprises that have been established to make sure they are operating, that they are what they say they are, that they actually exist.

CORREA:

Do you visit all of them, or just a sample?

SCIALABBA:

It's a sampling of them for quality assurance.

CORREA:

OK. My final question or few seconds I have left is, we've heard that your predecessor in terms of the IT, the challenges, we had an audit and that person refused to acknowledge that audit. It seems like we had a situation where folks kind of buried their head in -- in the sand or in a hole and not really acknowledged the challenges that were being put forth.

You ma'am, have about what, a couple months left in the agency? Three?

SCIALABBA:

Two weeks.

CORREA:

Two weeks, my gosh, time flies. So what would your recommendation be in terms of this committee and through the chair, I would ask that to make sure that we continue to follow-up to make sure that that situation does not repeat itself. Meaning that we have consistent diligence to assure that the IT is actually making progress.

SCIALABBA:

I can assure you that USCIS knows that the way of the future is electronic and that we have to have a system that works for us. We've made great progress and great strides, I think, in terms of our contracting, in terms of how we're rolling out our -- our software. And I would say, the system is not failing.

We've processed over a hundred thousand N-400s in that system, we've processed almost a million green cards in that -- I-90 green card replacements in that system. We've also processed, I think 750,000 immigrant visa fees in that system. It's not failing, it has been...

(CROSSTALK)

CORREA:

Madam, I don't believe the issue is failure, the issue is progress or the lack thereof in a timely manner, so I would ask my chair to come back very soon to again, ask these same questions to make sure we're all on the same -- same page, so to speak.

SCIALABBA:

We're happy to come and brief the committee and the staff, whenever you'd like.

CORREA:

Thank you. I yield the rest of my time, sir.

PERRY:

The chairman yields.

The chair now recognizes the gentleman from South Carolina, Mr. Duncan.

DUNCAN:

Thank you, Mr. Chairman.

Employers and law-enforcement officers are using social media as a way to screen potential applicants for jobs or fighting crime, looking for suspects. I think it would surprise me, people, the amount of social media activity in other countries, rivals that the usage here in America.

So Ms. Scialabba, to what extent the USCIS use social media to adjudicate applications to immigrant and non-immigrant benefits?

SCIALABBA:

We are currently using social media to vet refugee applications. We're in the process of rolling that out farther and piloting it for other applications that we use. The social media issue for USCIS is that we do large-volume.

If you're looking at the social media for someone that's under investigation or an individual that you're looking at, it's -- it's much easier to do. If you're trying to process, I don't know, 20,000 applications at a time and you're trying to vet 20,000 people through social media, it's -- it's really not possible.

So we have to do some risk analysis, which is what we're in the process of doing to see which visas are most likely to yield the most when we do social -- social media vetting. Obviously, we're doing it for all the refugees. We're going to start doing it for asylum. One of the things that we're looking at piloting is for the K visas.

So we are rolling out and using social media in a much more robust way than we have in the past. And we will continue to look at that and review it and use social media as best we can, to ferret out anybody who means to do harm to the United States or -- or fraud We've seen some fraud too with social media.

DUNCAN:

Thank you. I hope you do.

I think that's the right move to utilize more and more of that. There's been some talk today about electronic records and we all know how electronic records have helped expedite things in our life. Whether it's medical records that can be sent easily from the doctor to the hospital. But there's always a fear of hacking and we saw what happened with the OPM with thousands or of millions of employment records -- having access to those that could lead to identity theft and other things.

And so is this a concern, Mr. Roth, of -- of DHS? And what are some safeguards that you all are looking at with regard to -- these are noncitizens, but they still have private information that is part of the screening process. So what are we doing to safeguard their information as well because I think other countries would be interested in that.

ROTH:

I share your concern with that, particularly as you roll out new software, you don't actually know what the security protocols or what -- how secure, in fact, that system is. It is something that we are concerned about. We haven't done any formal work on it because of course the problem is ELIS is very much a work in progress.

So it's very difficult to assess the security configurations of something that hasn't yet rolled out. But we are concerned just based on CIS's challenges and in getting software that works. So if they can't get software that works, we certainly have some issues with whether or not it secure.

DUNCAN:

Right. I think there's always a fear of -- even in closed systems that -- that aren't connected to the internet in anyway, not connected any outside electronic source for -- for tapping into, that someone on the inside could print it off, USB drive or something to take those documents as we saw recently in another agency. So part of me likes the paper side of it, but understand that's not feasible.

Mr. Chairman, it's a great hearing. I appreciate the feedback from the witnesses and I yield back.

PERRY:

Chair thanks the gentlemen.

The chair now recognizes the gentleman from Louisiana, Mr. Higgins.

HIGGINS:

Thank you Mr. Chairman.

Mr. Roth, I'm going to ask you a few yes or no questions. Then I'll give you an opportunity to expound, sir. Would you agree, from your perspective, that the federal government is responsible to the American people to maintain our sovereign borders and to protect our citizenry from those who would do us harm that enter our borders under false pretense?

ROTH:

Yes.

HIGGINS:

Do we rely upon partnering with cooperative and capable foreign governments regarding their own vetting of those that they would issue emigrant visas for, those that would apply for -- for legal status within the United States.

Do we rely upon the cooperation capability of our foreign partners? ROTH: That is my understanding. I think that's best addressed to CIS. We haven't done any audits on it.

HIGGINS:

All right. From your perspective, thank you sir. From your perspective, would you agree that -- that IT capabilities and -- and digitalizing technologies increase and improve every year?

ROTH:

Yes, I believe that's the case.

HIGGINS:

Yes sir, in 2009, I worked a case regarding identity theft, fraudulent checks, forged checks and fraudulent identification in conjunction with treasury agents of the Secret Service. And I was presented with drivers licenses that were completely false. That I could not determine as a veteran law enforcement agent were fake. This was in 2009.

The source of those -- of those driver's licenses, those fraudulent documents, was a booth in a flea market in Houston.

If we rely upon our partners in foreign governments that are cooperative and capable to vet their own citizenry prior to their intended effort to enter our country -- when we're responsible to protect the sovereignty of our borders -- if they have no capable or cooperative vetting procedure in those nations, and if those nations are known to -- to include high populations and dense populations of -- of terrorists leaning populace, how can we possibly -- given the nature of technology, how can we possibly be sure if we don't have -- from your perspective as a cop -- how can we possibly be sure that those nations are not allowing their citizenry to attempt to enter our country with excellently forged documents and identification papers and -- and means by which to enter our country with fraudulent intent?

ROTH:

Well, you raise a good point, which is you're only as good as the information you get. But in your circumstance, for example, the United States, one of the most sophisticated nations on the planet, we have abilities -- our bad actors have the abilities to create false identifications.

So while it would be best to rely on our foreign partners that are more sophisticated. There is risk all over the process. Whether it's with our more sophisticated foreign partners or our less sophisticated foreign partners, we're always going to have the risk that people who are bad actors will use the system to come into the country. The question is how do we control that risk. What process do we put in place to minimize the risk that we all, sort of, identify as out there.

HIGGINS:

Thank you, sir. Mr. Chairman, I would encourage my colleagues on this subcommittee, from both sides of the aisle, to maintain a -- a sober diligence regarding the way we approach allowing foreign nationals to seek entry to our country.

As we sit with full knowledge of the fact that there's -- there's certainly a capability to produce fraudulent documents. And I would hope we stop them where they come from, rather than letting them make it to the booth in a flea market in Houston.

With that I yield my time, Mr. Chairman.

PERRY:

Chair thanks the gentleman.

Ms. Scialabba, thank you for your service to the country, it's been a long time, and we wish you well moving forward. For your successor, I would say that there's still significant questions and concerns that remain. While we applaud you for getting it together, so to speak, for things like the save program, 45 months is way too long.

When I think about somebody that is listed, by the courts, as should be deported and -- and we don't pick that up, if that -- if that individual's harmed -- would harm a member of my family or your family or any American's family, that's -- that's -- that's just something that's unacceptable to us and I know you understand that.

So while we appreciate the good work, 45 months is -- is too long and this is -- there's an urgency that's attached to this that the department must, in my opinion, be imbued with and so we wish you well. We hope to see your successor, and for your staff that's here with you, we hope to see again. And we hope that we have -- can -- can talk under better conditions in the future.

With that, the chair thanks the witnesses for their valuable testimony and the members for the questions. Members may have some additional questions for the witnesses, and we will ask you to respond -- you folks on the panel -- in writing pursuant to committee rule 7D the hearing record will remain open for 10 days.

Without objection, the subcommittee stands adjourned.