

**Testimony of Inspector General
John Roth**

**Before the Subcommittee on
Oversight and Management
Efficiency**

Committee on Homeland Security

U.S. House of Representatives

**“Immigration Benefits Vetting:
Examining Critical Weaknesses in
USCIS Systems”**





DHS OIG HIGHLIGHTS

Immigration Benefits Vetting: Examining Critical Weaknesses in USCIS Systems

March 16, 2017

Why We Did This

The audits and inspections discussed in this testimony are part of our ongoing efforts to ensure the efficiency and integrity of DHS' immigration programs and operations.

What We Recommend

We made numerous recommendations to USCIS in these reports. Our recommendations are aimed at ensuring that USCIS processes immigration benefits accurately and efficiently.

For Further Information:

Contact our Office of Legislative Affairs at (202) 254-4100, or email us at

DHS-OIG.OfficeLegislativeAffairs@oig.dhs.gov

What We Found

This testimony highlights a number of our recent reviews related to USCIS systems for processing immigration benefits:

- After 11 years, USCIS has made little progress in transforming its paper-based processes into an automated immigration benefits processing environment. This delay will prevent USCIS from achieving its workload processing, national security, and customer service goals.

- Due to processing errors resulting from premature release of ELIS software, USCIS received over 200,000 reports from approved applicants about missing green cards. USCIS produced at least 19,000 cards that included incorrect information or were issued in duplicate. USCIS' efforts to address the errors have been inadequate.

- Recently we issued a Management Alert regarding additional concerns with ELIS that came up during an ongoing audit of USCIS' use of ELIS for naturalization benefits processing. We strongly recommend that USCIS refrain from using ELIS for naturalization benefits processing until it resolves the system problems we have identified.

- USCIS granted U.S. citizenship to at least 858 individuals ordered deported or removed under another identity when, during the naturalization process, their digital fingerprint records were not available.

DHS Response

USCIS concurred with most recommendations made in our audits and inspections.



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Chairman Perry, Ranking Member Correa, and Members of the Committee, thank you for inviting me to discuss the Office of Inspector General's (OIG) work relating to weaknesses in U.S. Citizenship and Immigration Services (USCIS) systems for vetting immigration benefits. Today, I would like to focus on the findings of our work pertaining to a number of related issues, including USCIS information technology transformation issues, USCIS' ineffective use of fingerprint records in the naturalization process, and security weaknesses in USCIS' Systematic Alien Verification System for Entitlements (SAVE).

Issues with USCIS Information Technology Transformation

Functionality Issues Continue to Plague ELIS

After 11 years, USCIS has made little progress in automating its paper-based processes. Past automation attempts have been hampered by ineffective planning, multiple changes in direction, and inconsistent stakeholder involvement. After years of planning and delay, USCIS deployed the Electronic Immigration System (ELIS) in May 2012 to modernize processing of approximately 90 immigration benefits types. However, currently customers can apply online for only 2 of the 90 types of immigration benefits and services.

ELIS was intended to provide integrated online case management to support end-to-end automated adjudication of immigration benefits. Once implemented, individuals seeking an immigration benefit should be able to establish online ELIS accounts to file and track their applications, petitions, or requests as they move through the immigration process.

In March of last year, we issued a report that found that at the time of our field work, which ended in July 2015, little progress had been made.¹ Specifically, we concluded:

- Although USCIS deployed ELIS in May 2012, only 2 of 90 types of immigration benefits were available for online customer filing, accounting for less than 10 percent of the agency's total workload. These two are the USCIS Immigrant Fee, which allows customers to submit electronic payment of the \$165 processing fee for an immigrant visa packet, and the Application to Replace Permanent Resident Card (Form I-90).
- Among the limited number of USCIS employees using ELIS, personnel reported that the system was not user friendly, was missing critical functionality, and had significant performance problems processing benefits cases. Some of those issues are set forth in this chart:

¹ [USCIS Automation of Immigration benefits Processing Remains Ineffective, OIG-16-48 \(March 2016\)](#).



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USCIS ELIS User Feedback on I-90 Processing

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| <ul style="list-style-type: none">• Need to manually refresh website often to see the most recent information.• Difficulty navigating among multiple screens and web browsers.• Inability to move browser windows to view case data.• Cases getting stuck throughout the process and inability to move to the next step without intervention.• Inability to undo a function or correct a data entry error.• Inability to enter comments on actions taken after a case has been adjudicated. | <ul style="list-style-type: none">• Card errors received when “NMN” is entered for applicants with no middle name.• Failure to produce cards for approved cases.• Inability to process benefits for military or homebound applicants.• Errors in displaying customer date of birth.• Scheduling applicants to submit biometrics (photo, signature, prints) that are not needed.• Inability to create a case referral electronically once adjudication is complete. |
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- The limited ELIS deployment and current system performance problems may be attributed to some of the same deficiencies we reported regarding previous USCIS IT transformation attempts. Specifically, USCIS did not ensure sufficient stakeholder involvement in ELIS implementation activities and decisions for meeting field operational needs. Testing had not been conducted adequately to ensure end-to-end functionality prior to each ELIS release. Further, USCIS had not provided adequate post-implementation technical support for end-users, an issue that has been ongoing since the first ELIS release in 2012.
- As it struggles to address these system issues, USCIS told us last March that it now estimates that it will take three more years—over four years longer than estimated—and an additional \$1 billion to automate all benefit types as expected. Until USCIS fully implements ELIS with all the needed improvements, the agency will remain unable to achieve its workload processing, customer service, and national security goals.
- We do not have confidence in USCIS’ estimates for completion, given past experience. Specifically, in 2011, USCIS established a plan to implement



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ELIS agency-wide by 2014. However, USCIS was not able to carry out this plan and the schedule was delayed by four years, causing a program breach. An updated baseline schedule for the Transformation Program was approved in April 2015 estimating all benefits and services would be automated by 2019; however, USCIS has shifted and delayed these release dates.

- Certain program goals have also not been met. According to agency-wide performance metrics, benefits processing in ELIS was to take less than 65 days. However, we found that in May 2015, processing was taking an average of 112 days, almost twice that amount of time. Previous results also were slower than their reported metric: 104 days in November 2014, 95 days in February 2015, and 112 days in May 2015. By slowing down the work of adjudicators, ELIS was resulting in less efficiency and productivity in processing benefits.

Similarly, in 2014, we reported that although ELIS capabilities had been implemented, the anticipated efficiencies still had not been achieved.² In fact, we reported that adjudicating benefits on paper was *faster* than adjudicating them in ELIS. This remains unchanged even today. Ensuring progress in operational efficiency was hampered by the fact that USCIS lacked an adequate methodology for assessing ELIS' impact on time and accuracy in benefits processing. Beyond obtaining feedback from personnel and customers using the system, the Transformation Program Office could not effectively gauge whether cases were being adjudicated more efficiently or accurately in ELIS.

We made four recommendations to the USCIS Director to improve ELIS functionality. The USCIS Director concurred with only two of the four recommendations. USCIS' inability to implement ELIS with all needed improvements has continued to negatively affect USCIS' ability to deliver immigration and citizenship benefits, which raises security risks.

Impact of ELIS Issues on Green Card Issuance

Since May 2013, USCIS processing of new and replacement Permanent Resident Cards (commonly referred to as Green Cards) has been accomplished using ELIS. Yet the process has been fraught with issues, creating considerable security risk for the nation. For instance, in March 2016, we reported that USCIS had sent potentially hundreds of Green Cards to the wrong addresses due to an ELIS limitation that prevented USCIS personnel from updating customer addresses.³ Additionally, in November 2016, we reported that design

² [U.S. Citizenship and Immigration Services Information Technology Management Progress and Challenges, OIG-14-112 \(July 2014\).](#)

³ [USCIS Automation of Immigration benefits Processing Remains Ineffective, OIG-16-48 \(March 2016\).](#)



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and functionality problems in ELIS resulted in USCIS receiving over 200,000 reports from approved applicants about missing green cards.⁴ Obviously, the possibility that some of these missing Green Cards may have fallen into the wrong hands raises significant security concerns.

Despite the risk posed by improperly issued Green Cards, however, USCIS has seen the number of cards sent to wrong addresses increase since 2013. For instance, service requests initiated by USCIS customers claiming they did not receive Green Cards increased from 44,519 in fiscal year (FY) 2013 to 92,645 in FY 2015 – in other words, the error rate doubled in only two years. Our work also revealed that between 2013 and 2016, USCIS produced at least 19,000 cards that included incorrect information or were issued in duplicate. From March to May 2016 alone, USCIS issued at least 750 duplicate cards to its customers as a result of ELIS functionality or legacy data migration problems. In some cases, applicants paid the processing fee twice and received two cards. In another case, an applicant received Green Cards that belonged to two other applicants. And in several extreme cases, five cards were produced per customer over the course of a single month.

The agency appears unable to address the root cause of these problems — design and functionality limitations of ELIS. Although USCIS went to considerable effort to try to recover the inappropriately issued cards, its efforts were not fully successful and lacked consistency and a sense of urgency.

Improperly issued Green Cards can pose significant risks and burdens for the agency. For instance:

- **Denied Benefits for Approved Applicants:** Green Cards issued with incorrect personal information can have severe consequences for applicants who have become lawful permanent residents. For example, recipients possessing cards with errors could experience denial of benefits or possible card confiscation with accusations of fraudulent intent. This creates unnecessary hardship for the applicant who must reapply for a corrected card. Also, when cards are missing or not properly delivered, applicants may be unable to obtain or renew driver's licenses or Social Security cards, obtain employment without interruption, or gain authorization to exit and re-enter the United States. In such cases, approved applicants may not be able to exercise their rights as lawful immigrants.
- **Additional Workload and Costs:** Responding to card issuance errors results in additional workload and costs. USCIS addresses thousands of customer inquiries every month regarding non-delivery of Green Cards.

⁴ [Better Safeguards Are Needed in USCIS Green Card Issuance, OIG-17-11 \(November 2016\).](http://www.oig.dhs.gov)
www.oig.dhs.gov



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The associated cost of dealing with these customer inquiries has significantly increased over the last few years. Specifically, the cost to USCIS for receiving and responding to non-delivery service requests almost doubled from approximately \$780,000 in FY 2013 to nearly \$1.5 million FY 2015.

- **National Security Risks:** Most concerning, thousands of cards issued with incorrect information or in duplicate remain unaccounted for, creating opportunities for exploitation by individuals with malicious intent. For instance, Green Cards that fall into the wrong hands may enable illegal immigrants to remain in the United States and demonstrate legal residence status to employers. Drivers' licenses, firearms, and concealed handgun licenses may be issued to card holders in certain states without restrictions. Officials within CBP's Fraudulent Document Analysis Unit confirmed that there is a huge black market demand for legal documentation such as Green Cards, as over 4,600 cases of imposter Green Cards were recorded between 2013 and 2015.

Processing and issuing over 2 million Green Cards per year is a massive undertaking. USCIS must ensure that ELIS' design and functionality can be relied upon to accurately process Green Cards. Until USCIS takes the steps needed to prevent card issuance errors, the upward trend in agency costs, as well as the risks to applicants and national security, is only likely to continue. We made seven recommendations to the USCIS Director to improve ELIS functionality and develop internal controls to avoid inappropriate Green Card issuance, standardize card recovery and tracking efforts, prevent unrecoverable card use, and enable remote identity verification and more secure card delivery methods. The USCIS Director concurred with our recommendations, but it remains to be seen how and when USCIS will be able to address these issues.

Impact of ELIS Issues on Naturalization Application Processing

Given the ELIS functionality and performance problems identified in our earlier work, we began an assessment in December 2016 of USCIS' current efforts to automate processing of the N-400 *Application for Naturalization* in ELIS. The N-400 is a high volume benefit type within the citizenship line of business, involving all field offices nation-wide. On average, USCIS receives 66,000 N-400 applicants per month and naturalizes over 3,300 new U.S. citizens each day. N-400 is a key product line, as this is the ultimate immigration benefit for U.S. citizenship. Having electronic capabilities to support the end-to-end process is critical to enable efficiency and accuracy in conducting background checks, scheduling and conducting interviews, administering tests, scheduling oath ceremonies, naturalization certificate printing, and sharing case data with Department of Homeland Security (DHS) partners once naturalization has taken place.



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Our ongoing review has already uncovered significant operational and security issues that pose grave concern. Since the deployment of the N-400 in ELIS on April 13, 2016, the system has impaired the ability of USCIS Immigration Services Officers and field personnel to conduct naturalization processing. Through our preliminary work, we have identified a range of ELIS technical and functional issues that have slowed processing and productivity, including:

- Missing core ELIS functionality;
- Naturalization cases stuck in ELIS workflows, requiring manual intervention for case progression;
- Frequent ELIS and network outages;
- ELIS failure to connect with supporting systems; and
- Multiple or erroneous cancellation of applicant interviews.

Ongoing USCIS efforts to correct technical deficiencies while concurrently continuing to develop system functionality have resulted in ELIS down time, instability, and repeated changes that interrupt processing and confuse system users. Moreover, the USCIS Field Operations Directorate identified significant challenges which are preventing effective naturalization processing. These deficiencies include incomplete or inaccurate background and security checks, which have national security implications, as well as widespread certificate printing problems that delayed numerous naturalization oathing ceremonies.

Given these issues, the USCIS Director in August 2016 discontinued the use of ELIS and reverted to the legacy system for all new N-400 applications received after that date. However, the 243,951 cases already ingested between April 2016 and August 2016 had to be completed in ELIS. As of February 24, 2017, 188,447 cases remained incomplete in ELIS. This is unsurprising given how little progress USCIS has made in addressing ELIS' core technical and functional issues.

Early this year, in the midst of our assessment, we learned of an impending decision by USCIS leadership to return to processing new N-400 applications in ELIS by late January 2017. Given the serious nature of the issues our review had already uncovered, we took the uncommon step of issuing a Management Alert on January 19, 2017 recommending that USCIS halt its plans to revert to



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using ELIS for N-400 application processing.⁵ We were concerned about the risk posed by such a move given the many unresolved problems with ELIS.

In response to our Management Alert, USCIS initially agreed to delay the return to ELIS processing until all of the technical issues had been resolved. We know that the agency is continuing to assess when to return N-400 processing to the ELIS system. We continue to urge caution in resuming the program without thoroughly and carefully addressing the numerous design and functional limitations. USCIS' adherence to timetables at the expense of a properly functioning system would create unnecessary serious risk to the program goals and to national security.

We are slated to complete our N-400 review later this spring, and will provide a report of our findings and recommendations to Congress to ensure that Congress remains fully and currently informed on this matter.

USCIS Ineffective Use of Fingerprint Records

Information technology transformation problems are not the only issue USCIS faces with respect to its immigration benefits processing. In September 2016, we issued a report that identified vulnerabilities in the immigration system caused by incomplete records in the DHS fingerprint repository.⁶ We initiated the review after receiving a list of 1,029 individuals who allegedly were ineligible for naturalized citizenship, yet received it, because fingerprint records linking them to disqualifying facts were not available.

Our report confirmed that USCIS granted citizenship to at least 858 individuals on the list who may have been ineligible for naturalized citizenship because they had received deportation orders under different identities in the past. The only fingerprint records available that linked the individuals to the deportation orders had been taken on old paper cards and stored in alien files under different names. When DHS established its electronic fingerprint repository, it did not digitize and upload those fingerprint cards.

In addition, the report identified about 148,000 fingerprint cards linking individuals to deportation orders, fugitive status, and criminal histories that were not uploaded to the DHS fingerprint repository. Because those records are missing from the fingerprint repository, USCIS risks naturalizing additional individuals who may be ineligible for citizenship or who may be trying to obtain U.S. citizenship fraudulently.

⁵ [*Management Alert – U.S. Citizenship and Immigration Services' Use of the Electronic Immigration System for Naturalization Benefits Processing, OIG-17-26-MA \(January 2017\).*](#)

⁶ [*Potentially Ineligible Individuals Have Been Granted Citizenship Because of Incomplete Fingerprint Records, OIG-16-130 \(September 2016\).*](#)



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The report made two recommendations: (1) the Directors of USCIS, Immigration and Customs Enforcement (ICE), and DHS' Office of Operations Coordination (OPS) should establish a plan for evaluating the eligibility of each naturalized citizen whose fingerprint records reveal deportation orders under different identities; and (2) ICE should digitize and upload the 148,000 missing fingerprint records to the Department's electronic fingerprint repository. Although the recommendations are still open, DHS has taken significant steps towards closing them. For example, in December 2016, ICE reported that it awarded a contract to review and upload available data from the 148,000 missing fingerprint records with an estimated completion date of June 30, 2017. With regard to recommendation 1, as of early December 2016, ICE has reportedly completed a review of 96 percent of the reported 1,746 cases and has begun developing Affidavits of Good Cause for cases that will be referred for possible denaturalization.

USCIS Systematic Alien Verification System for Entitlements

In December 2012, we reported on a serious security weakness in USCIS' Systematic Alien Verification System for Entitlements (SAVE).⁷ Federal, state, and local entities use SAVE to validate an individual's immigration status prior to granting benefits. In most cases, an error in SAVE verification means that a deportable individual can receive benefits ranging from public assistance to a driver's license. In some instances, the errors can have national security implications when erroneously cleared individuals receive credentials, such as a Transportation Worker Identification Card, which allows them unescorted access to secure areas of the nation's vessels and maritime facilities.

Through our work, we projected via sample testing that USCIS had failed to identify the deportable status of 12% of individuals submitted through SAVE. In these instances, SAVE reported that individuals still had legal status in the United States when in fact the U.S. Immigration Courts had ordered that they be deported. Many deportable individuals had felony convictions involving extortion, aggravated assault, burglary, or possession of dangerous drugs.

Errors occurred because SAVE did not have a process to timely receive information from the U.S. Immigration Courts on the status of deportable individuals. To address this control weakness, we recommended that USCIS identify and build interfaces to appropriate systems so that it can receive up-to-date information on individuals in deportable status. However, despite the

⁷ [*Improvements Needed for the SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported, OIG-13-11 \(December 2012\).*](#)
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serious security implications, it took USCIS nearly 45 months to implement and begin using the system interface we recommended.⁸

According to USCIS officials, the interface between SAVE and the Department of Justice system containing up-to-date information on deportable aliens did not become operational until August 2016. USCIS needs to accelerate its implementation of DHS OIG recommendations, particularly those designed to address national security gaps related to processes for verifying an immigrant's legal status.

Ongoing Audit Work

Our considerable workload includes a number of ongoing and recently completed matters involving USCIS, including:

- Review of USCIS' N-400 Automation: Discussed above.
- Capabilities to Screen Social Media Use of Visa and Asylum Seekers: DHS has established a task force for using social media to screen applicants for immigration benefits. In connection with that effort, USCIS began pilots to expand social media screening of immigration applicants. Additionally, ICE independently began a pilot to use social media screening during the visa issuance process.
- However, in an audit report released last week, we found that these pilots, on which DHS plans to base future department-wide use of social media screening, lack criteria for measuring performance to ensure they meet their objectives. Although the pilots include some objectives, such as determining the effectiveness of an automated search tool and assessing data collection and dissemination procedures, it is not clear DHS is measuring and evaluating the pilots' results to determine how well they are performing against set criteria. Absent measurement criteria, the pilots may provide limited information for planning and implementing an effective, department-wide future social media screening program.⁹
- H-2 Petition Fee Structure: USCIS' H-2 program enables employers to petition to bring temporary non-immigrant workers into the United States. We performed this audit, released last week, to determine

⁸ [Verification Review of USCIS' Progress in Implementing OIG Recommendations for SAVE to Accurately Determine Immigration Status of Individuals Ordered Deported, OIG-17-23-VR \(January 2017\)](#).

⁹ [DHS' Pilots for Social Media Screening Need Increased Rigor to Ensure Scalability and Long-term Success \(Redacted\), OIG 17-40 \(February 2017\)](#).



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whether the fee structure associated with H-2 petitions is equitable and effective.

- We found that the USCIS' H-2 petition fee structure is inequitable and contributes to processing errors. Federal guidelines indicate that beneficiaries should pay the cost of services from which they benefit. However, USCIS charged employers a flat fee regardless of whether it was to bring one or hundreds of temporary non-immigrant workers into the United States, creating greater hardship for smaller employers than larger ones. Moreover, each worker listed on a petition must be vetted through an extensive adjudication process, for the most part within 15 days. Large petitions are complex and error prone when adjudicators rush to process them within required time frames.¹⁰
- USCIS H-1B Visa Program Abuse: The focus of this audit is to determine whether H-1B visa holders are actually working for the employer for which they were approved, and whether visa holders are being used to replace U.S. citizen workers.
- Historical Fingerprint Enrollment (HFE) Identity Fraud: The focus of this audit is to determine how aliens whose fingerprints were uploaded into IDENT through the HFE received immigration benefits under another identity, the types of benefits they received, and their country of origin.
- Variations in Application Processing Times Among USCIS Field Offices: The focus of this audit is to identify the reason(s) for variations in application processing times among USCIS field offices.
- Effectiveness of USCIS Medical Screening: The focus of this audit is to assess USCIS effectiveness in screening foreign nationals to meet health-related standards of admissibility.

We will continue to exercise diligent oversight over USCIS — paying particular attention to issues impacting national security — and, consistent with our obligations under the *Inspector General Act of 1978*, will keep Congress fully and currently informed of our findings and recommendations.

Mr. Chairman, this concludes my prepared statement. I am happy to answer any questions you or other Members of the Committee may have.

¹⁰ [H-2 Petition Fee Structure is Inequitable and Contributes to Processing Errors, OIG-17-42 \(March 2017\)](#).