



AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
COUNCIL 119 | AFFILIATED WITH THE AFL-CIO



U.S. Citizenship &
Immigration
Services

July 30, 2013

Dear Member of Congress:

I serve as the President of the National Citizenship and Immigration Services Council representing 12,000 dedicated Immigration Service officers and staff employed by the United States Citizenship and Immigration Services (USCIS). These USCIS personnel form the backbone of our nation's immigration system and would be tasked with implementing any reforms Congress may adopt. I write to you today to share several security questions and concerns regarding the drafting of a DREAM Act proposal by House Republicans, as well as the difficulties plaguing USCIS that must be addressed.

As you know, the Obama Administration has already bypassed Congress to implement a version of the proposal you are now considering. Of course, to do so, the Administration also had to simultaneously suspend laws previously passed by Congress. My first question, therefore, as a representative for those tasked with following the law, is how you intend to prevent this administration from simply implementing your proposal in a fashion of its own choosing with no regard for Congress' authority?

Let's say you establish in your law that illegal immigrants must be 30 years of age or younger at the time of application, must have entered illegally (or illegally overstayed a visa) at the age of 16 or before, and must have resided in the U.S. for at least five years (it's only 18 months for the Senate bill). Let's also assume that, unlike the Schumer-Rubio-Corker-Hoeven bill, you do not extend amnesty to those with violent criminal records and gang affiliations.

What is to stop the Administration from simply issuing another round of non-enforcement orders (written or oral) that would eviscerate any attempted limitations in your bill? For instance, the ICE Council reports that "the Administration's DREAM Act is not being applied by ICE to children in schools, but instead to adult inmates in jails. Gang members and other criminal offenders all take advantage of the Administration's DREAM Act orders to evade arrest and deportation."

Why would we not expect this policy to not only continue, but be expanded if your bill were to pass? Additionally, what is to prevent the Administration from declaring that future illegal immigrants who are DREAM Act-eligible who arrive after your bill passes are likewise not an "administrative priority" and thus exempt from immigration enforcement? And what about people who miss the cut-off date by a few months or years—won't the Administration just exempt them from enforcement too?

I have not heard any solutions proposed to any of these concerns.

If these solutions are not provided, a DREAM Act-style bill could quickly turn into a permanent feature of U.S. immigration policy with huge unintended consequences. In practice, it could establish a precedent that would expand birthright citizenship in the future to apply to any new arrivals (and, by extension, their relatives) who claim they came here at a certain age. Clearly, this would be an extraordinary magnet for unlawful entry and overstays, and create a massive hole in future enforcement that would be exploited by those with ill intent. Put bluntly: what does your legislation proscribe will happen to DREAM Act-eligible individuals, and their relatives, who inevitably arrive in future months and years? If it is the position of the Judiciary Committee that immigration law should be applied differently, or not at all, to people who simply claim to have entered at a certain age, will this then become the permanent immigration policy of the USA? In other words, the Committee has made the argument that it is improper to apply immigration laws to people who meet this particular set of criteria—if that is the case today, should we also expect that these laws will not be applied tomorrow?

I also have concerns that USCIS' myriad problems are being widely overlooked. Our agency is in dire need of reform. Our experience with the Administration's Deferred Action program demonstrates just how flawed the situation is: over 99 percent of legalization applications are approved, we are not permitted to conduct needed in-person interviews for deferred action cases, and our ability to remove dangerous criminals through the deportation process is impeded. The current culture of the Obama Administration and the agency USCIS perceives illegal aliens as "customers" while the agency seeks high approval rates as its ultimate goal. Our officers treat all persons with respect and dignity and always will, but we cannot be prevented from doing our due diligence. We have been turned into an approval machine.

We lack the resources, staffing, and office space to fulfill our agency's mission and to ensure that the millions we admit into the country properly qualify for the immigration benefits they seek. Until our inadequate resources as USCIS employees are upgraded and the culture of the current Administration changes, U.S. citizens will continue to be put at needless risk.

Any reforms must address these problems urgently—including the need for more full-time permanent staff to pore through the millions of potential applications—or we are simply ensuring a result that undermines our ability to create an immigration system with integrity. We do not need transient employees hired to speed up a process that sorely needs dedication and diligence through permanent employment. It appears that the mistakes learned from Citizenship USA (CUSA) back in 1996 (when thousands of applicants who received U.S. citizenship had to have their status revoked) have been quickly forgotten.

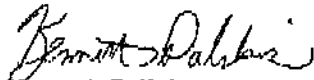
I cannot stress enough how ill-equipped USCIS is to engage in the sort of far-reaching plans before Congress right now—including both the enormous legalization programs proposed as well as the historic increases in both immigrant and non-immigrant visas. For example, has anyone even considered what kind of additional investigatory authority USCIS would need to process the literally tens of millions of dual-intent student visas that would be issued under the Senate bill?

These are all important questions and I would be eager to discuss these matters in more detail and explain the kinds of reforms that are necessary. The sponsors of the Senate legislation

pushed aside the opportunity to work with ICE and USCIS professionals and therefore produced a 1,200-page bill that greatly weakens our national security and produces more illegal immigration. I would therefore urge all House lawmakers not to conference with the dangerous Senate bill that will produce a totally deficient comprehensive proposal, but instead to work with USCIS adjudicators to produce responsible reforms that enhance the integrity and security of our immigration system.

Thank you for your time and consideration.

Sincerely,



Kenneth Palinkas
President, Council 119
NCISC, AFGE, AFL-CIO