



**U.S. Citizenship
and Immigration
Services**

Transcript: Press Conference: USCIS Director Alejandro Mayorkas Discusses Strategic Priorities And Initiatives For 2012

Moderator: Edna Ruano, Chief, Office of Communications
U.S. Citizenship and Immigration Services (USCIS)
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Coordinator: Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question and answer session, if you'd like to ask a question please press star 1 on your touchtone phone.

Today's call is being recorded. If you have any objections you may disconnect at this time.

I would now like to turn the meeting over to Ms. Edna Ruano, Chief of the Office of Communications. Thank you, you may begin.

Alejandro Mayorkas: So this is...Thank you, this is Alejandro Mayorkas. I understand that those of you on the phone were dropped and I apologize for our operator service that dropped you. And what I would be happy to do is towards - I'm not exactly sure where all of you dropped.

We've just begun the question period. I'm happy to go over the strategic priorities and some of our key initiatives that serve those priorities at the end of the discussion, so that those who were able to hear it present today don't have to hear me repeat it, but I'm happy to take a few minutes to do that.

The first question that I was asked was, "What is our processing time for naturalization now and how many applications do we expect to receive?" And my response was that our processing time is approximately five months now, and each year we receive approximately 6 to 700,000. We naturalize 6 to 700,000 people each year.

(Unidentified): (Unintelligible), Mr. Mayorkas, could you give us a little bit more detail on this review, Rule 601 -- the waiver that you mentioned.

Alejandro Mayorkas: Yes.

(Unidentified): Is that the waiver (unintelligible)?

Alejandro Mayorkas: Yes, so this is the notice that we issued a number of weeks ago that in very summary form provides that we are intending to publish a notice of proposed rule making, that when finalized would enable us to greatly reduce the time separation between a United States citizen and his or her children or spouse when that separation would work in extreme hardship on the United States citizen.

Currently the process requires the children or spouse to leave the country before they apply for the waiver. And what the proposed rule contemplates is that the individuals would be able to apply for the waiver while in the United States, and if their ground of inadmissibility was unlawful presence and they are the son or a daughter or a spouse of a United States citizen and separation would work an extreme hardship on the United States citizen's relative.

And then what our agency would do would be to adjudicate that waiver request after of course capturing the biometrics and running the appropriate security screening, and we would issue if in fact if - we approved it, we would issue a provisional waiver. And then that individual would be able to schedule their consular appointment in the foreign country with the provisional waiver in hand.

And if in fact no additional grounds of admissibility would be determined upon the consular interview or other reasons that were not known to the agency or a compelling denial of the waiver, then the waiver would be finalized and the individual would be able to be admitted to the United States.

And so the time of separation would be reduced from six months or more now, to the time that it takes to visit the consular office with a previously scheduled appointment, have the appointment and allow for the finalization to occur. So it's a tremendous efficiency while realizing the full intent of the law.

(Unidentified): Yes...

Alejandro Mayorkas: Is there a follow up question?

(Unidentified): Yeah. How many couples do you think could benefit, mixed couples or families?

Alejandro Mayorkas: It's really a matter of how many U.S. citizens would be impacted by this and families by virtue of the spousal or child-parent relationship and we do not have estimates, which is one of the operational challenges that we are working through as we prepare to operationalize this rule when it becomes final.

(Maria Pena): And just to follow up on where...

Alejandro Mayorkas: Let me if I can just...

(Unidentified): I'm sorry.

(Maria Pena): Yeah. I was just - on a separate topic.

Alejandro Mayorkas: And if you would just identify yourself.

(Maria Pena): Yes, Maria Pena with EFE News Services.

Alejandro Mayorkas: Yes.

(Maria Pena): On a separate topic, several weeks or at least a week ago, several Republican House Representatives wrote a letter to Secretary Napolitano complaining that Venezuelans are not given a fair shot at applying for political asylum given the situation in Venezuela.

So I was wondering if you've talked it over with the Secretary and whether or not there's been a decision about why Venezuelans are not - or you know, asylum cases are not advocated to Venezuelans in the timeframe, you know, required or in other words, if you have responded to their concerns that Venezuelans are not getting a fair shot at political asylum in this country.

Alejandro Mayorkas: Well I know that the concerns were expressed and we do have that matter under review, and I do not have anymore information to share with you on that subject. I believe you had a question?

(Kitty Felde): I'm sorry. I'm Katy Zelda with KPCC Radio.

Alejandro Mayorkas: Yes.

(Kitty Felde): I just wanted to follow up. Is there an official definition of hardship with the department?

Alejandro Mayorkas: The term is actually extreme hardship and that is a standard that is established in the law and it is based on the totality of the circumstances. And so there are cases that speak to what constitutes extreme hardship, and we do not intend to vary that standard in the proposed rule making but rather continue to apply that standard as the law currently frames it.

(Kitty Felde): Could you just give an example of what that might be?

Alejandro Mayorkas: Well you know, it's very fact-specific. But let me give you the type of - if in fact a United States citizen depended upon the spouse for urgent medical care and the U.S. citizen was suffering a very serious - an acute illness, that could be the type of case that would be presented to us as demonstrating extreme hardship. And then we would view those facts in the totality of facts that are presented to us to determine whether the case presented a case of extreme hardship.

(Fernando Pizarro): Director, it's Fernando Pizarro; if I may follow up on this and this whole issue of the waiver. If I remember correctly we sort of - you had a previous announcement on this maybe a month or two ago on this waiver and...

Alejandro Mayorkas: What we did then was publish the notice of intent to proceed by way of rule making and our next step is to publish the proposed rule.

(Fernando Pizarro): Okay so now the time table is what?

Alejandro Mayorkas: So the proposed rule we expect to publish imminently in a matter of days or weeks and so imminently, and then what happens is that the public is given a 60 day period within which to comment.

And then following that we are given of course a period of time to promulgate the final rule, taking into account the comments that we have received. And then following our publication of the final rule there's a short period before (unintelligible).

And one of the things that - I'd like to tie two very important initiatives together if I may, because it is very important to emphasize and I cannot emphasize this too greatly, is the fact that this waiver rule is a rule that is going to be published as a proposed rule.

It is not effective currently and the effective promulgation and implementation of the rule is the key priority of ours this fiscal year -- this calendar year, I'm sorry, this calendar year -- as well as our continuing reinforcement of and expansion of our unauthorized practice of law initiative. The effort to combat what is commonly known as notarios fraud.

And what we are seeing is some cases individuals who are misled by unscrupulous practitioners or notarios to try to take advantage of the rule that is not yet effective and is only in proposed form, and not even yet in fully proposed form. And we're starting to see some victimization in the shadow of what is a tremendously important rule for the public.

(Fernando Pizarro): And again if I may, when we take into consideration that all - you know, following the procedures for all these proposed rules, if we take into consideration all the process that you will do, when are you looking at and what would be the timetable of actually having this being effective?

Alejandro Mayorkas: We are committed to making it effective this year.

(Fernando Pizarro): Between now and December basically?

Alejandro Mayorkas: Yes.

(Fernando Pizarro): There's no particular...

Alejandro Mayorkas: Yes I think it...

(Fernando Pizarro): ...calculation of a month or...

Alejandro Mayorkas: I think we envision it in the fourth quarter. There's a tremendous amount - first of all, the regulation's process itself has a built in timeframe for example to provide the public with ample opportunity to comment, and one - and I think it goes to the question of what do we expect the population to be because we don't know the size of the population.

In addition to other factors there are operational challenges, and we're very focused with our partner agencies and notably the department of state, that runs the consular process, to ensuring that this is effectively implemented. (Unintelligible) if I can.

(Fernando Pizarro): I'd like to know what is the budget now and how much are you going to assign to these integration programs like you mentioned?

Alejandro Mayorkas: Our overall budget is approximately \$2.8 billion. The great majority of that is funded by the fees that are paid for us in support of the applications and petitions that we receive. And I believe that we funded the grant program at \$5 million.

(Fernando Pizarro): It is more than the previous year?

Alejandro Mayorkas: No, it is less than the previous year and more than it's first year in 2009. Originally it started as a program of \$1.2 million in grants and we administered \$1.2 million in grants to 13 organizations. While we are much greater than that, at \$5 million we are not as much as last year which I believe was about \$8 million.

(Unidentified): I have another question. Do you know [of the issues that is helping to] cause the disintegration of many families where there is at least a U.S. citizen child.

(Unidentified): When the - Uh-huh, when the parents are being deported, is there anything that your office can do to protect these children and their rights to live with their parents and try to help in the process of naturalization of their parents?

Alejandro Mayorkas: So, just to make sure that everybody can hear the question, who are participating on the telephone, the question is.

Really when there is a family of mixed status, when there are family members who are entitled under the law to remain in the United States, and there are those members of the family who are undocumented and the undocumented members of the family are removed, what are we able to do in the service of family unity?

And of course that's something that the department's, I think, responsibility for in complimentary ways, the different agencies have different roles in the situation that you inquire about.

A great deal I think has been accomplished to ensure that the department and the administration's removal authorities are utilized wisely and focus on the individuals that pose the greatest danger to public safety, and I think that's the most significant step in that regard really.

Because understanding that the removal resources are not sufficient to address everyone who is subject to removal and the courts are suffering tremendous backlogs such that the cases, the removal cases of individuals who pose serious public safety dangers are not moving as quickly as the public safety interest of the United States warrants.

The enforcement agencies, Immigration and Customs Enforcement most particularly, have sent out a prioritization of resources to focus on those who in fact do pose the greatest public safety danger.

(Unidentified): But in this case the parents are eligible for the waiver in the case of hardship question?

Alejandro Mayorkas: It is a very fact specific case. I see what you are asking is whether parents who are undocumented, whose children are United States citizens, whether the parents would be eligible to receive a waiver. And the law does not provide that the children may serve as the anchor for the waiver. It is the parent that serves as the anchor in most circumstances.

And so the rule that would be - the proposed rule that would be spelled out for public comment -- provides that it must be the parent or the spouse that suffers extreme hardship, like virtue of the separation from his or her children or spouse. Yes.

(Fernando Pizarro): Yes, this is Fernando Pizarro again.

Alejandro Mayorkas: And then we'll go to the telephone.

(Fernando Pizarro): So on the waiver, there was also a little bit of political hash comments from the Republican leaders. They said that - I remember when this waiver was announced or started to be commented on, they said that this was again a new measure by the administration to grant more favors to the illegal immigrants than to the U.S. citizens, so I wonder if you have any comment on that?

Alejandro Mayorkas: I don't think that's the case at all. I think that the purpose of the law is accomplished and what this proposed rule does is accomplish the law's purpose more effectively and more efficiently and nothing more, nothing less.

Because the law envisions, the law provides that a United States citizen who would suffer extreme hardship by virtue of separation from his or her children or spouse may obtain a waiver to alleviate that extreme hardship. The law provides that.

And the law also provides that when the waiver is granted, before the waiver is granted and the individual is admitted to the United States, the individual must depart the United States. And those basic tenets of the law, both its purpose and its requirement are fully realized in the proposed rule that will be published shortly.

What we are doing in the service of accomplishing the law's intent - to alleviate the extreme hardship is to reduce the time of separation. And therefore, better accomplish the law's objective of alleviating that extreme hardship and so I don't believe that criticism is meritorial. Let us turn to the phones.

Edna Ruano: And (Lisa) this is Edna. If you can repeat the instructions again that would be appreciated.

Coordinator: Yes, thank you. Once again if you do have a question, please press star 1 on your touchtone phone. Once again that's star 1 for questions. And one moment while we retrieve our first question.

And our first question comes from Diane Solis with the Dallas Morning News. Thank you your line is open.

Diane Solis: Yes I have a question about reducing the time of separation. You made reference to six months or more. Is it more likely that what they'll face or have been facing is a three year or ten year bar and six months or more?

Alejandro Mayorkas: Well if I can, those are very different issues. When I speak of six months or more, that is the time that it currently takes us to process a waiver application.

Diane Solis: Ah okay.

Alejandro Mayorkas: And therefore, the individual currently - under the current process the individual has to leave the United States in order to apply for the waiver. And therefore they remain outside the United States during the pendency of the application, and if it is granted they would nevertheless have been separated from their United States citizen relative, and the United States citizen relative will have suffered a hardship for at least six months period of time.

Diane Solis: Okay. Can you also detail how or if there are any changes to folks having to go to Juarez to seek the waiver or did they ever have to do that?

Alejandro Mayorkas: Individuals from Mexico do currently go to the consular office -predominantly go to the consular office in Ciudad Juarez for their consular interview and whether that will continue is something that is under review.

The state -- that is within the purview of the State Department and the State Department has a very effective infrastructure at the consular office there to process the waiver applications and so we are mindful of that. Next question.

Coordinator: Our next question comes from Stephen Dinan with the Washington Times.

Stephen Dinan: Hi Director. I was hoping you could help us with a quick update on E-Verify -- I guess three quick questions on it. What are - are there plans for expansion this year?

Can you give us an update on Self Check, how many people have used it, what you're expecting on that. And then third is, Lamar Smith has a legal workforce bill. Are you all opposing that legislation at this point?

Alejandro Mayorkas: So let me add if I can, Stephen. I'll take your questions in reverse chronology. I'm not in a position to comment on legislation that is proposed. We just recently announced the expansion of E-Verify Self Check to all 50 states and territories of the United States.

Secretary Napolitano had committed when we first ruled out E-Verify Self Check the beginning of last year, that we would roll it out nationwide in 12 months and we beat that commitment. We rolled it out in approximately 11 months.

And so I think we can get you the data on the use of E-Verify Self Check to date. I know that we have that in pocket and Chris or (Angie) or Edna will reach out to you on that.

And whether or not other states mandate E-Verify -- is that - was that your first question I think -- is something I'm not aware of. I am aware of the fact that there's ongoing litigation but I'm not aware of whether other states have plans to mandate E-Verify. Did I respond to all your questions?

Stephen Dinan: It was whether or not you guys have plans for expansion. Essentially if Self Check is up and running, does that mean that you guys have the ability to handle checks for essentially country wide if it were mandated country wide at this point.

Alejandro Mayorkas: I'm sorry, I didn't understand your first question. We have the capacity currently to process far more queries than we currently handle, and so we can right now handle the expansion of E-Verify to additional states.

But if it was mandated across the country it would take us some time to ramp up for that exponentially greater volume, and how much time is really a function of the specifics of the legislation mandating it nationwide.

But we would need some time. Let me take one more question from the phone and then we'll return to the room.

Coordinator: Our next question comes from (Dune Lawrence) with Bloomberg News.

(Dune Lawrence): Hi I wanted to ask for an update on the EB-5 Program. I know it's been a priority for you guys and it's usually a lot of turbulence and a lot of (unintelligible) against regional centers. You know, a lot of people who are working in the field say they're really low quality projects being marketed and fraudulent marketing.

And I'm just wondering how much you guys are able to do to, you know, increase your oversight of these regional centers when you, you know they're now 218 versus what, 100 and something last year and, you know, 11 in 2007. So you know, are you guys able to monitor that these regional centers are doing what they say they're going to do and that they're...

Alejandro Mayorkas: I appreciate the question. And let me, if I can, just provide a figure that was provided to me in response to Stephen Dinan's - one of his questions. Steve just so that you know, 102,942 users have accessed E-Verify Self Check to date. So that's a very significant number and we expect that number to grow given its expansion nationwide -- that's 102,942.

So to the question at hand which is the - really protecting the integrity of the EB-5 Program. And for those of you who are unfamiliar with this, this is the Immigrant Investor Visa Program that an immigrant who invests the required amount of capital in a new commercial enterprise that creates jobs for U.S. workers, can obtain a visa under the EB-5 Program.

And the required amount of capital is \$500,000 if the commercial enterprise is in an area what is called a targeted employment area, an area that endures 150% of the national average of unemployment, or \$1 million if it's outside of a targeted employment area. And that amount of money must be invested in a new commercial enterprise that creates at least ten jobs.

But we have seen of course and overseeing the expansion of the EB-5 Program. It is an effective tool for the infusion of capital to create most importantly jobs for U.S. workers at a time when the creation of jobs is of vital importance to the prosperity of our country.

At the very same time we have taken steps both as an agency and also as a partner with other agencies in the federal government to ensure the integrity of the EB-5 Program and to improve the integrity of the program.

Very notably, we published a new form -- the 924A form -- which is a form that requires regional center petitioners under the EB-5 Program to complete the form and provide data to us and to keep us updated on material information on an annual basis.

We are working with our partners with both the Securities and Exchange Commission, the Department of Justice, the Federal Trade Commission, to ensure that individuals in the marketplace act with integrity as they seek to access the EB-5 Program and raise capital and attract investors' capital to the United States. So we are very focused on enhancing the integrity of the program as the program expands. We'll return to the room.

(Betty Lin): (Unintelligible)

Alejandro Mayorkas: Let me repeat the question from Betty so that all of you on the phone could hear it. Senators Schumer and Grassley - I'm sorry, Senators Grassley and Durbin. It's actually Senators Grassley and Durbin expressed some concerns in a letter directed to me, concerned that we as an agency would be relaxing the L Visa standards.

The L Visa standards are set in the law and in regulation, and it is our obligation to adhere to those standards. We're committed to reviewing our policy in administrating the L Visa program.

Our policy is actually defined by a series of memoranda that date back to 1994 and we are reviewing our policies to ensure that we are actually addressing in our guidance the service of the legislation and that it is consistent with the business realities that exist in 2012.

And I think we have time for one or two more questions. We'll take maybe one more from the room and one more from the phone.

(Fernando Pizarro): Are you planning to raise any of your fee review?

Alejandro Mayorkas: We are at the end stay of a fee review. We are obligated to review our (RP)s every two years. We are towards the end of that review and we

don't have any determinations at this time. Assuredly we know the importance of that question to the communities.

And we know - we have heard very clearly from the communities. They're concerned with respect to the fees for certain benefits such as naturalization and whether or not they serve as an obstacle to naturalization, and we have that uppermost in our minds as we review our fees and we undertake fiscal responsibilities in agencies. Let me turn to the phone for one last question.

Coordinator: Yes our question comes from Paloma Esquivel from the Los Angeles Times.

Paloma Esquivel: Hi Director, I wasn't able to get in on the first part of the call, so I apologize if you've already addressed this. But I was hoping you could address the - what the law provides in terms of providing work permits for folks who have been granted prosecutorial discretion and if there's any room for expanding that access given the administration's efforts on this.

Alejandro Mayorkas: The exercise of prosecutorial discretion is something that is done in the service of prosecutorial priorities mindful of limited resources. And when prosecutorial discretion is exercised so that a pending removal case is held in abeyance, that in and of itself does not serve as a basis for the grant of work authorization. And so an individual whose case has been administratively closed is not necessarily granted work authorization.

So that concludes our time. I appreciate everyone joining us today. I don't know at what point in my opening remarks participants on the telephone unfortunately were disconnected by the operating service.

I don't know if we can open the line and maybe somebody can inform me, because I would like to give people on the phone an opportunity to hear what our strategic priorities for this year are.

Oh what Edna is sharing with me is that we will share a transcript with everyone, so that might be the most efficient way to accomplish it, so I thank you all for your time.

Coordinator: Thank you. That does conclude today's conference. You may disconnect at this time.

END

Note: For more information about the strategic priorities discussed during this meeting, please visit the USCIS 2012 Strategic Priorities Web page.

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[Plug-ins](#)