



GAO

Accountability * Integrity * Reliability

United States General Accounting Office
Washington, DC 20548

October 22, 2002

The Honorable Robert C. Byrd
Chairman
The Honorable Ted Stevens
Ranking Minority Member
Committee on Appropriations
United States Senate

The Honorable Patrick J. Leahy
Chairman
The Honorable Orrin G. Hatch
Ranking Minority Member
Committee on the Judiciary
United States Senate

The Honorable C.W. Bill Young
Chairman
The Honorable David Obey
Ranking Minority Member
Committee on Appropriations
House of Representatives

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

Subject: Immigration Benefits: Eighth Report Required by the Haitian Refugee Immigration Fairness Act of 1998

This report responds to certain requirements of the Haitian Refugee Immigration Fairness Act (HRIFA) of 1998¹ that authorized certain Haitian nationals and their dependents to apply to adjust their status to legal permanent residence. Section 902(k) of the act requires the Comptroller General to report every 6 months on the number of Haitian nationals who have applied and been approved to adjust their status to legal permanent residence. The reports are to contain a breakdown of the

¹ P.L. 105-277, 112 Stat. 2681-538.



numbers who applied and the number who were approved as asylum applicants, parolees, children without parents, orphaned children, or abandoned children; or as the eligible dependents of these applicants, including spouses, children, and unmarried sons or daughters. Reports are to be provided until all applications have been finally adjudicated. This is our eighth report.²

Results in Brief

Through September 30, 2002, the Immigration and Naturalization Service (INS) had received a total of 36,774 HRIFA applications and had approved 8,410 of these applications. The Executive Office for Immigration Review (EOIR) had 339 applications filed and had approved 117 of them. Details on the categories of the applicants and approvals are provided in this report.

Background

Haitian applicants are to send their applications to INS's Nebraska Service Center in Lincoln, Nebraska. INS's contractor at the service center is responsible for processing the applications up to the point of their adjudication by INS examiners. An application may be adjudicated at the service center or in the INS district with jurisdiction over the area where the alien applicant resides. Generally, applications that are complete and evidentially sufficient can be adjudicated at the service center, according to INS officials. If an interview is required or other issues need to be resolved, the application is to be forwarded to the appropriate INS district where the applicant can be interviewed and the application adjudicated. Data on Haitian applicants are to be entered in INS' Computer Linked Application Information System (CLAIMS).

Haitian nationals who are eligible for HRIFA should file their applications with EOIR rather than INS if they have (1) a proceeding pending before the Immigration Court or the Board of Immigration Appeals or (2) a pending motion to reopen or reconsider filed on or before May 12, 1999. Thus, Haitian nationals who are in deportation, exclusion, or removal proceedings, and whose cases have not been administratively closed, are to file their HRIFA application with EOIR, not INS. Data on Haitian applicants are to be entered in EOIR's case-tracking system, the Automated Nationwide System for Immigration Review (ANSIR).

² The previous reports were (1) *U.S. General Accounting Office, Immigration Benefits: Applications for Adjustment of Status Under the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-99-92R (Washington, D.C.: Apr. 21, 1999); (2) *Immigration Benefits: Second Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-00-25R (Washington, D.C.: Oct. 19, 1999); (3) *Immigration Benefits: Third Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO/GGD-00-122R (Washington, D.C.: Apr. 14, 2000); (4) *Immigration Benefits: Fourth Report Required by the Haitian Refugee Immigration Fairness Act of 1998*, GAO-01-118R (Washington, D.C.: Oct. 20, 2000); (5) *Immigration Benefits: Fifth Report Required by the Haitian Immigration Fairness Act of 1998*, GAO-01-651R (Washington, D.C.: Apr. 20, 2001); (6) *Immigration Benefits: Sixth Report Required by the Haitian Immigration Fairness Act of 1998*, GAO-02-114R (Washington, D.C.: Oct. 22, 2001); (7) *Immigration Benefits: Seventh Report Required by the Haitian Immigration Fairness Act of 1998*, GAO-02-600R (Washington, D.C.: Apr. 18, 2002).

The deadline for principal applicants filing an application for adjustment of status under HRIFA was March 31, 2000. Dependents of principal applicants have no application deadline.³

HRIFA Applications Received and Approved by INS

Through September 30, 2002, INS data showed that INS had received 36,774 HRIFA applications at the Nebraska Service Center, all of which had been entered into CLAIMS. The categories and numbers of these applicants are shown in table 1. Through September 30, 2002, INS had approved 8,410 applications for adjustment of status under HRIFA.

Table 1: HRIFA Applications and Categories of Applications Received and Approved by INS, through September 30, 2002

Principal or dependent	Category of applicant	Number of applications in CLAIMS	Number of applications approved
Principal	Asylum	17,313	4,741
Principal	Parolee	8,896	1,987
Principal	Child without parents	1,228	84
Principal	Orphaned child	240	14
Principal	Abandoned child	480	14
Dependent	Spouse	3,214	554
Dependent	Child	5,077	968
Dependent	Unmarried son or daughter	326	48
Total		36,774	8,410

Source: INS data.

HRIFA Applications Filed With and Approved by EOIR

Through September 30, 2002, EOIR data from ANSIR showed that 339 HRIFA applications had been filed with EOIR, of which 117 had been approved for adjustment of status. Table 2 provides information on the categories and numbers of HRIFA applicants and approvals.

³ The Legal Immigration and Family Equity Act (title XI of P.L. 106-553, as amended by title XV of P.L. 106-554) went into effect on December 21, 2000. This act amended HRIFA to waive certain grounds of inadmissibility for aliens applying for relief under HRIFA. Interim regulations implementing these changes to HRIFA went into effect on May 31, 2001.

Table 2: HRIFA Applications and Categories of Applications Filed With and Approved By EOIR, through September 30, 2002

Principal or dependent	Category of applicant	Number of applications in ANSIR	Number of applications approved
Principal	Asylum	216	64
Principal	Parolee	65	21
Principal	Child without parents	28	17
Principal	Orphaned	4	3
Principal	Abandoned child	2	2
Dependent	Spouse	15	5
Dependent	Child	5	2
Dependent	Unmarried son or daughter	4	3
Total		339	117

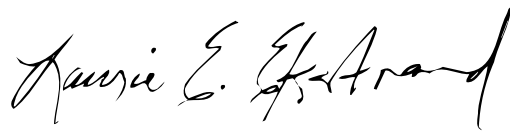
Source: EOIR data.

Objectives, Scope, and Methodology

Our objectives for this report were to determine (1) the number and categories of applicants who filed applications with INS or EOIR and (2) the number and categories of applicants whose applications were approved by INS or EOIR. To fulfill these objectives, we relied on INS and EOIR to provide us with data on applicants and the number of approvals. We did not independently verify the data provided by INS or EOIR. We conducted our work between September and October 2002, in accordance with generally accepted government auditing standards.

We provided the Department of Justice with a draft of this report for comment and received informal comments on October 21, 2002. In their verbal comments, INS and EOIR agreed with the information in the report.

We are providing copies of this report to the Attorney General and will make copies available to others upon request. If you have any questions about this report, please contact Evi L. Rezmovic or me at (202) 512-8777. The key contributor to this assignment was Jay Jennings.



Laurie E. Ekstrand
Director, Justice Issues