

# WebMemo



Published by The Heritage Foundation

No. 1477  
May 31, 2007

## Senate Immigration Reform Bill Neglects Immigration Services

*James Jay Carafano, Ph.D.*

The Senate's immigration proposal would immediately grant probationary legal status to individuals currently living unlawfully in the United States—12 to 15 million people, by some estimates. Processing these individuals would be the responsibility of the U.S. Citizenship and Immigration Services (USCIS), part of the Department of Homeland Security. USCIS would have to manage this caseload in addition to the cases of millions of individuals who have applied to live and work in this country legally and are waiting for citizenship, green cards, and other documents. The Senate's proposal would vastly expand USCIS's workload but do little to ensure that the agency is capable of handling the task. A more efficient, fair, and cost-effective strategy would be to reject amnesty, establish adequate legal opportunities to work and live in the United States, and appropriate funds to modernize USCIS systems and business practices.

**Fee for Service.** The Senate immigration reform bill grants legal "probationary" status to all individuals currently living unlawfully in the United States. Most would later qualify for a new "Z" visa. Kris Kobach, Attorney General John Ashcroft's chief adviser on immigration law, estimates that amnesty for 12 million individuals within the year allowed for applications would mean an average of 48,000 amnesty applications each day for USCIS's 3,000 adjudicators. In addition, the legislation contains provisions that could eventually establish a guest worker program for up to an additional 200,000 individuals each year.

USCIS would deal with this flood of immigrants in addition to its current workload. In fiscal year 2005, for example, the agency received 6.3 million applications. USCIS also has a backlog of several million unresolved applications. The bill does not significantly address how USCIS would develop the capacity to manage its current and future workload.

In large part, the authors of the Senate legislation assume that USCIS would solve the problem for them. By law, Congress requires most USCIS operations to pay for themselves. In the DHS appropriation for fiscal year 2007, for example, Congress provided USCIS with under \$182 million, just a small fraction of its annual budget. The remaining funds will come from fees charged for the agency's services.

USCIS has been criticized for providing poor services and for its antiquated business practices. To address these issues and reform agency operations, USCIS is raising its fees, doubling and, in some cases, tripling them. The charge for adults seeking residency will be over \$1,000. The fee for citizenship will be about \$600.

**Fixing the Fix.** Critics contend that these increases will put USCIS services out of reach for

This paper, in its entirety, can be found at:  
[www.heritage.org/Research/Immigration/wm1477.cfm](http://www.heritage.org/Research/Immigration/wm1477.cfm)

Produced by the Douglas and Sarah Allison  
Center for Foreign Policy Studies

Published by The Heritage Foundation  
214 Massachusetts Avenue, NE  
Washington, DC 20002-4999  
(202) 546-4400 • [heritage.org](http://heritage.org)

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

those who need them most, many of whom are already poorly served by the USCIS. The agency argues that the additional revenue is essential to modernize services and expand capacity. This debate misses the point. While USCIS is seriously trying to improve customer service by increasing fees, fundamental reforms are required to make the agency an efficient and effective partner in providing the immigration services and enforcement that the nation needs to remain safe, free, and prosperous.

Four fundamental actions are needed that could be addressed in the proposed Senate legislation and through annual appropriations:

1. **Establish a national trust fund to cover the programs for which the USCIS cannot charge fees.** These include any amnesty applications and the naturalization of military personnel. It makes no sense for Congress to require USCIS to process immigrants' applications and petitions without providing the funds to cover the costs of these activities. More critically, it is fundamentally unfair for Congress to place the burden of those costs on the backs of other immigrants seeking entry into America, many of whom can barely afford to pay for their own costs.
2. **Use fees to support the services for which they are collected.** Rather than use them to fund USCIS modernization, fees should be used to support services like legal immigration, naturalization, and assimilation, thereby strengthening the naturalization process.

3. **Reject amnesty.** Legalizing the millions of immigrants unlawfully present in the United States would overwhelm USCIS. In addition, legalization is not an essential prerequisite for comprehensive immigration and border security reform. Indeed, an amnesty would undermine subsequent efforts to enforce the law.
4. **Create a temporary worker program.** A practical, realistic, and market-based temporary worker program would provide a credible alternative to undocumented labor. The program should be implemented in a disciplined, responsible manner, with Congress first appropriating funds to modernize and expand the capacity of USCIS to manage the program and to reduce the large backlog of applications. At the same time, USCIS must be required to implement its modernization and business improvement strategy rapidly.

**The Way Forward.** The proposed Senate immigration reform bill is in serious need of reform. One of the issues that must be addressed is ensuring that the United States has state-of-the-art immigration services. Congress must act to establish a better system to pay for immigration services and fund the transformation of the USCIS capabilities.

—James Jay Carafano, Ph.D., is Assistant Director of the Kathryn and Shelby Cullom Davis Institute for International Studies and Senior Research Fellow for National Security and Homeland Security in the Douglas and Sarah Allison Center for Foreign Policy Studies at The Heritage Foundation.