WRITTEN TESTIMONY

Of

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FOR A HEARING ON

"The Public's Right to Know: FOIA at the Department of Homeland Security"

BEFORE THE

HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT, AND ACCOUNTABILITY

October 17, 2019

Introduction

Chairwoman Torres Small, Ranking Member Crenshaw, Chairman Thompson, Ranking Member Rogers, and distinguished members of the Subcommittee, thank you for the opportunity to testify today regarding U.S. Citizenship and Immigration Services' (USCIS) procedures for responding to the Freedom of Information Act (FOIA) requirements. As you know, USCIS administers the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating requests for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

I currently serve as a Senior Executive for USCIS as the Associate Director of the Immigration Records and Identity Services Directorate (IRIS). I am responsible for providing stakeholders with timely and appropriate access to trusted immigration information and services in support of the missions and goals of USCIS and the Department of Homeland Security (DHS). I have over 20 years of experience with the U.S. Federal Government in the Departments of Homeland Security and Justice, as well as key executive positions in the private sector. Currently, I lead nearly 1,000 federal employees and manage an annual program budget of approximately $450 million across three divisions: Verification, Identity and Information Management, and the National Records Center (NRC). The NRC manages and operates the USCIS FOIA/Privacy Act (PA) Program.

USCIS Freedom of Information Act/Privacy Act Overview

Since 1967, FOIA has provided the public the right to request access to records from any Executive Branch agency. It is often described as the law that keeps citizens in the know about government. Agencies are required to disclose any information requested under FOIA unless it falls under one of nine exemptions, which protect interests such as personal privacy, national security, and law enforcement. FOIA also requires agencies to proactively post online certain categories of information, including frequently requested records. As Congress, the President, and the Supreme Court have all recognized, FOIA is a vital part of our democracy.

In terms of requests received, the USCIS FOIA/PA Program is the largest within the Federal Government. During Fiscal Year (FY) 2019, USCIS received over 200,000 FOIA/PA requests. The average number of pages processed in each case is over 260, with a maximum of 50,000

pages for a single request. USCIS has seen, and continues to expect, the volume of requests to steadily grow at a 5 to 10 percent rate each year. Individuals or their representatives seeking access to immigration records (commonly known as Alien Files or A-Files) file the majority of these requests.

USCIS is focused on modernizing and streamlining the way FOIA requests are handled. USCIS was pleased to announce, in July of 2019, the launch of its end-to-end digital FOIA Immigration Records SysTem, known as "FIRST." FIRST is the only FOIA system in the government that currently enables online submission, online case management, electronic processing, and digital delivery of FOIA responses. Previously, USCIS only accepted FOIA requests by mail, fax, and email, and requestors typically received documents on a compact disc by mail. Now, FOIA requestors can create an online USCIS account to submit and receive documents digitally, eliminating the time and expense associated with receiving and sending requests by mail.

Early indications are that FOIA processors are almost doubling productivity. USCIS is now seeing a reduction in processing times of 22.5 minutes per case. This digital request, management, and delivery process will save time, improve efficiency, and eliminate potential errors that can occur with manually handling paper.

Requestors report that they can easily create and login to their account; file requests online; manage requests; and access responsive documents posted to their account. Since the initial rollout of FIRST, over 128,000 accounts have been created and nearly 26,500 cases have been delivered digitally.

These efforts are already showing significant improvement to FOIA operations. The FOIA backlog was reduced by 64 percent during FY 2019, and is on schedule to be eliminated in FY 2020. USCIS has dedicated employees who work tirelessly to serve this community and deliver accurate and comprehensive responses. I am proud to work with them and call them my colleagues.

USCIS Electronic Reading Room (ERR)

In addition to improving the efficiencies of responding to FOIA requests, USCIS has also expanded and made public data and information about various operations through its Electronic Reading Room (ERR). Sharing accurate and timely data and information enhances policy-making, improves public understanding of the nation's immigration system, and ensures compliance with required reporting mandates. In accordance with the FOIA statute, USCIS has posted to the ERR records that the agency determined were likely to become the subject of subsequent requests for substantially similar records.

The ERR now contains nearly 50 different categories of documents with wide-ranging topics. In FY 2019, USCIS posted 4,321 Administrative Appeals Decisions and 103 pieces of correspondence between agency leadership and various stakeholders. These actions show USCIS' commitment to increasing the amount of information the agency proactively discloses and demonstrates transparency, sound stewardship, and efficient use of government resources. Processing information once and releasing it publicly provides a significantly greater benefit to the public without additional expense to the government.

Conclusion

Thank you again for the opportunity to testify regarding this important matter. I look forward to answering any questions you may have.