

SUBCOMMITTEE ON IMMIGRATION AND THE NATIONAL INTEREST

Majority Questions for the Record

“Oversight of U.S. Citizenship and Immigration Services: Ensuring Agency Priorities Comply with the Law”

Staffing

1. Which offices within USCIS currently adjudicate applications for Deferred Action for Childhood Arrivals (DACA)—the Service Centers, the Field Offices, or both?
2. Which offices within USCIS have ever adjudicated DACA applications?
3. Please explain the manner in which the processing of DACA applications has changed since the initial rollout of the program in 2012.
4. According to testimony at the hearing, USCIS has made tentative job offers to approximately 360 individuals, whose final clearance has been placed on hold since the date of the injunction issued by the U.S. District Court for the Southern District of Texas.
 - a. How long does it take to put a USCIS adjudicator in the field, from the posting of the job announcement to the first time the adjudicator is independently adjudicating cases?
 - b. How long does it take to complete a background check on new adjudicator hires?
 - c. Has USCIS communicated with the individuals to whom tentative job offers were made regarding the federal court injunction? If so, please provide an example of such communication. If not, please explain why not.
 - d. Is there currently any ongoing hiring or application review activity by USCIS for the applications submitted by individuals for these positions? If so, please provide detailed information about this continued hiring or application review activity and explain why USCIS believes such activity does not violate the federal court injunction.
5. According to testimony at the hearing, USCIS has hired two individuals to work permanently at the Crystal City facility on Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA)/expanded DACA applications.
 - a. Please provide the titles and salaries of these two employees.
 - b. Please confirm that these two employees are not currently working in any capacity on DAPA/expanded DACA applications, substance, or policy, whether or not they are physically on site at the Crystal City facility.
 - c. If these two employees are not currently working in any capacity on DAPA/expanded DACA applications, substance, or policy, what are their current duties or functions?
 - d. If the employment of these two individuals, who were specifically hired to administer the DAPA/expanded DACA applications at the Crystal City facility, is ongoing, please explain how their continued employment does not violate the federal court injunction.
6. According to the hearing testimony, USCIS has detailed a small number of individuals to the Crystal City facility.

- a. Please provide the titles and salaries of the employees USCIS detailed to the Crystal City facility. Please indicate if these employees were detailed from within USCIS, some other component of DHS, or another federal agency.
 - b. Please provide the status of these details.
 - c. If these federal employees are still functioning in a detail capacity, whether or not they are physically located in the Crystal City facility, please explain how their continuing details do not violate the current federal court injunction.
7. According to internal USCIS emails obtained through a Freedom of Information Act (FOIA) request (reproduced below), USCIS had to send I-130 Petitions for Alien Relatives to the Field Offices for adjudication because Service Center staff were diverted to DACA adjudications:

Obtained via FOIA by Judicial Watch, Inc.

From: [Egli, Nathan C](#)
To: [Balcom, Sherrie K](#)
Subject: FW: I130s to the field
Date: Wednesday, November 14, 2012 12:09:58 PM
Attachments: [image001.jpg](#)
Importance: High

FYI

Nathan C. Egli | Immigration Services Officer

DHS | USCIS | Saint Paul Field Office

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Bloomington, MN 55425

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(b) (6)

From: Dooley, Sharon V
Sent: Wednesday, September 05, 2012 2:18 PM
To: Borges, Luis R; Goudge, Laurie A; Kenney, Trudy L; Schweich, Margaret A; Porche, Sheri L (CTR); Moris, Louis J
Cc: # SPM ISO
Subject: FW: I130s to the field
Importance: High

Due to the volume of DACA work at the Service Center, it has been determined that the field will be sent I-130's to adjudicate. We should get immediate relatives only. I do not know how many we will receive but we could see them as early as the week of 9/17/12. The field will be responsible for requesting the A-files.

Please let me know when you start receiving them in the mailroom.

Thanks,

Sharon Dooley

Sharon Dooley
Field Office Director
U.S. Citizenship and Immigration Services
Saint Paul
Office: (b) (6) // BB: (b) (6)

[The email above is taken from <http://www.scribd.com/doc/252040601/Exhibit-9-a-DACA-Emails-Part-II>, App. 0179.]

From: Garman, Gary G
Sent: Wednesday, September 05, 2012 12:09 PM
To: Adams, Kim; Adams, Raymond P; Bard, Jodi; Blakeway, Albert W; Coates, Timothy S; Connor, William; Conway, Michael J; Dedvukaj, Mick; Dooley, Sharon V; Douglas, David M; Enis, Jill S; Garman, Gary G; Hamilton, Ricky W; Hansen, Mark B; Heathman, Sandy M; Kehl, Lisa M; Kent, Jeanne M; Klinger, Michael J; Lambrecht, Andrew M; Lee, Kamsing V; Leopold, Kay F; Lopez, Antonio; Loutas, Aphrodite G; Mather, Robert B; McNeer, Laura K; Medina-Maltes, Martha E; Moyer, Chester S; Mueller-Cantu, Elaine M; Olivares, Jose R; Ortiz, Mario R; Perry, Michelle C; Pietropaoli, Lori A; Pratt, Caroline R; Reynolds, Patti J; Sheive, Kristy A; Siegl, Mark T; Stark, Laura; Tarango, Tracy; Tasch, Helaine S; Verderosa, Geoffrey J; Webb, Russell L; Zarybnicky, Kenneth A
Cc: Cowan, Robert M; Brecht, Jeffery T; Gallagher, Kevin E; Langton, Lynn M; Hawthorne, Thomas E;

App. 0181

Obtained via FOIA by Judicial Watch, Inc.

Dyer, LaToya S; Smith, John H; Robinson, Terri A
Subject: FW: I130s to the field

Field Leadership: FYI. We just received this update regarding the shipment of I-130s to the field. More to follow once the NBC publishes their timeline for this work. As you may recall, this work is transitioning from the Service Centers to the field as a result of the deferred action for childhood arrivals process. RISO Thomas Hawthorne is available should you have any questions or concerns.

Regards,

Gary Garman | Associate Regional Director, Operations | DHS|USCIS|Central Regional Office | ☎: (b) (6)
☎: (b) (6) | ✉: (b) (6) .WARNING: This message is FOR OFFICIAL USE ONLY (FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to Sensitive But Unclassified (SBU) information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval from the originator.

[The email above is taken from <http://www.scribd.com/doc/252040601/Exhibit-9-a-DACA-Emails-Part-II>, App. 0181.]

As noted by a 2014 article in the *New York Times*,¹ the reallocation of this work to the Field Offices did not prevent a substantial backlog in I-130 processing.

- a. Does USCIS maintain that no adjudicatory resources were diverted to handle DACA applications?
- b. Was USCIS contemplating a similar reallocation of work to the Field Offices for DAPA/expanded DACA?
- c. If handling hundreds of thousands of DACA applications caused wait times for the processing of green card petitions filed by U.S. citizens on behalf of their foreign spouses to go from a few months to a year or more, does it seem likely that an even greater backlog would result from the processing of millions of DAPA/expanded DACA applications?

¹ Julie Preston, *Program Benefiting Some Immigrants Extends Visa Waits for Others*, N.Y. TIMES, Feb. 8, 2014, available at http://www.nytimes.com/2014/02/09/us/program-benefiting-some-immigrants-extends-visa-wait-for-others.html?hp&_r=2.

- d. What were the adjudicatory and other functions normally handled by the Field Office employees who were diverted to I-130 adjudications during the implementation of DACA?
 - e. What work that normally would have been done by the Field Offices was not completed because of the diversion of Field Office staff to I-130 adjudications?
 - f. What were the adjudicatory and other functions normally handled by the Service Center employees who were diverted to DACA adjudications during the implementation of DACA?
 - g. What work that normally would have been done by the Service Centers was not completed because of the diversion of Service Center staff to DACA adjudications?
8. How many total USCIS personnel work on DACA adjudications?
 9. How many USCIS personnel are involved in the processing of a single DACA application?
 10. How many total USCIS personnel perform DACA-related functions—whether in the field conducting adjudications, working on policy matters at headquarters, or involved with DACA in any manner whatsoever?
 11. How many new application support centers (ASCs) were established to handle DACA applications?
 12. How many ASCs required additional personnel or resources as a result of the DACA program?
 - a. How many personnel were hired or contracted to work at any new or staff-augmented, existing ASCs as a result of the DACA program?
 - b. What was the cost of establishing and staffing new ASCs or augmenting the staff of existing ASCs as a result of the DACA program?
 - c. From what specific accounts did the funds come from to pay for the new or staff-augmented ASCs and for the additional full-time or contract staff at the ASCs required to handle the DACA applications?
 13. Mr. Neufeld testified that after a surge of DACA applications in 2012, USCIS subsequently “beg[a]n the hiring process to acquire [the] additional resources that [USCIS] needed to not only deal with the surge that [USCIS] had experienced, but also with the backlogs that had developed by redirecting some resources.” Please describe in detail the extent to which DACA applications caused a backlog in processing times for intending lawful immigrants, including statistics regarding processing times.
 14. Does USCIS consider the speed of processing an application when evaluating USCIS personnel during their annual evaluations?
 15. On February 25, 2015, during an MSNBC/Telemundo town hall discussion at Florida International University in Miami, Florida, President Obama stated that “there may be individual [DHS employees] who aren’t paying attention to our new directives. But they’re going to be answerable to the head of the Department of Homeland Security, because he’s

been very clear about what our priorities should be.” The President went on to state that “if somebody is working for ICE and there is a policy and they don’t follow the policy, there are going to be consequences to it.” In light of these comments, is it possible for USCIS personnel adjudicating DAPA/expanded DACA applications to exercise their individual discretion to reject such applications?

Background Checks and Enforcement Measures

1. Please explain the “Lean and Lite” process for conducting background checks on I-130 petitions described in the internal USCIS email reproduced below, which was obtained through a FOIA request.

Obtained via FOIA by Judicial Watch, Inc.

From: Dooley, Sharon V
To: # SPM ISQ
Subject: FW: Changes to NBC Process
Date: Thursday, October 25, 2012 5:39:31 PM

Please see the link below. The NBC Connect page is an excellent resource for obtaining the latest information on their “lean & lite” process and what you may expect to find when files are received at our office. As you are already aware they will not be as complete and interview ready as we are used to seeing. This is a temporary situation – I just can’t tell you when things will revert back to the way they used to be.

Sharon Dooley
Sharon Dooley
Field Office Director
U.S. Citizenship and Immigration Services
Saint Paul
Office: (b) (6) // BB: (b) (6)

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 **Go Green!** Please do not print this e-mail unless it is completely necessary.

From: Douglas, David M
Sent: Tuesday, October 23, 2012 9:59 AM
To: Moyer, Chester S; Pratt, Caroline R; Perry, Michelle C; Coates, Timothy S
Cc: Webb, Russell L; Dooley, Sharon V; Zarybnicky, Kenneth A
Subject: Changes to NBC Process

The NBC Connect page has a good description of how their process has changed recently to accommodate the additional work coming in from DACA-related shifts of resources. Please ensure that your staff are familiar with these changes so that you can anticipate cases that may not appear to be as complete and interview-ready as what we have seen in the past. Please stress that this is a temporary condition until the NBC staffs up and they can resume some of the pre-interview work they have done traditionally.

Here is the link:

(b) (7)(E)

DD.

[The email above is taken from <http://www.scribd.com/doc/252040601/Exhibit-9-a-DACA-Emails-Part-II>, App. 0164.]

2. Does USCIS anticipate that a similar “Lean and Lite” process will be put in place for benefits applications in order to streamline adjudications, while other USCIS employees are adjudicating the expected millions of DAPA/expanded DACA applications?
3. How much notice were the USCIS Directorates of Service Center Operations and Field Operations given prior to the June 15, 2012, public announcement that they would have to implement DACA?
4. How much notice were the USCIS Directorates of Service Center Operations and Field Operations given prior to the November 20, 2014, public announcement that they would have to implement DAPA/expanded DACA?
5. How was USCIS planning to handle taking biometrics from the expected millions of DAPA/expanded DACA applicants?
 - a. How many new ASCs would USCIS have to establish for this function?
 - b. How many additional staff would USCIS have to hire or contract for this function?
 - c. How much does USCIS estimate this would cost and what funds would USCIS use to pay for this function?
6. Since the inception of the program, how many DACA applicants has USCIS interviewed?
 - a. Which personnel conducted those interviews?
 - b. How were the interviews conducted, *i.e.*, at an ASC, by phone?
 - c. How long were these interviews?
 - d. How much does it cost USCIS to interview a DACA applicant and what funds does USCIS use to pay for these interviews?
7. What percentage of DAPA/expanded DACA applicants has USCIS estimated will require interviews?

DACA Adjudications

1. To date, how many DACA applications has USCIS adjudicated?
 - a. How many DACA applications have been granted?
 - b. How many DACA applications have been denied (as opposed to rejected)?
 - c. Of the applications that USCIS has granted, how many received a fee waiver?
 - d. Of the applications that USCIS has denied (as opposed to rejected), how many received a fee waiver?
2. To date, how many DACA applications have been rejected for failure to comply with the filing requirements for a DACA application? Please provide a breakdown of the specific reasons for the rejection of the applications.
3. The administration claims that it is using prosecutorial discretion to grant deferred action to illegal immigrants on a case-by-case basis.

- a. If that is the case, have there been any instances to date in which an individual applying for deferred action has met the requirements for deferred action as outlined in the President's 2012 executive action, but was not granted deferred action? In other words, to date, how many DACA applications that have met all of the programmatic requirements for DACA have been denied as a matter of discretion? In your response, please do not include DACA denials based on (1) a finding of fraud (as that would require the denial of an application for any immigration benefit), or (2) a conviction for a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses, or where the alien otherwise poses a threat to national security or public safety, as those grounds for denial are specifically included as criteria for denial in the June 2012 memo.
 - b. If there are no such cases, then please explain how USCIS adjudicators are exercising individualized discretion on a case-by-case basis, as opposed to implementing a blanket application of policy to all individuals who meet the criteria set forth by the President.
4. How many DACA applications have included an indication, from U.S. Immigration and Customs Enforcement (ICE) or some other source, that the applicant had a known or suspected gang affiliation or indication of current or previous gang activity?
 - a. Of those applications, how many were granted?
 - b. Of those applications, how many were denied (as opposed to rejected)?
 - c. Of those applications, how many are still pending?
 5. How many DACA applications have included some indication that the applicant had a possible affiliation with money laundering activity for drug cartels?
 - a. Of those applications, how many were granted?
 - b. Of those applications, how many were denied (as opposed to rejected)?
 - c. Of those applications, how many are still pending?
 6. How many DACA applications/cases have included law enforcement information or information from intelligence agencies indicating that the applicant had a possible link to terrorism?
 - a. Of those applications, how many were granted?
 - b. Of those applications, how many were denied (as opposed to rejected)?
 - c. Of those applications, how many are still pending?
 7. How many DACA applications contained some indication of fraud of any kind, whether on the part of the applicant, or associated with the application in any manner?
 - a. Of those applications, how many were granted?
 - b. Of those applications, how many were denied (as opposed to rejected)?
 - c. Of those applications, how many are still pending?
 8. How many recipients of deferred action under DACA have been arrested or otherwise detained by ICE, including in the Cross Check operation announced on March 9, 2015?
 9. How many recipients of deferred action under DACA has USCIS placed into removal proceedings? Please note, this question is not referring to situations where ICE places a

DACA recipient into removal proceedings, but rather is requesting the total number of DACA recipients that have been issued a Notice to Appear by USCIS.

10. The USCIS DACA web page indicates that applicants who knowingly and willfully provide materially false information may be placed into removal proceedings and subject to criminal prosecution. How many recipients of deferred action under DACA have been referred for prosecution to the U.S. Department of Justice for providing such false information?
11. Has USCIS ever terminated DACA for a DACA beneficiary?
 - a. If so, how many times has USCIS terminated DACA for a DACA beneficiary?
 - b. What is the process for terminating DACA?
 - c. Who makes the ultimate decision to terminate DACA?
 - d. If the preliminary injunction regarding the implementation of DAPA/expanded DACA is lifted, will applications for DAPA/expanded DACA be subject to the same termination process?

Cost and Fees

1. USCIS published its last fee rule in 2010. According to statements in the Federal Register,² USCIS has committed to reviewing its fees every two years:

USCIS is committed to reviewing the [Immigration Examinations Fee Account (IEFA)] every two years consistent with the biennial review standard of the CFO Act and guidance from OMB Circular A-25. The FY 2008/2009 Fee Rule followed nearly a decade without a comprehensive review of IEFA fees, and fees increased by a weighted average of 86 percent to recover both base costs and costs for improving operations and service-wide performance needs. By reviewing the IEFA every two years, USCIS is able to implement more moderate fee changes and avoid periods of inadequate revenue that typically recede large fee increases. Additionally, conducting a comprehensive review every two years will allow USCIS to incorporate the productivity gains achieved from investments in technology and modernization of agency operations. These investments should result in improved performance and lower costs.

- a. How long has it been since USCIS last performed a fee study?
 - b. Is USCIS currently working on promulgating a new rule pertaining to the fees that it charges? If so, please provide details.
2. Why has USCIS failed, to date, to establish a fee for DACA, *i.e.*, for the Form I-821D as opposed to the fee for the Form I-765 or biometrics collection?
 - a. Is USCIS currently working on a new fee rule for DACA and/or DAPA/expanded DACA applications?
 - b. If not, why not?

² 75 Fed. Reg. 33446, 33449 (June 11, 2010).

3. According to the hearing testimony, USCIS requires DACA applicants to apply for an Employment Authorization Document (EAD) at the same time that he or she applies for DACA. Please cite the statutory or regulatory authority for such a requirement.
4. In the prepared statement submitted to the Subcommittee, it states that USCIS keeps five percent of the fees collected under Section 286(s) of the INA (the H-1B Nonimmigrant Petitioner Account). Please provide the amount that USCIS collected in FY2014 and explain what USCIS does with these funds.
5. Mr. Moore testified that USCIS currently has over \$1 billion in cash reserves, about \$460 million of which comes from Premium Processing fees. Under Section 286(u) of the INA, these fees are supposed to be used to provide Premium Processing services to benefits applicants and “to make infrastructure improvements in the adjudications and customer service processes.”
 - a. How much does it cost USCIS to provide Premium Processing services for each of the categories of petitions and applications for which such service is offered?
 - b. Why did USCIS not use any of the \$460 million in Premium Processing fees to pay the cost of the premium services requested by the fee-paying benefits applicants?
 - c. Why has USCIS not used any of the \$460 million to comply with the statutory mandate “to make infrastructure improvements in the adjudications and customer service processes,” for example, by hiring more adjudicators to further reduce wait times for benefits requested by U.S. citizens and employers?
 - d. What does USCIS anticipate doing with the approximately \$1 billion it currently has in cash reserves?
6. In a January 22, 2015, letter, Chairman Grassley, Chairman Sessions, and Chairman Johnson requested answers to a number of questions relating to DACA and DAPA/expanded DACA implementation. The February 26, 2015, response from USCIS Director Leon Rodriguez did not provide complete responses to the below questions, which are restated here:
 - a. How many USCIS personnel were transferred from adjudications work on existing legal visa programs to administer DACA? According to the hearing testimony, “the initial stand up for [DACA, USCIS] took on with the existing workforce that [USCIS] had.” In light of that testimony, is it USCIS’s position that none of USCIS’s existing workforce was diverted from its regular duties to handle DACA adjudications? Please explain your answer.
 - b. What is the actual cost of adjudicating the I-821D for Deferred Action for Childhood Arrivals (DACA), including direct costs for adjudication, management costs, and support and overhead, not the cost of taking the biometrics or adjudicating the application for an employment authorization document (EAD)? Please provide the exact dollar cost of adjudicating the I-821D only.
 - c. What are the actual costs of creating and adjudicating EAD applications? If there are “excess fees” collected in the \$380 fee set by rule in September 2010, what are they? If the cost of the EAD application exceeds actual costs, why was an extra amount added to the fee in the first place? What was the extra amount intended to cover?
 - d. What are the actual costs of collecting biometric information? If there are “excess fees” collected in the \$85 fee set by rule in September 2010, how much are they? If the

biometric fee exceeds actual costs, why was such an extra amount added to the fee in the first place? What was the extra amount intended to cover? Please provide the exact dollar cost of collecting biometric information.

7. In the above-referenced January 22, 2015, letter, USCIS was asked to provide “projections of the number of administrative appeals generated from the executive action and costs related thereto.” Director Rodriguez’ reply states that USCIS “has not, and would not, offer individuals the opportunity to appeal an unfavorable decision on their request for DACA or DAPA consideration.” Though USCIS may not allow DACA applicants to file a formal appeal with the USCIS Administrative Appeals Office, does it currently allow for DACA applicants to file motions to reopen or motions for reconsideration (or the substantial equivalent of such motions), like other applicants for benefits? If so, how many such motions have been received and approved and/or denied?

Preparatory Work Regarding DAPA/Expanded DACA

1. According to the hearing testimony, all “preparatory work” relating to implementation of DAPA/expanded DACA has ceased. Does this include policy-related work and legal analysis (unrelated to the Texas litigation)?
2. Has USCIS had any meetings, conference calls, emails, or interactions of any kind with outside advocacy groups regarding the implementation of DAPA/expanded DACA both prior to and since the date of the injunction? If so, please explain.
3. According to the hearing testimony, USCIS continues to pay rent costs for the Crystal City facility. Please explain how the continuation of such rent payments does not constitute an “aspect[] or phase[]” of the DAPA/expanded DACA programs.
4. Please provide any information about any effort or expenditure that has been made to evaluate and select DAPA/expanded DACA processing facilities—including the Crystal City facility—to include any effort or expenditure to:
 - a. Formally or informally evaluate or study potential sites throughout the U.S. to be used as either standalone DAPA/expanded DACA processing centers or as facilities intended to support the Crystal City facility’s efforts;
 - b. Travel to potential such sites;
 - c. Discuss such sites in in-person meetings or through correspondence either within DHS or with non-DHS individuals or organizations; or
 - d. Otherwise procure or secure such sites.
5. Please provide all correspondence between USCIS and the General Services Administration (GSA) regarding the evaluation, study, discussion, or procurement of, or travel to, potential sites throughout the U.S. to be used as either standalone DAPA/expanded DACA processing facilities or as facilities intended to support the Crystal City facility’s efforts.

6. Is USCIS making any other payments or disbursements with respect to the Crystal City facility in order to prepare or maintain it for eventual use (including those for utilities or support services)?
 - a. If so, please provide a list of these additional payments or disbursements, along with the contractor or subcontractor that is receiving such payments or disbursements, and the duration of the respective underlying contracts.
 - b. In the event USCIS is making other non-rent payments or disbursements with respect to the Crystal City facility, please explain how such payments or disbursements do not constitute an “aspect[] or phase[]” of the DAPA/expanded DACA programs.
7. On Tuesday, March 3, 2015, the U.S. Department of Justice filed a supplementary “Defendant’s Advisory” in the U.S. District Court for the Southern District of Texas, in which it admitted that it had already approved approximately 100,000 expanded DACA applications.
 - a. Were Mr. Moore, Mr. Neufeld, or Mr. Renaud aware at the time of their testimony of the Justice Department’s Advisory?
 - b. Were Mr. Moore, Mr. Neufeld, or Mr. Renaud aware at the time of their testimony of the content of the Justice Department’s Advisory?
 - c. Were Mr. Moore, Mr. Neufeld, or Mr. Renaud aware at the time of their testimony of the fact that USCIS had already approved approximately 100,000 expanded DACA applications?
 - d. Please explain why the witnesses did not inform the Subcommittee, in the course of their testimony or thereafter, that USCIS had already approved approximately 100,000 expanded DACA applications.
 - e. Please explain each witness’s role, if any, in processing the approximately 100,000 expanded DACA applications.
8. Are any materials for DAPA/expanded DACA applications currently available either electronically or in paper form? If so, please provide those materials to the Subcommittee.
 - a. Are any USCIS personnel currently engaged in efforts to revise or change the DAPA/expanded DACA application forms, or create new application forms for future DAPA/expanded DACA applicants?
 - b. If USCIS personnel are currently engaged in such efforts, please explain how such work does not violate the current federal court injunction.
 - c. What is the physical mailing address (or addresses) for DAPA/expanded DACA applicants to submit paper applications?
 - i. Is USCIS currently returning all expanded DAPA/expanded DACA applications it receives at this address/these addresses?
 - ii. If not, please explain how such retention of applications does not violate the current federal court injunction.
9. Does USCIS adhere to the Federal Acquisition Regulation for all of its acquisition-related activities, including when USCIS uses funds from the Immigration Examinations Fee Account?

Issuance of Employment Authorization Documents

1. Information obtained through a FOIA request to USCIS reveals that 7.4 million foreign nationals in the U.S. have been issued EADs since 2009. This number is in addition to the approximately one million lawful permanent residents and approximately 700,000 foreign guest workers admitted annually to the U.S. (and excludes those who have work authorization by virtue of their immigration status and do not require an EAD).
 - a. According to this information, the administration granted EADs to hundreds of thousands of individuals who are not authorized to work under the INA, such as tourists, illegal immigrants, and foreign students. Please provide a breakdown of all new, renewal, and replacement EADs issued since 2009, listed according to the categories in 8 C.F.R. § 274a.12.
 - b. According to this information, the administration granted EADs to 2,111,726 individuals who crossed the U.S. border without inspection, which is a deportable offense under 8 U.S.C. §1182(a)(6)(A)(i). Please provide a breakdown of the status and disposition of each case in which EADs were considered for or issued to an alien who entered the U.S. without inspection, as well as the legal authority for the issuance of such EADs.
 - c. According to this information, the administration granted EADs to 1,919,732 aliens whose status was listed as unknown or unreported. Please explain why these individuals' statuses were described as "unknown" and whether any of these individuals were in the U.S. on expired or revoked visas. Please also provide the legal authority for the issuance of these EADs.
 - d. Under 8 U.S.C. § 1324a and 8 C.F.R. § 214.2, dependents of individuals who hold certain visas authorizing temporary employment (*e.g.*, H, J, O, P, and TN visas) are barred from working in the U.S. regardless of whether they have applied for legal permanent residence. According to the released information, the administration has issued 186,256 EADs to such dependents since 2009. Please provide the legal authority for the issuance of these EADs.
 - e. Tourist visas, student visas, and the Visa Waiver Program were not intended by Congress to be a work authorization program or to supplement the statutorily defined categories of aliens authorized to work in the U.S. According to the released information, the administration granted EADs to 1,176,262 individuals who entered the country on these types of visas. Please provide the legal authority for the issuance of these EADs.
2. Please provide statistics regarding how many EADs the administration has issued on a provisional, interim, or temporary basis since 2009. Specifically, please provide a breakdown of how many EADs were issued since 2009 to individuals who were recipients of deferred action, in deportation proceedings, had a pending asylum application, had a pending green card application, or were otherwise involved in pending immigration-based proceedings. Please also indicate how many of these EADs were ultimately approved and how many were denied after all pending applications and proceedings were resolved.
3. Please provide the zip codes for all individuals granted EADs since 2009.
4. How many EAD cards does USCIS produce in a month?

5. What is USCIS' maximum monthly capacity for the production of EAD cards?
6. Is USCIS currently meeting the 90-day production requirement at 8 CFR § 274a.13(d) for all EAD applications?
 - a. If not, what percentage of EAD applications are not processed within the required 90-day timeframe?
 - b. Are interim EAD cards (per 8 CFR § 274a.13(d)) issued to applicants whose EAD cards are not produced within the 90-day timeframe?
7. How much does it cost to produce an interim EAD card (per 8 CFR § 274A.13(d))?
8. Does USCIS anticipate that it will be able to meet, within the 90-day timeframe, the demand for potentially millions of additional EAD cards under DAPA/expanded DACA?