

117TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } 117-396

DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS BILL, 2023

JULY 1, 2022.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Ms. ROYBAL-ALLARD of California, from the Committee on
Appropriations, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 8257]

The Committee on Appropriations submits the following report in
explanation of the accompanying bill making appropriations for the
Department of Homeland Security for the fiscal year ending Sep-
tember 30, 2023.

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(1) the number of noncitizens determined to have a credible or reasonable fear of—

(A) persecution, as defined in section 235(b)(1)(B)(v) of the Immigration and Nationality Act; or

(B) torture, as defined in section 208.30 of title 8, Code of Federal Regulations (as in effect on January 1, 2018); and

(2) the total number of cases received by U.S. Citizenship and Immigration Services to adjudicate credible or reasonable fear claims, as described in paragraph (1), and the total number of cases closed.

Such report shall also disaggregate the data described above with respect to the following subsets:

(1) claims submitted by aliens detained at a U.S. Immigration and Customs Enforcement family residential center or an emergency family shelter;

(2) claims submitted by aliens, organized by each subdivision of legal or administrative authority under which claims are reviewed; and

(3) the job series of the personnel reviewing the claims.

E-Verify.—The Committee looks forward to the briefing required under this heading in the explanatory statement accompanying the fiscal year 2022 funding Act (Public Law 117–103) regarding a plan for an appeal process for a final non-confirmation within the E-Verify system, as well as improvements in outreach efforts and training tools to assist employers in improving the accuracy of information they submit into the system.

The Committee is concerned that proposed reductions to E-Verify are premised upon the inability to backfill vacancies, do not account for addressing process improvements and outreach efforts, and may result in shortfalls to the program. Accordingly, the recommendation rejects the proposed cuts.

Electronic Processing.—The Committee continues the requirement for USCIS to brief the Committee quarterly on its electronic processing efforts, as described in the explanatory statement accompanying the fiscal year 2022 funding Act (Public Law 117–103), including its efforts to establish a centralized mechanism for asylum seekers to apply for employment authorization online.

The Committee reminds USCIS of its requirement to review whether Form I-765 can be more narrowly tailored to reduce paperwork and workloads, as described in the explanatory statement accompanying the fiscal year funding 2022 Act (Public Law 117–103), and it looks forward to hearing about the results of this review during the next semi-annual briefing.

Eliminating Confusion in Classifying Job Occupations.—The Committee urges USCIS to continue to update each of its forms, both online and paper forms, to ensure that the Standard Occupational Classification codes are the only occupational codes used.

Fee Waivers.—USCIS is directed to continue its current policy regarding the use of full fee waivers for certain applicants, petitioners, and requestors who demonstrate an inability to pay immigration and naturalization benefit application fees, and to provide partial fee waivers for N-400 applicants who can demonstrate household income between 150 percent and 200 percent of the federal poverty guidelines and are otherwise ineligible for full fee

waivers. USCIS is directed to continue to accept any one of the following items as proof of inability to pay an immigration or naturalization benefit application fee:

- (1) documentation of receipt of a means-tested public benefit;
- (2) documentation of household income that is at or below 150 percent of the Federal Poverty Guidelines at the time of filing (or, in the case of a partial fee waiver, greater than 150 percent but not more than 200 percent of the Federal Poverty Guidelines at the time of filing an application for naturalization); or
- (3) documentation of financial hardship, including unexpected medical bills or emergencies.

Further, USCIS is directed to maintain naturalization fees at an affordable level; reduce the backlog of applicants; and reduce the costs of obtaining replacement certificates of naturalization and certificates of citizenship, including by cooperating with the Department of State on the screening of derivative citizens, including international adoptees.

Filipino World War II Veteran Visa Backlog.—Not later than 180 days after the date of enactment of this Act, USCIS shall brief the Committee on the number of individuals enrolled in the Filipino War Veteran Parole Program. The briefing shall also discuss opportunities to shorten the wait times for family members of Filipino World War II veterans and more quickly process the permanent resident applications of those enrolled in the Filipino War Veteran Parole Program, along with any resources and authorities needed.

H-2A and H-2B Visas.—USCIS shall, in coordination with the Department of Labor's Office of Foreign Labor Certification, timely post public information provided by employers on Form I-129 and associated filings regarding recruiters, recruiting agents, or agencies they plan to use. USCIS shall also establish a process whereby workers may confirm that they are the beneficiaries of H-2A or H-2B petitions and can receive information about their own immigration status, including their authorized period of stay and the status of any requested visa extensions.

Additionally, the Committee is concerned about the abuses exposed in the H-2A visa program as part of Operation Blooming Onion. According to the Department of Justice, this was the result of a multi-year investigation into a human smuggling and labor trafficking operation that illegally imported Mexican and Central American workers into brutal conditions on farms in southern Georgia. To help ensure that steps are being taken to monitor and prevent similar abuses in the H-2B visa program, USCIS shall brief the Committee, not later than 60 days after the date of enactment of this Act, and in coordination with the Department of Labor, on efforts to prevent fraud and abuse in the H-2A and H-2B visa programs and efforts to ensure that employers, agents, attorneys, and recruiters who have been debarred by the Department of Labor cannot continue to participate in the programs.

H-2B Visa Program Reporting.—Not later than 60 days after the date of enactment of this Act, the Department shall report to the Committee on the distribution of visas granted through the H-2B program, including a tabulation of the percentage of overall visas issued to the top 15 employers. Also, not later than 90 days after the date of enactment of this Act, the Department, in consultation