

GAO

Fact Sheet for the Honorable
Dana Rohrabacher,
House of Representatives

June 1995

INS

Information on Aliens
Applying for
Permanent Resident
Status



General Government Division

B-261313

June 8, 1995

The Honorable Dana Rohrabacher
House of Representatives

Dear Mr. Rohrabacher:

This fact sheet responds to your request for information on aliens applying to the Immigration and Naturalization Service (INS) to adjust their status to lawful permanent residents. The fiscal year 1995 Department of Justice appropriation act amended the Immigration and Nationality Act of 1952 by adding subsection 245(i), which permits certain aliens (e.g., those aliens in the following categories: entered without inspection, worked illegally, or overstayed their visa) to apply for permanent resident status without leaving the country.¹

We agreed with your office to obtain data on the (1) number of aliens applying for permanent resident status under this amendment, (2) revenue that has been received as a result of these aliens' applications, (3) denial rates for these applications, and (4) impact of these applications on INS' workload. We agreed to provide these data, where available, for INS' Western, Central, and Eastern regions and for the Western Region's district offices. To meet our objectives, we obtained permanent resident status application data from INS Headquarters and its Western Region and discussed the impact of the amendment with INS headquarters and Western Region officials, including officials we visited in the region's Los Angeles and Phoenix district offices. We did not verify the data INS provided to us.

We performed our work between February and May 1995. We provided a draft of this fact sheet to the Attorney General for oral comments. On May 17, 1995, we met with Justice officials, who represented the Department, including the Chief, INS Operations and Support Programs Branch. The officials generally agreed with the information in this fact sheet and provided clarification and technical corrections, which we have incorporated where appropriate.

Background

Aliens who legally enter the United States may apply to INS to change their status to lawful permanent residents.² The aliens are to file an application (Form I-485) with INS and pay a processing fee of \$130. In fiscal year 1994, before the 1995 amendment, 202,911 aliens (an average of about 16,900 per

¹Public Law 103-317, 8 U.S.C. 1255(i).

²8 U.S.C. 1255.

month) applied for permanent resident status. Under the 1995 amendment, aliens, who for example entered without inspection, may apply for permanent resident status without leaving the United States. Before the amendment, those aliens had to leave the country and apply for permanent resident status while outside of the United States.

Aliens who apply for permanent resident status under subsection 245(i) also are to file a Form I-485 and pay the \$130 processing fee; however, these aliens must pay an additional \$650 supplemental fee (for a total of \$780).³ Certain dependents of legalized aliens and children under the age of 17 are exempt from paying the \$650 supplemental fee. Subsection 245(i) became effective in October 1994 and remains in effect through September 1997.

The revenue from the fees is to be deposited into the Immigration Examinations Fee Account.⁴ This account also contains revenue from fees INS collects for processing other applications and petitions for immigration benefits. Fee revenue is to be used for expenses in providing immigration adjudication and naturalization services and in collecting, safeguarding, and accounting for fees. INS collects fees and processes applications at 4 service centers and 33 district offices.

Results

From October 1, 1994, to February 24, 1995, 175,940 aliens⁵ applied for permanent resident status, as shown in table 1. Of those, 79,423 (approximately 15,900 per month) filed applications under subsection 245(i). These subsection 245(i) applications represented 45 percent of all applications for permanent resident status from October 1994 to February 1995. Of the 79,423 subsection 245(i) applications, 18,792 (24 percent) were exempt from the \$650 supplemental fee.

³Subsection 245(i) authorizes aliens who were previously barred under subsection 245 to apply for permanent resident status. Subsection 245(i) also requires aliens to pay a sum of five times the fee required for processing of applications. This is in addition to the application processing fee, which is now \$130.

⁴8 U.S.C. 1356(m).

⁵This number excludes applications from asylees and refugees.

Table 1: Legal Alien and Subsection 245(i) Permanent Resident Status Applications Received, by INS Region, October 1, 1994, Through February 24, 1995

Region	Number of applications			Total	Percent subsection 245(i) applications
	Legal alien applications	Subsection 245(i) applications ^a	Exempt subsection 245(i) applications		
Western	23,683	29,471	8,235	53,154	55%
Central	17,736	17,930	5,874	35,666	50
Eastern	55,098	32,022	4,683	87,120	37
Total	96,517	79,423	18,792	175,940	45%

^aThese numbers include those aliens who were exempt from paying the \$650 supplemental fee.

Source: INS.

As shown in table 1, INS received 96,517 legal alien applications. For the same 5-month period in fiscal year 1994, it received 81,424 legal alien applications. The increase between the two 5-month periods was about 20 percent.

As shown in table 2, the number of all permanent resident status applications received monthly in the Central and Eastern regions increased from October 1994 to December 1994, peaked in December 1994, declined in January 1995, and increased in February 1995. As shown in table 3, this same trend occurred for the subsection 245(i) applications.

Table 2: Number of All Permanent Resident Status Applications Received, by Month, October 1, 1994, Through February 24, 1995

Region	Number of applications					Total
	Oct. 1994	Nov. 1994	Dec. 1994	Jan. 1995	Feb. 1995	
Western	10,172	10,291	15,787	9,356	7,548	53,154
Central	4,507	6,989	9,011	7,516	7,643	35,666
Eastern	12,703	17,976	21,317	16,290	18,834	87,120
Total	27,382	35,256	46,115	33,162	34,025	175,940

Note: These numbers include legal alien and subsection 245(i) applications.

Source: INS.

Table 3: Number of Subsection 245(i) Applications Received, by Month, October 1, 1994, Through February 24, 1995

Region	Number of applications					Total
	Oct. 1994	Nov. 1994	Dec. 1994	Jan. 1995	Feb. 1995	
Western	6,113	5,544	7,524	5,351	4,939	29,471
Central	1,463	3,727	4,824	3,549	4,367	17,930
Eastern	2,751	7,017	7,812	6,168	8,274	32,022
Total	10,327	16,288	20,160	15,068	17,580	79,423

Note: These numbers include those aliens who were exempt from paying the \$650 supplemental fee.

Source: INS.

As shown in table 4, the estimated revenue from the application fees for this period was \$61.7 million, of which subsection 245(i) application fee revenue accounted for \$49.1 million (80 percent). Also, the trend of the fee revenue received was similar to the trend for all permanent resident status applications received during this period. That is, revenue received peaked in December 1994 and declined in January 1995.

Table 4: Legal Alien and Subsection 245(i) Applications Fee Revenue Received, by Month, October 1, 1994, Through February 24, 1995

Month	Revenue			Percent subsection 245(i)
	Legal aliens	Subsection 245(i)	Total	
Oct. 1994	\$2.2	\$7.1	\$9.3	76%
Nov. 1994	2.5	10.4	12.9	81
Dec. 1994	3.4	12.3	15.7	78
Jan. 1995	2.4	8.9	11.3	79
Feb. 1995	2.1	10.4	12.6	83
Total	\$12.6	\$49.1	\$61.7	80%

Note: Numbers may not add due to rounding.

Source: INS.

As shown in table 5, the subsection 245(i) applications comprised 52 percent of applications for permanent resident status received in the Western Region's eight district offices. Receipts in the Los Angeles and San Francisco District offices comprised 76 percent of all permanent resident status applications and 82 percent of all subsection 245(i) applications received in the region. In Los Angeles, Phoenix, San Diego,

and San Francisco, which received the largest number of both types of applications in the region, the subsection 245(i) applications represented between 50 and 57 percent of all permanent resident status applications received in the region.

Table 5: Legal Alien and Subsection 245(i) Permanent Resident Status Applications Received in the Western Region District Offices, October 1, 1994, Through March 1995

District	Legal alien applications	Subsection 245(i) applications	Total	Percent subsection 245(i)
Anchorage	224	18	242	7%
Hawaii	1,235	153	1,388	11
Los Angeles ^a	14,805	18,337	33,142	55
Phoenix	2,564	3,405 ^b	5,969	57
Portland ^c	1,279	261	1,540	17
San Diego	2,018	1,983	4,001	50
San Francisco	8,767	10,439	19,206	54
Seattle	2,461	827	3,288	25
Total	33,353	35,423	68,776	52%

^aData were through March 17, 1995, but were not available for the week of December 26, 1994.

^bData for the Tucson suboffice were not available for October 1994.

^cNumbers were calculated on the basis of estimated applications received.

Source: INS.

Tables 6 and 7 provide data on the number of all applications and subsection 245(i) applications received in the Western Region's eight district offices. Consistent with the national trend, most of the districts experienced an increase in the number of both types of applications received through December 1994. For January and February, the total number of applications received decreased, but some districts experienced an increase during these months.⁶

⁶We did not include March 1995 data in our discussion because data were only available for first half of March 1995.

Table 6: Number of All Permanent Resident Status Applications Received in the Western Region District Offices, by Month, October 1, 1994, Through March 1995

District	Number of applications						Total
	Oct. 1994	Nov. 1994	Dec. 1994	Jan. 1995	Feb. 1995	Mar. 1995	
Anchorage	33	36	45	43	47	38	242
Hawaii	261	234	199	203	226	265	1,388
Los Angeles ^a	5,289	6,155	8,038	5,167	3,518	4,975	33,142
Phoenix	478	641	982	1,147	1,207	1,514	5,969
Portland	146	192	286	214	374	328	1,540
San Diego	425	551	628	709	892	796	4,001
San Francisco	2,053	2,549	3,597	2,996	3,150	4,861	19,206
Seattle	239	455	438	523	801	832	3,288
Total	8,924	10,813	14,213	11,002	10,215	13,609	68,776

Note: These numbers include legal alien and subsection 245(i) applications.

^aData were through March 17, 1995, but were not available for the week of December 26, 1994.

Source: INS.

Table 7: Number of Subsection 245(i) Applications Received in the Western Region District Offices, by Month, October 1, 1994, Through March 1995

District	Number of subsection 245(i) applications						Total
	Oct. 1994	Nov. 1994	Dec. 1994	Jan. 1995	Feb. 1995	Mar. 1995	
Anchorage	2	2	1	2	3	8	18
Hawaii	30	23	15	22	27	36	153
Los Angeles ^a	3,484	3,506	3,628	2,871	2,105	2,743	18,337
Phoenix	89 ^b	316	551	693	734	1,022	3,405
Portland ^c	7	28	42	50	50	84	261
San Diego	78	204	411	339	439	512	1,983
San Francisco	803	1,260	1,702	1,733	1,982	2,959	10,439
Seattle	72	85	160	105	181	224	827
Total	4,565	5,424	6,510	5,815	5,521	7,588	35,423

^aData were through March 17, 1995, but were not available for the week of December 26, 1994.

^bData for the Tucson suboffice were not available for October 1994.

^cINS estimated data.

Source: INS.

From October 1994 through February 1995, INS denied 8 percent, or 6,983 of the 88,911 the legal alien applications it completed.⁷ On a monthly basis, the denial rate for the applications ranged between 4 and 6 percent for this period. As shown in table 8, the denial rate for four of the seven Western Region district offices with data ranged from 2 to 9 percent from October 1994 through March 1995. Hawaii did not deny any applications. Nationwide and Western Region denial data were not available for the subsection 245(i) applications.

Table 8: Denial Rate for All Permanent Resident Status Applications Received in Selected Western Region Districts, October 1, 1994, Through March 1995

District	Number of applications			Percent denied
	Approved	Denied	Total	
Hawaii	93	0	93	0
Los Angeles	12,315	1,178	13,493	9
Phoenix	2,247	109	2,356	5
Portland	1,000	20	1,020	2
San Diego	1,375	23	1,398	2

Source: INS.

We discussed the impact of the subsection 245(i) applications on their workload with Los Angeles, Phoenix, San Francisco, and Seattle district officials. These officials said that their estimated processing time per application had increased for all permanent resident status applications. The application processing time in

- Los Angeles nearly tripled from 4.5 to 12.5 months,
- Phoenix increased threefold from 4 to 12 months,
- San Francisco doubled from 6 to 12 months, and
- Seattle doubled from 2.5 to 5 months.

Anchorage and Hawaii officials said that the subsection 245(i) applications did not affect their processing time. Portland officials did not have an estimate of the impact of the subsection 245(i) applications on their processing time.

In addition to the almost 80,000 subsection 245(i) applications INS had received since October 1994, it expected to receive another 82,000

⁷INS officials pointed out that a more valid analysis of denial rates than we used would have been to compare the total of pre-October 1994 consular and INS denials, excluding aliens barred from adjusting their status to permanent resident because they entered without inspection, worked illegally, or overstayed their visa, to the total post-October 1994 consular and INS denials. INS recognized that such an analysis was beyond the scope of our work.

applications before the end of fiscal year 1995. To meet this workload, in April 1995, the Department of Justice notified Congress of a proposed reprogramming action that, among other things, would provide INS additional resources to enhance its application processing capability. According to Justice, these resources are to fund staffing, overtime, and records support.

Justice officials pointed out that all types of applications (e.g., naturalization) are increasing and affecting INS' workload.

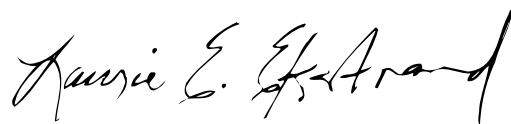
Agency Comments

The Department of Justice officials said that the scope of our work did not enable us to address other issues related to subsection 245(i). Specifically, they said that while subsection 245(i) applications have increased INS' workload, we did not address the impact on overseas processing of applications by the consular offices. The officials pointed out that a decrease in the overseas workload could occur because under subsection 245(i) aliens can now apply for permanent resident status while in the United States, but if aliens had to leave the country to apply, the overseas workload would increase. They added that we did not analyze the impact of subsection 245(i) provisions on deterring illegal immigration. We recognize that these issues would have to be addressed to evaluate the full impact of subsection 245(i). However, this was beyond the scope of our work.

We are sending copies of this fact sheet to the Attorney General and other interested parties, and we will also make copies available to others upon request.

Major contributors to this fact sheet were James M. Blume, Assistant Director; Michael P. Dino, Evaluator-in-Charge; and Pamela V. Williams, Communications Analyst. If you need any additional information or have any further questions, please contact me on (202) 512-8777.

Sincerely yours,

A handwritten signature in black ink that reads "Laurie E. Ekstrand". The signature is written in a cursive style with a large, stylized initial "L".

Laurie E. Ekstrand
Associate Director, Administration
of Justice Issues

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