

National Citizenship and Immigration Services Council Legislative Report

February 09, 2008

With all of the activity related to immigration reform, homeland security, DHS privatizations, the fee increase, the backlogs and frontlogs, 2007 was a very busy legislative year. It is fair to say that the NCISC played an active, visible role in educating Members of Congress and their staffs in each of these areas. The following is a description of those issues and activities. It also includes a preview of what is likely to come in 2008 and how the Council might proactively address these issues.

Immigration Reform:

Despite much activity there was very little actual progress on the overarching issue in America today: Immigration. Nonetheless, throughout the year it appeared quite likely that major reform of our immigration laws was likely to be enacted. As such, the Council developed a position that reflected its institutional concerns about such reform. The Council position, as reflected in letters to key lawmakers and in meetings with Congressional staff was and is that full and adequate consideration be given to the administrative issues associated with immigration reform including sufficient staff to complete the massive job it will entail and significant new investment in CIS infrastructure to assure that it can be done effectively and efficiently.

In that effort, the Council developed and sought to advance statutory language regarding the role of CIS in immigration reform. The language called for the establishment of an interagency working group to develop rules and regulations regarding the implementation of provisions affecting the agency and its employees. It would have also required the direct involvement of the union in the development of these rules and regulations.

As part of this legislative effort, the Council solicited and received the support of the both AFGE and the national AFL-CIO which essentially adopted our language and urged its inclusion in legislation. Of course, in the end there was no legislation adopted and immigration reform came to a crashing halt. The issue, however, has not gone away and will likely be extremely visible in the upcoming election and the next Congress.

CIS Fee Increase:

The proposal by CIS to raise immigration fees for a wide range of immigration benefits proved quite controversial among Democrats in Congress and might have been derailed had it not been for the strong position and active role taken by the Council. Legislation introduced by Senator Barack Obama and Rep. Jan Schakowsky, both of Illinois, to prevent the increase from going into affect was introduced. Shortly thereafter Council leaders met with the staff of both sponsors to explain the importance of the increase.

In addition, the Council developed and submitted to the House Immigration Subcommittee thorough testimony detailing the union's strong support for the fee increase and for a new financing structure for CIS in the future.

Ultimately, the fee increase was allowed to go into effect and the issue passed. Nonetheless, it points to the clear need for new financing arrangements for CIS as powerful organizations representing beneficiaries would very likely fight aggressively against future fee increase proposals.

Agency Privatization Efforts:

Despite a solid agency record of failure in competitions with federal employees to privatize various services at CIS, the agency aggressively pursued its A-76 agenda in 2007. Support staff personnel, supply and logistics workers and even some important adjudications functions were all targets. In addition, as in past years, it was necessary to enact legislation preventing CIS from moving forward on Immigration Information Officers.

Working with AFGE and under the leadership of national privatization expert John Threlkeld, the Council prevailed in much of its work on these issues – although some of this activity is still pending. During the course of this work, the Council held regular teleconferences to discuss legislative support in target states and congressional districts. It produced information for distribution both on Capitol Hill and for AFGE members around the country including a one page fact sheet summarizing the effort to privatize key administrative personnel in five streamlined competitions at the Service Centers.

Given the broader issue of abysmal contractor performance throughout the Department, and the Administration's continuing commitment to the A-76 process, the time may be right for pursuing an agency wide ban on future competitions – at least for some long period of time. John has met with key staff and held preliminary discussions on the subject. The issue may be ripe, but it would require a substantial commitment from the Council, its leaders and its lobbyist.

Rebuilding the Agency:

The creation of the new and, apparently unanticipated back log of applications that were filed just prior to the fee increase going into effect, has created something of a furor on Capitol Hill. This is especially true among Democrats concerned that backlog in Naturalization applications will prevent many from voting in the presidential election. The Council has been asked by many sources our view on how this process can be "speeded up".

One such source was the Service Employees International Union and another was Rep. Zoe Lofgren (D-CA). Rep. Lofgren chairs the House Immigration Subcommittee and she held a hearing on this issue and requested information and questions from the

Council. We have held a series of meetings with SEIU to discuss their concerns about the issue as well. In those discussions we have made clear that we would not be a party to the politicization of this process and that it was not only naturalization petitions that comprised the current backlog.

We also raised with the union the need for their support of general revenue financing for CIS as a solution to future backlog problems. These discussions have been illuminating for all and will hopefully result in a somewhat refocused effort by both the union and the Chairwomen. It has been the goal of the Council to move people away from the notion of "speeding up the assembly line" and toward long term reform and broadened financing of the agency.

In addition, the Council has played an active role throughout the year on issues related to adequate staffing of CIS. The Council led the effort to preserve the "term" employees at a time when the agency was anxious to eliminate their jobs. It played a key role in ensuring that the new hires funded through the increased fees will be principally full time employees and not contract workers. And it has made clear that increased production means increased staffing.

Max HR:

Although the work was entirely below the radar screen, significant effort was made to insure that the Administration's MaxHR personnel program was de-funded. For the most part, this effort was successful and it is likely that we have seen the end of this very expensive, very wasteful anti-union effort. However, if a new Administration comes into office and opts to revive the regulations, it may be possible for them to do so. This is due to language in the Homeland Security Act that "sunsets" the DHS regulations at the end of January '09. We believe it is important to, at least, have that date moved up or simply eliminate the language altogether.

During the course of the year, we provided draft language to both the House and Senate DHS Appropriations Committees intended to eliminate funding for MAX HR and future Bush Administration proposed personnel flexibility human resource initiatives. Contacts were made with all lawmakers on both subcommittees urging the inclusion of the strongest language possible to prevent further activity in this area. In the end, strong language was included in the final version of the FY '08 DHS Appropriations bill reflecting the intent of our proposed language.

Issue for 2008 and Beyond:

It seems clear that while immigration reform is not likely to reappear on the Congressional agenda this year, CIS issues will again be front and center. Certainly the current backlog will be of continuing interest to Congress as the year progresses. How the agency responds to Congressional pressure is likely to form the basis of much of our legislative work this year. Already Agency decisions related to hiring and overtime are emerging as problem areas where Congressional intervention may have to be sought. In addition, we may want to use this pressure from Congress to force the agency to open up its telecommuting opportunities. While we have and will meet with objections related to the notion that sensitive files are being removed from CIS buildings, the practical need for finding ways to reduce backlogs might help us overcome these objections.

Secondly, as pressure grows on CIS to respond to the current surge and, eventually, the enactment of immigration reform legislation, it is vital to the Council's on-going interests that Members of Congress fully understand what is meant by the term "application processing". That educational effort will begin with our meetings in connection with the AFGE Legislative Conference and the use of a fictional but fairly typical immigration benefit application to graphically illustrate the enormity of the process. In addition, as a legislative goal for the year, we may want to consider advocating a GAO review of the time and effort involved in processing applications.

Finally, in 2008 and beyond, the Council will have as its common, overriding legislative goal the enactment of legislation making general revenues available for a significant part of CIS operations. How much and what parts will have to be debated, no doubt in time consuming and excruciating detail by Congress in the next Administration, but such legislation must be enacted. But the fight has begun and, the NCISC has already taken the lead by enlisting the SEIU in a cooperative effort to support such legislation next year. Along with AFGE and the AFL-CIO and perhaps some of the immigration groups, a powerful coalition has begun to form around this idea.

Eric Shulman

From: Eric Shulman [es4@verizon.net]
Sent: Friday, February 08, 2008 12:20 PM
To: 'mekongmai@aol.com'; Kevin Tinker; 'Crash21263@aol.com'; 'Council119ST@aol.com'
Cc: 'Beth Moten'
Subject: CIS Meetings

Folks (And Please Share with other Board Members):

Below are the meetings set up for next week. The ones that are starred will be joint meetings with a representative of the ICE Council. All of these meetings are with key staffers who will have a great deal of influence over immigration and CIS issues this year and beyond. In general you can assume these meetings will last no more than 30 minutes, so we need to be clear, brief and to the point.

Many of the staff will want to talk about the backlog and how it can be reduced. We should talk tomorrow about how we want to respond to this question. But we should not allow it to dominate our time there, as we definitely will want to raise other issues i.e. privatization and future agency funding mechanisms.

I'll be meeting with you tomorrow afternoon, so we can go over all of this at that time. If you have any questions, just let me know.

Monday

- *11:00 am – House Homeland Security Committee (majority) Holly Canevari (H2-117 Ford House Office Bldg.)
- *11:30 am – House Homeland Security Committee (minority) Mandy Bowers (H2-176 Ford Bldg.)
- *1:00 pm – Senate Homeland Security Committee (minority) Amanda Wood (442 Hart)

Tuesday

- 12:00 – Senator Barack Obama (Danny Sepulveda) 713 Hart Bldg.
- *3:00 pm – Senate Homeland Security (Majority) Kevin Landy 340 Dirksen Bldg

Wednesday

- 3:30 pm – Senate Sub. (Akaka) Lisa Powell (605 Hart Bldg.)
- 3:00 pm – Kennedy (Wendy Young) 520 Dirksen Bldg