

# EXHIBIT 23

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

<b>STATE OF TEXAS, et al.,</b>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:14-cv-00254
	)	
<b>UNITED STATES OF AMERICA, et al.,</b>	)	
	)	
Defendants	)	

**DECLARATION OF KENNETH PALINKAS**

My name is Kenneth Palinkas, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the President of the National Citizenship and Immigration Services Council (“NCISC”). I started working for the Immigration and Naturalization Service in 1999. I have been a member of the American Federation of Government Employees (AFGE) since 2000.

2. I have also been a member of the National Citizenship and Immigration Services Council since March 4, 2011, when I was appointed to the position of Eastern Region Vice President that had been vacated. I was subsequently elected to the position of Executive Vice President of the NCISC August, 2012, and have served as the NCISC’s President upon the resignation of the former President February 2013. The NCISC is part of the American Federation of Government Employees and is recognized by the AFL-CIO. NCISC represents 12,000 federal employees at U.S. Citizenship and Immigration Services (“USCIS”).

3. The immigration officers and staff who work at USCIS and are represented by the NCISC are hard-working professionals and proud members of the law-enforcement community.

They are charged with, among many other things, processing adjustment-of-status applications, managing the E-Verify system, and managing the Systematic Alien Verification for Entitlements (“SAVE”) system.

4. USCIS adjudications officers and staff are the Nation’s front-line defense for a safe and secure immigration system. They investigate applications, issue requests for evidence (“RFEs”), and conduct interviews. An interview is one of the most important tools in an officer’s toolbox because it is one of the most effective ways to detect fraud and to identify national-security threats.

5. USCIS management, however, has undermined immigration officers’ abilities to do their jobs. Management has transformed USCIS from an agency that serves and protects national security and the rule of law into one that instead serves undocumented immigrants and their lawyers. Hence the change in titles for Officers from Adjudications Officers to Immigration Service Officers. Aliens seeking benefits are now referred to as “customers”.

6. The so-called Deferred Action for Childhood Arrivals (“DACA”) and Deferred Action for Parental Accountability (“DAPA”) programs have further undermined the goals that USCIS officers pursue every day. The agency has been buried in hundreds of thousands of DACA applications since 2012. And USCIS management has taken several steps to ensure that DACA applications receive rubber-stamped approvals rather than thorough investigations.

7. First, USCIS management routes DACA applications to service centers instead of field offices. But USCIS officers in service centers (as opposed to those in field offices) do not interview applicants. Divesting USCIS professionals of their ability to interview applicants seeking immigration benefits through the DACA and DAPA programs (who have already demonstrated a disregard for the laws of the U.S. as they have entered the country illegally)

further erodes and inhibits an officer's ability to root out fraud and screen out national security threats. It also promulgates a system that is designed to automatically approve applications rather than adjudicate each application with all the tools necessary to reach a fair and equitable decision.

8. According to the most recent data I have seen, USCIS reports a 99.5% approval rate for all DACA applications. The approval rate is that high because USCIS leadership has prevented immigration officers from conducting case-by-case investigations of DACA applications. Leadership has intentionally stopped proper screening and enforcement, and in so doing, it has guaranteed that applications will be rubber-stamped for approval, a practice that virtually guarantees widespread fraud and places public safety at risk.

9. While DACA applicants originally were required to pay fees, DHS and USCIS are now exercising their discretion to waive those fees.

10. USCIS has announced that it will create a new service center to process DAPA applications. The new service center will be in Arlington, Virginia, and it will be staffed by approximately 1,000 federal employees. Approximately 700 of them will be USCIS employees, and approximately 300 of them will be federal contractors. As explained above, by routing DAPA applications through service centers instead of field offices, USCIS management has intentionally created an application process that bypasses traditional in-person investigatory interviews with trained USCIS adjudications officers. That management decision prevents officers from conducting case-by-case investigations, undermines officers' abilities to detect fraud and national-security risks, and ensures that applications will be rubber-stamped.

11. USCIS management's approach to DACA and DAPA is consistent with its approach to other immigration programs. For example, a new USCIS computer system to screen

applications known as "Transformation" has proven to be a disaster as the agency has spent upwards of \$2 billion for a system that would eventually allow an alien—now referred to as a “customer” under current USCIS policy, as I previously stated—to upload their own information via the internet for adjudication purposes. To date, only one form can be accepted into the program that has been in the making for close to 10 years. The system is wasteful; it undermines the role of USCIS adjudicators and immigration officers who are professionally trained to protect the American public; and it invites fraud and abuse.

12. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 31st day of December, 2014.

  
KENNETH PALINKAS