

# Congress of the United States

Washington, DC 20515

February 12, 2019

The Honorable Lee Francis Cissna  
Director  
U.S. Citizenship and Immigration Services  
111 Massachusetts Ave. NW  
Washington, D.C. 20529

Director Cissna,

We write to express our grave concerns about the alarming growth in processing delays at U.S. Citizenship and Immigration Services (USCIS) and request your prompt and detailed response to the inquiries enumerated in this letter.

Analyses of recent Department of Homeland Security data demonstrate erosion of the agency's critical services.<sup>1</sup> USCIS was created in 2002, by Congress when it passed the Homeland Security Act, to be a service-oriented, immigration service agency with the mission to adjudicate immigration matters to enable individuals to obtain work authorization, citizenship, humanitarian protection and other important services.

According to recent reports, including a January 30, 2019 report from the American Immigration Lawyers Association, processing delays at USCIS have reached crisis-levels, with adverse consequences to American families, U.S. businesses, and vulnerable populations seeking humanitarian relief.<sup>1</sup>

Processing delays jeopardize the ability of individuals to work, leaving families without income for food, housing, and healthcare. Domestic abuse survivors, abandoned children, and those seeking asylum or refugee status may be left in life-threatening circumstances without timely adjudication. Finally, U.S. businesses, including farmers and small business owners, rely on USCIS' processing of work-visas to fill critical workforce gaps in order to remain competitive.

USCIS data for fiscal years 2014 through 2018 depict a 46% surge in overall average case processing time and a 91% increase since FY 2014.<sup>2</sup> In an April 2018 report to Congress, DHS identified a net backlog of 2,330,143 USCIS cases at the end of FY 2017, which is more than double the backlog reported after FY 2016 and coincides with the first full year after President Trump took office.<sup>3</sup>

---

<sup>1</sup> AILA, "AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration" (January 30, 2019); [https://www.aila.org/infonet/aila-policy-brief-uscis-processing-delays?utm\\_source=Congressplus&utm\\_medium=CP-Email](https://www.aila.org/infonet/aila-policy-brief-uscis-processing-delays?utm_source=Congressplus&utm_medium=CP-Email)

<sup>2</sup> *Id.*; AILA's analysis based on data from USCIS webpage, "Historical National Average Processing Times for All USCIS Offices" (November 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

<sup>3</sup> DHS, "Annual Report on the Impact of the Homeland Security Act on Immigration Functions Transferred to the Department of Homeland Security" (Apr. 13, 2018); <https://www.uscis.gov/sites/default/files/reports-studies/Annual-Report-on-the-Impact-of-the-Homeland-Security-Act-on-Immigration-Functions-Transferred-to-the-DHS.pdf>.

Clearly, policy changes implemented by the current administration in 2017 and 2018 have increasingly shifted the agency away from its service-oriented mission. Rather than continuing to seek ways to simplify and streamline its benefit-delivery systems, USCIS now appears more focused on erecting barriers to the benefits it administers, including by significantly delaying adjudications.

For these reasons and as part of our Congressional oversight duties, we ask that you provide detailed and prompt responses to the following inquiries and requests:

1. Please identify the causes of the current backlog, including all policies introduced under the current administration that have contributed to the USCIS case backlog.
2. Please provide all analyses performed by the agency on how these policies impact processing times, including but not limited to how the following have contributed to the backlog:
  - a. Use of “extreme vetting;”
  - b. USCIS’s new in-person interview requirement for relatives of asylees and refugees as well as individuals seeking employment-based green cards;
  - c. USCIS’s reversal of longstanding guidance concerning deference towards prior determinations regarding non-immigrant employment extension petitions.
3. In an April 2018 DHS report to Congress, the reported net backlog at the conclusion of FY 2017 exceeded 2.3 million cases. Does this number constitute a new record-high?
4. Please identify the current USCIS “net backlog,” “gross backlog,” and “case completion rate,” as well as those figures at the end of each of the past five fiscal years.
5. USCIS’s proposed FY 2019 budget requested the transfer of over 200 million dollars in fee revenue out of USCIS into ICE. The budget specifies that that money would be used, among other purposes, for the hiring of over 300 ICE enforcement officers. This appears to represent part of USCIS’s larger shift towards prioritizing immigration enforcement over the service-oriented adjudications at the core of the agency’s mandate. Why, at a time when families, vulnerable individuals, and U.S. businesses are suffering around the country due to pervasive USCIS processing delays, did your agency seek to transfer over 200 million dollars of USCIS resources to ICE?
6. USCIS case volume substantially decreased through the first three quarters of FY 2018—the most recent period for which data is publicly available—yet USCIS processing times increased substantially in FY 2018. Why do processing times continue to escalate even as case volume appears to recede?
7. How does USCIS intend to reduce and ultimately eliminate processing delays, while ensuring fairness and quality of adjudications, and without passing the costs of the agency’s inefficiencies onto the applicants and petitioners experiencing hardship due to USCIS’s crisis-level delays?

Whatever the factors may be that are contributing to the current and unprecedented USCIS backlog in processing cases, more must be done to address, reduce, and prevent future delays. The agency was created by Congressional mandate and we, the undersigned Members of Congress, urge the agency to swiftly provide detailed answers to the queries listed above and ask for your ongoing cooperation and full transparency in the efforts to reduce and eliminate the current backlog.


Sincerely,

  
Jesús G. "Chuy" García  
Member of Congress

  
Adriano Espaillat  
Member of Congress

  
Nydia M. Velázquez  
Member of Congress


  
Joaquin Castro  
Member of Congress

  
Jerrold Nadler  
Member of Congress

  
Zoe Lofgren  
Member of Congress

  
Sheila Jackson Lee  
Member of Congress

  
Pramila Jayapal  
Member of Congress

  
Ted W. Lieu  
Member of Congress

  
Barbara Lee  
Member of Congress

  
Rashida Tlaib  
Member of Congress

  
Ayanna Pressley  
Member of Congress

  
Raúl Grijalva  
Member of Congress

  
Steve Cohen  
Member of Congress


  
Jim Costa  
Member of Congress

  
Deb Haaland  
Member of Congress

  
Eleanor Holmes Norton  
Member of Congress

  
Darren Soto  
Member of Congress

  
Yvette D. Clarke  
Member of Congress

  
Carolyn B. Maloney  
Member of Congress

  
Bonnie Watson Coleman  
Member of Congress






Debbie Dingell  
Member of Congress



Ruben Gallego  
Member of Congress



TJ Cox  
Member of Congress



Ilhan Omar  
Member of Congress



Peter Welch  
Member of Congress



Suzan DeBene  
Member of Congress



Tony Cardenas  
Member of Congress



Nanette Barragan  
Member of Congress



Jan Schakowsky  
Member of Congress



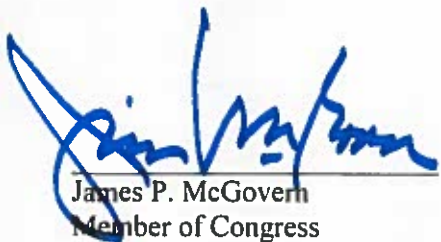
Norma J. Torres  
Member of Congress



Jimmy Gomez  
Member of Congress



Mark DeSaulnier  
Member of Congress



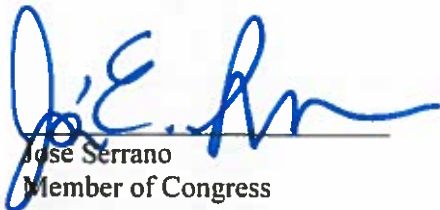
James P. McGovern  
Member of Congress



Alcee L. Hastings  
Member of Congress



Gil Cisneros  
Member of Congress



Jose Serrano  
Member of Congress



Alan Lowenthal  
Member of Congress



Kurt Schrader  
Member of Congress



Anthony Brown  
Member of Congress



Michael San Nicolas  
Member of Congress



Sean Patrick Maloney  
Member of Congress



Chellie Pingree  
Member of Congress



Gregorio Kilili Camacho Sablan  
Member of Congress



Raja Krishnamoorthi  
Member of Congress



Steven Horsford  
Member of Congress



Joseph P. Kennedy III  
Member of Congress



Juan Vargas  
Member of Congress



J. Luis Correa  
Member of Congress



Ted Deutch  
Member of Congress



Susan Davis  
Member of Congress



John Garamendi  
Member of Congress



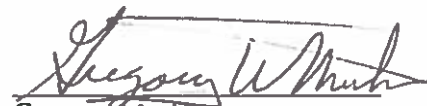
Suzanne Bonamici  
Member of Congress



Brenda L. Lawrence  
Member of Congress



André Carson  
Member of Congress



Gregory Meeks  
Member of Congress



Earl Blumenauer  
Member of Congress



Adam Smith  
Member of Congress



Bill Foster  
Member of Congress



Grace Napolitano  
Member of Congress



Kathleen M. Rice  
Member of Congress



Frank Pallone Jr.  
Member of Congress




Gwen Moore  
Member of Congress




  
Alfio Sires  
Member of Congress

  
Robin Kelly  
Member of Congress


  
Danny K. Davis  
Member of Congress

  
Debbie Mucarsel-Powell  
Member of Congress

  
Katherine Clark  
Member of Congress

  
John Yarmuth  
Member of Congress

  
Al Green  
Member of Congress

  
Alma S. Adams, Ph.D.  
Member of Congress


  
Eliot Engel  
Member of Congress

  
Tom Suozzi  
Member of Congress

  
Scott H. Peters  
Member of Congress

  
Diana DeGette  
Member of Congress

  
David N. Cicilline  
Member of Congress


  
Andy Levin  
Member of Congress

  
Linda T. Sánchez  
Member of Congress


  
Eddie Bernice Johnson  
Member of Congress

  
Jared Huffman  
Member of Congress

  
Judy Chu  
Member of Congress

  
Debbie Wasserman Schultz  
Member of Congress

  
Alexandria Ocasio-Cortez  
Member of Congress

  
Jamie Raskin  
Member of Congress

*S.O.Cll*

Salud O. Carbajal  
Member of Congress

*Karen Bass*

Karen Bass  
Member of Congress