

The Honorable James L. Roberts

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS
PROJECT, *et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

DEFENDANTS' RESPONSES TO THE
COURT'S QUESTIONS

In response to the Court's questions posed at the September 23, 2022 hearing, U.S. Citizenship and Immigration Services ("USCIS") provides the following answers:

1. How much additional staff has USCIS assigned and/or hired to work on this workload?

On February 7, 2022, the U.S. District Court for the District of Columbia issued an order in *AsylumWorks, et al. v. Mayorkas, et al.*, No. 20-cv-3815 (D.D.C.) vacating the Timeline Repeal Rule. *See* ECF No. 190-1 (also available at *AsylumWorks v. Mayorkas*, No. 20-cv-3815, 2022 WL 355213 (D.D.C. Feb. 7, 2022)). On February 7, 2022, USCIS had 62 Immigration

1 Services Officers (“ISOs”) assigned to adjudicate initial applications for asylum-related
2 employment authorization documents (“C8 initial adjudications”). By September 26, 2022,
3 however, USCIS had 106 ISOs primarily assigned to C8 initial adjudications (an increase of 44
4 additional ISOs).

5
6 **2. What efforts have been taken to hire additional adjudicators?**

7 Related to the considerable increase of ISOs described above, USCIS’s Texas Service
8 Center (“TSC”) is selecting and hiring more ISOs through various Federal Hiring Programs and
9 Authorities, including the following categories of personnel recruitment:

- 10 • Merit Promotion announcements (allowing a current or former federal employee to
11 apply for a position without having to compete with the general public);
12 • Public Job Notice announcements;
13 • Military Spouse appointments;
14 • Veterans Recruitment Appointment; and
15 • Schedule A & 30% or More Disabled Veterans.

16
17 **3. What is the amount of overtime that USCIS has appropriated?**

18 Over the past eight months, ISOs at the TSC have been regularly working overtime to
19 reduce the backlogs on various work products. On January 30, 2022, TSC authorized overtime,
20 with each ISO authorized a maximum of 10 hours of overtime per pay period on various backlog
21 work products. Between January 30, 2022 and September 10, 2022, TSC increased authorization
22 for overtime for each ISO from 10 hours per pay period to 30 hours per pay period.

23 During this timeframe, approximately 23% of the C8 initial adjudications have been
24 completed due to ISOs working overtime hours. And during this same timeframe, USCIS has
25

1 spent \$ 966,265 on overtime compensation for C8 initial adjudications, which has increased total
2 adjudication hours for initial C8 production by 19,492 hours.

3
4 **4. Are there other steps USCIS can take to increase the rate of processing these**
5 **adjudications?**

6 In addition to hiring new ISOs, reassigning existing trained TSC ISOs to adjudicate C8
7 initial applications, and offering overtime as an incentive to complete even more adjudications,
8 USCIS has taken (and continues to take) additional steps to increase the rate of processing C8
9 initial adjudications, including but not limited to the following:

- 10 • Working on certain non-adjudication and/or clerical queues in USCIS’s Electronic
11 Immigration System, which helps prepare applications for ISO adjudication.
12 • Developing systems-based verifications to further streamline case processing.
13 • Identifying a team of Immigration Services Assistants to work the Manual Photo
14 Collection Queue (correcting the images, if possible) to move applications closer to
15 ISO Adjudication.
16 • Reassigning batches of cases to the Nebraska Service Center (“NSC”), which
17 currently has 23 officers dedicated to C8 initial adjudications (these 23 officers are
18 included in the total of 106 officers set forth in paragraph 1 above). NSC has also
19 authorized overtime funds.

20
21 **5. Can USCIS commit to a specific timeframe? When will USCIS finish processing**
22 **the backlog and when does USCIS anticipate resuming 30-day compliance?**

23 USCIS anticipates being able to finish processing the C8 initial adjudications backlog on
24 or about November 15, 2022. Nevertheless, this estimate is dependent on incoming receipt levels
25 remaining consistent with projected receipt levels. Given this prediction, USCIS expects to be

1 principally adjudicating cases within the 30-day timeline after November 15. And in light of the
2 monthly reporting cycle, USCIS anticipates the report for the month of December 2022 would be
3 the first report to reflect full 30-day compliance.

4
5 DATED September 27, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

By: s/ Aaron S. Goldsmith
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