

December 16, 2021

Ms. Ur Mendoza Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20588

Re: Follow Up on the Status of the Implementation of the Emergency Stopgap USCIS Stabilization Act provisions included in H.R. 8337: Continuing Appropriations Act, 2021 and Other Extensions Act

Dear Ms. Jaddou,

On behalf of the undersigned organizations, we write to follow up on the letter we sent to U.S. Citizenship and Immigration Services (USCIS) on March 1, 2021 regarding the implementation of the Emergency Stopgap USCIS Stabilization Act provisions which were included in H.R. 8337: Continuing Appropriations Act, 2021 and Other Extensions Act.¹ To date, we have not received a response from USCIS to our letter which included recommendations on how USCIS could implement the legislation to ensure the agency remains solvent while efficiently and effectively adjudicating all immigration benefit applications and petitions. In particular, we are following up because we are extremely concerned that USCIS has not yet provided its five-year plan to Congress, a plan mandated by the legislation that was due to Congress no later than March 2021.² The five-year plan requires USCIS to set forth its strategy to improve processing times for all immigration and naturalization benefit requests, as well as to establish electronic filing procedures, accept electronic payment of fees, and issue correspondence electronically. USCIS is now more than eight months past the deadline for submitting its five-year plan to Congress. We urge USCIS to comply with its reporting requirement.

Relatedly, USCIS received \$250 million dollars for general backlog reduction and \$193 million dollars for expenses in support of Operation Allies Welcome as part of H.R. 5305, the Extending Government Funding and Delivering Emergency Assistance Act, which passed into law on September 30, 2021.³ This funding is contingent on USCIS providing Congress an expenditure plan for the funds. The undersigned organizations urge USCIS to provide the expenditure plan to Congress as quickly as possible and to release a copy of its expenditure plan to the public.

¹ *AILA and Coalition Partners Send Letter to USCIS Urging Implementation of the Emergency Stopgap USCIS Stabilization Act*, AM. IMMIGRATION LAWYERS ASS'N (Mar. 1, 2021), <https://www.aila.org/advo-media/aila-correspondence/2021/letter-to-uscis-urging-implementation-emergency>.

² See Section 4103 of Continuing Appropriations Act, 2021 and Other Extensions Act (requiring a 5-year plan shall be provided to the appropriate Committees no later than 180 days after the date of enactment).

³ Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. No. 117-43, 135 Stat. 344 (Sept. 30, 2021), <https://www.congress.gov/117/plaws/publ43/PLAW-117publ43.pdf>.

USCIS continues to have crisis-level processing delays⁴ which are causing serious hardships for applicants, petitioners, beneficiaries, and their families. Due to the agency's excessive processing delays, applicants and their families are facing long separations and personal and financial hardships. U.S. businesses are also having trouble securing the workers they need in a timely manner, creating disruptions in the U.S. workforce and challenges for businesses across the country. Although the agency has taken some initial steps in recent months to address its excessive processing delays, such as adopting some of the policy recommendations that were outlined in our March 1, 2021 letter, USCIS must urgently do more to address its crisis-level processing delays, including providing its five-year plan to Congress as swiftly as possible.

In addition, given that the legislation was passed into law more than one year ago, we remain concerned about the slow pace in which USCIS is expanding premium processing to additional form types. While USCIS quickly increased its premium processing fees in October 2020⁵ and later announced the expansion of premium processing to E-3 petitioners on February 24, 2021⁶, to date, the agency has not expanded premium processing to any additional form types despite its ability to do so. USCIS generates substantial revenue from its premium processing service. While we acknowledge that a final rule which establishes new benefit requests eligible for premium processing entitled "Adjustment to Premium Processing" is currently pending review by the Office of Information and Regulatory Affairs (OIRA)⁷ we urge USCIS to swiftly implement the expansion of premium processing upon the final rule's publication in the *Federal Register*. As of the end of fiscal year (FY) 2019, USCIS had \$648 million in its premium processing account.⁸ Estimates indicate that USCIS could raise an additional \$385–\$626 million in annual revenue by expanding premium processing to the forms authorized for immediate eligibility in the legislation.⁹ Given that this legislation, if properly implemented, will help bolster USCIS's revenues, and in turn, allow the agency to address its crisis-level backlog and processing delays, we urge USCIS to continue to expand premium processing to additional form types as quickly as possible. We offer several recommendations in our March 1, 2021 letter on how USCIS can implement this legislation to ensure the agency remains solvent while efficiently adjudicating immigration benefit applications and petitions.

⁴ See *U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload*, U.S. GOV'T ACCOUNTABILITY OFFICE (Aug. 18, 2021), <https://www.gao.gov/products/gao-21-529>; see also *AILA Policy Brief, Crisis Level USCIS Processing Delays and Inefficiencies Continue to Grow*, AM. IMMIGRATION LAWYERS ASS'N (Feb. 26, 2020), <https://www.aila.org/advo-media/aila-policy-briefs/crisis-level-uscis-processing-delays-grow>.

⁵ *Premium Processing Fee Increase Effective Oct. 19, 2020*, U.S. Citizenship & Immigration Serv. <https://www.uscis.gov/news/premium-processing-fee-increase-effective-oct-19-2020> (last reviewed/updated Oct. 16, 2020).

⁶ *USCIS Expands Premium Processing Service to E-3 Petitioners*, U.S. CITIZENSHIP & IMMIGRATION SERV. (Feb. 24, 2021), <https://www.uscis.gov/news/alerts/uscis-expands-premium-processing-service-to-e-3-petitioners>.

⁷ ADJUSTMENT TO PREMIUM PROCESSING, OFFICE OF INFORMATION AND REGULATORY AFFAIRS (OIRA), OFFICE OF MANAGEMENT AND BUDGET REVIEW, EXECUTIVE OFFICE OF THE PRESIDENT, RIN: 1615-AC73, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=1615-AC73>.

⁸ DEP'T OF HOMELAND SECURITY, U.S. CITIZENSHIP & IMMIGRATION SERV., BUDGET OVERVIEW: FISCAL YEAR 2021 CONGRESSIONAL JUSTIFICATION, https://www.dhs.gov/sites/default/files/publications/united_states_citizenship_and_immigration_services.pdf.

⁹ See *Doug Rand & Lindsay Milliken, Congress Just Authorized USCIS to Raise Over \$1 Billion Fees from Business Users*, FEDERATION OF AM. SCIENTISTS (Oct. 22, 2020), <https://fas.org/wp-content/uploads/2020/10/USCIS-1Bfees.pdf>.

We thank you for your consideration of this matter. We respectfully request a meeting with you to discuss the recommendations outlined in our March 1, 2021 letter and to hear more about the agency's plans for implementing this legislation. If you require additional information or would like to schedule a meeting, please contact Sharvari (Shev) Dalal-Dheini at (202) 507-7621 or by email at sdalal-dheini@aila.org or Diane Rish at (202) 507-7642 or by email at drish@aila.org.

Sincerely,

American Immigration Council
American Immigration Lawyers Association
America's Voice
Association of American Universities
Church World Service
FWD.us
International Refugee Assistance Project (IRAP)
Libre Initiative
National Immigration Forum
National Partnership for New Americans
Niskanen Center
OneAmerica
TechNet
The American Federation of Government Employees (AFGE)

cc: Tracy Renaud, Acting Deputy Director, U.S. Citizenship and Immigration Services
Felicia Escobar Carrillo, Chief of Staff, Office of the Director
Connie Nolan, Acting Associate Director, Service Center Operations Directorate
Amanda Baran, Chief, Office of Policy and Strategy
Carrie M. Selby, Acting Associate Director, External Affairs Directorate
Phyllis Coven, Citizenship and Immigration Services (CIS) Ombudsman, Office of the
CIS Ombudsman
Nathan Stiefel, Deputy Ombudsman, Office of the CIS Ombudsman
Elissa McGovern, Chief of Policy, Office of the CIS Ombudsman