

Congress of the United States
Washington, DC 20515

May 10, 2019

The Honorable Gene Dodaro
Comptroller General of the United States
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro,

We are writing to respectfully request a Government Accountability Office (GAO) report on the current backlog of immigration cases managed by United States Citizenship and Immigration Services (USCIS). Processing delays for applications and immigration benefits have reached crisis-levels and these delays are hurting families and businesses that depend on timely adjudications. We are alarmed by reports that USCIS is adjudicating cases at an increasingly slow pace compared to previous years. Therefore, we are requesting that GAO conduct an examination of the USCIS backlog and provide the agency with much-needed recommendations on how the agency can best meet its statutory mission of being a service-oriented agency that efficiently processes immigration-related applications and petitions.

Organizations like the American Immigration Lawyers Association (AILA) and the National Partnership for New Americans (NPNA) have highlighted the record breaking backlog of cases at USCIS. AILA concluded that the overall average processing times for USCIS cases has increased 46 percent since Fiscal Year 2016 and 91 percent since Fiscal Year 2014.¹ NPNA indicated, based on USCIS data, that increased processing times for citizenship applications (form N-400) are occurring across the nation, with some processing times taking up to 33 months.² According to data from USCIS, the average processing delay for citizenship applications before the agency has almost doubled since 2015.³ The current backlog at USCIS profoundly limits access to naturalization, student visas, work visas, family visas, humanitarian-based visas, and other forms of relief which millions of people apply for pursuant to current and longstanding statutes and regulations. In 2005, the GAO completed a study on immigration benefits, entitled *Improvements Needed to Address Backlogs and Ensure Quality of Adjudications*. This study put forth a number

¹ "AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration," American Immigration Lawyers Association, January 30, 2019, https://www.aila.org/infonet/aila-policy-brief-uscis-processing-delays?utm_source=AILA%20Email&utm_medium=COAL.

² "Democracy Strangled: Second Wall of Barriers to Citizenship Risks Preventing Hundreds of Thousands of Immigrants from Naturalizing and Becoming Voters in Presidential Election of 2020," National Partnership for New Americans, March 2019, <https://drive.google.com/file/d/1t1oW06zc97qBpeXq93f5ycjFJfdBAlo6/view>; "Check Case Processing Times," U.S. Citizenship and Immigration Services, accessed March 15, 2019, <https://egov.uscis.gov/processing-times/>.

³ "Historical National Average Processing Time for All USCIS Offices," U.S. Citizenship and Immigration Services, accessed March 7, 2019, <https://egov.uscis.gov/processing-times/historic-pt>

of recommendations to effectively diminish the current backlogs. It is clear that it would be in our country's best interest for GAO to conduct another study on the current record-breaking backlog.

As the GAO 2005 report shows, USCIS has an extended history of long-standing backlogs. But USCIS's net backlog of 2.3 million cases in Fiscal Year 2017 is unprecedented. We have only seen such a substantial backlog in the aftermath of the September 11, 2001 terrorist attacks when new security measures were introduced. USCIS has cited a number of issues that are impeding case processing times, such as receipt increases, presidential elections, resources, facilities, new programs and policies, new technology, and quality workplace initiatives. Instead of anticipating and mitigating many of these issues, USCIS made policy changes and reallocated resources in ways that worsened the backlog. Furthermore, it is noteworthy that case processing times increased significantly in Fiscal Year 2018 even though USCIS application rates declined during that period and the number of funded USCIS positions has grown substantially in recent years. Given these considerations, we are concerned that USCIS is not effectively managing the current backlog of cases. We request that the GAO examine the current reasons for USCIS's backlog to better understand the agency's efforts to its caseload, as well as to prevent future USCIS backlogs.

We would like GAO to consider the following questions in a report on USCIS policies and practices:

- How are current USCIS policies and practices impacting case processing times?
- To what extent will any current or planned efforts by USCIS to diminish its backlog prove effective?
- What new policies and practices should USCIS adopt to more expeditiously process cases and reduce the backlog while ensuring the fairness and quality of adjudications?
- In an April 2018 report, DHS stated that a December 2016 USCIS fee increase "will not generate sufficient revenue to support hiring at the FY 2017 recommended staffing levels due to declining completions per hour of work." To what extent do any fee raises discussed, proposed, or implemented by USCIS subsequent to December 2016 reflect the agency's management and utilization of its existing resources?
- To what extent are new USCIS fraud and security vetting procedures efficient?
- Are production metrics helpful in evaluating employees and mitigating the backlog of cases?
- What training do staff members receive with respect to case management? Are there additional steps USCIS can implement to better train staff in effectiveness and quality of work?
- Does USCIS accurately develop its annual Staffing Allocation Models? Does the data reflect how USCIS must also address hiring lags and backfilling existing positions?
- How will the USCIS's decision to close international offices affect future processing times?
- What training do staff members receive with respect to case management? Are there additional steps USCIS can implement to better train staff in effectiveness and quality of work?

- How will the backlog and processing delays be impacted by USCIS' proposed fee waiver regulation and changes to Forms N-400, N-648, and N-445?
- Has there been an increase in the issuance of Requests for Evidence and Notices of Intent to Deny and if so, do they contribute to the backlog and processing delays? Please provide a comparison of the Requests for Evidence and Notices of Intent to Deny since Fiscal Year 2005 through Fiscal Year 2019.
- What are the leading reasons that USCIS is citing for Notices of Intent to Deny?
- How does USCIS allocate funds to its various facilities and field offices for the processing or adjudication of N-400 applications? How does this impact the disparity in processing times across the country?
- Are the funds from application fees deposited into the Immigration Examination Fees Account (IEFA) used for other purposes within DHS other than to adjudicate applications?
- How are current USCIS policies and practices impacting case processing times?

A GAO report and recommendations of these issues will be an important step forward towards effectively addressing the backlog of cases and the management of one of our nation's most important agencies.


Thank you for your attention to this important issue and we look forward to your response. Please contact Kaitlyn Montan at Kaitlyn.Montan@mail.house.gov or 202-225-3236 to follow up or for any clarifying questions.


Sincerely,


Joaquin Castro
Member of Congress


Jerrold Nadler
Member of Congress


Zoe Lofgren
Member of Congress

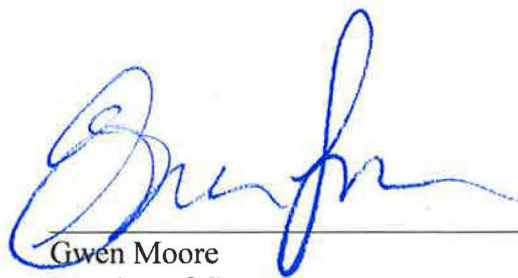

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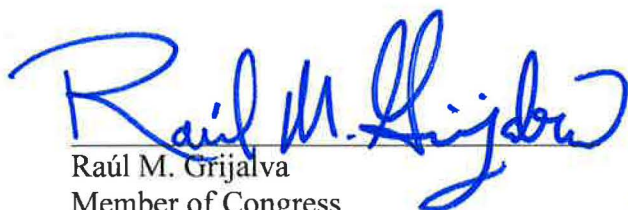
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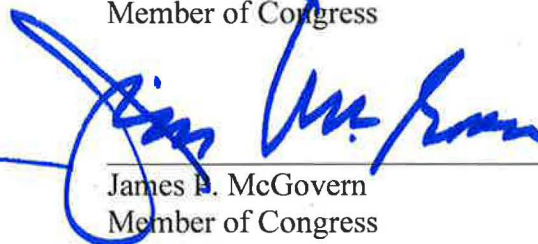
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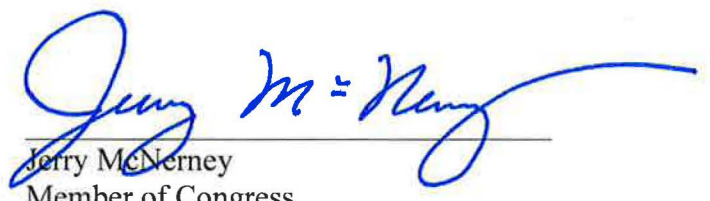
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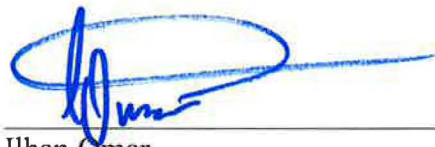
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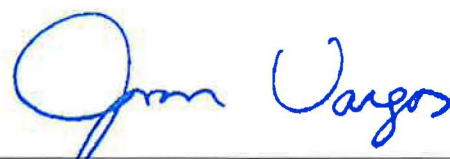
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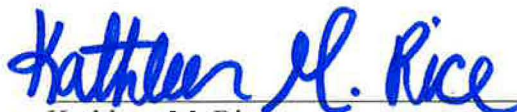
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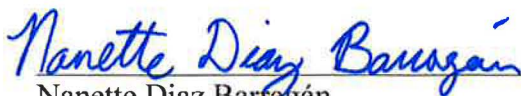
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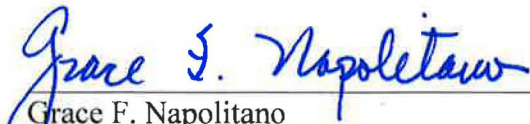
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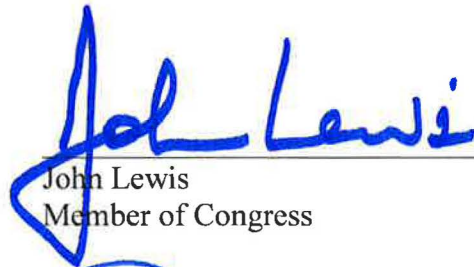
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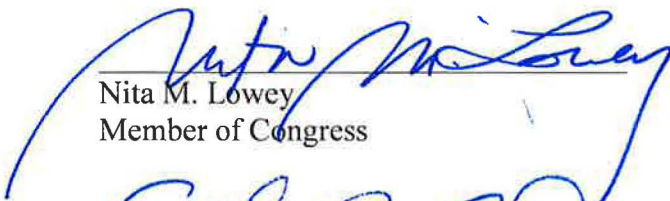
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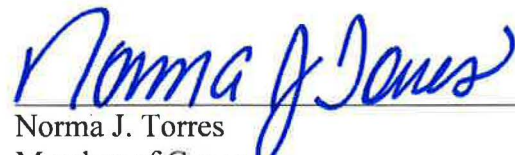
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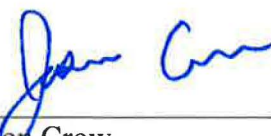
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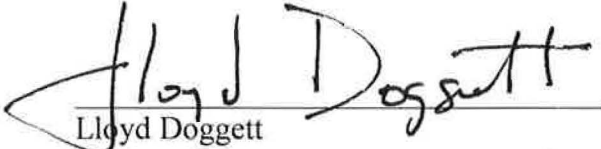
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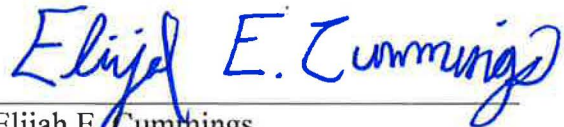
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