



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

The Honorable Charles Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, DC 20515

The Honorable Mike Johnson
Speaker of the House of Representatives
568 Cannon House Office Building
Washington, D.C. 20515

The Honorable Mitch McConnell
Senate Minority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Hakeem Jeffries
Minority Leader of the House of Representatives
2433 Rayburn House Office Building
Washington, DC 20515

Chairwoman Patty Murray
U.S. Senate Committee on Appropriations
154 Russell Senate Office Building
Washington, D.C. 20510

Chairwoman Kay Granger
U.S. House Committee on Appropriations
2308 Rayburn House Office Building
Washington, DC 20515

Vice Chair Susan Collins
U.S. Senate Committee on Appropriations
413 Dirksen Senate Office Building
Washington, DC 20510

Ranking Member Rosa DeLauro
U.S. House Committee on Appropriations
2413 Rayburn House Office Building
Washington, DC 20515

March 26, 2024

RE: AILA Recommendations for Fiscal Year 2025 Appropriations

Dear Leaders of the House and Senate:

The American Immigration Lawyers Association (AILA) is the national bar association comprised of more than 16,000 immigration law attorneys and professors. AILA members help individuals, families, and businesses navigate complex immigration law in every aspect of the U.S. immigration system. AILA strives to promote justice and advocate for a fair and efficient immigration system that affords high-quality customer service.

Now that Congress has funded the federal government through the end of FY 2024, we write to urge you to pass full-year FY 2025 appropriations bills to ensure the immigration system is properly funded in the coming year. The economic and social prosperity of the nation depends on immigration. But at current funding levels, the system is struggling to meet the needs of the country. By making urgently needed investments, Congress will enable American businesses across industry sectors to hire foreign workers more quickly to fill jobs that are not being filled by U.S.-born workers. A more efficient system will also reunite families and bring greater stability to American communities.

The federal government must also be properly equipped to address the increased numbers of people coming to the U.S. southern border. By applying an “all-of-government” approach spanning all immigration agencies, the Biden Administration can establish an orderly, fair and efficient process to screen and manage migrants coming to the United States.

AILA’s recommendations include the Department of Homeland Security (DHS), the Department of State (DOS), Department of Justice (DOJ), and Department of Labor (DOL).

Fund USCIS/DHS to Meet America’s Immigration Needs

As the agency responsible for administering immigration benefits, U.S. Citizenship and Immigration Services (USCIS) plays a critical role in ensuring a fair, just, and efficient immigration system. USCIS is primarily funded by fees but, for more than five years, has faced significant budgetary shortfalls due to a growing case backlog and increased humanitarian caseload. Those challenges compelled Congress to provide \$275 million in funding which USCIS used in [FY2022](#) and FY2023 to eliminate the backlog of naturalization cases and reduce processing times for work authorization and many other categories. AILA applauds the agency for these important steps forward. However, USCIS still faces significant delays. As of September 30, 2023, the agency had [more than 9,000,000](#) applications and petitions still pending. A direct consequence of the budgetary shortfalls is that USCIS now plans to impose a fee ranging from \$300 to \$600 on employers, including small “mom and pop” shops, farms, and multinational corporations, every time they need to fill their labor needs with foreign workers.¹

To address these shortfalls, AILA recommends Congress fund the full \$755 million requested in the President’s FY2025 budget to increase asylum processing and improve capacity to process other categories of petitions and applications. In addition, AILA urges Congress to appropriate \$500 million to USCIS to address overall backlog reduction application categories and an additional \$100 million to achieve the agency’s electronic processing and filing goals.

Finally, due to the backlog and case processing delays as well as the COVID-19 pandemic and its related bans, many congressionally authorized visas were not allocated and, as a result, went unused. AILA urges Congress to include authorizing language to [recapture](#) unused employment-based and family-sponsored visas dating back to FY1992 and unused diversity immigrant visas that were lost since FY2020 because of administrative delays or were never issued because of discriminatory and COVID-19-related bans.

Establish Effective, Fair, and Orderly Systems at the U.S. Border (DHS)

¹ In its recent Fee Rule, USCIS noted that the Asylum Program Fee will help raise \$313 million in revenue so that they can have the resources needed to fund some of their asylum operations. See 82 FR 6194, 6208 which notes that the “USCIS Asylum Division expense estimates are over \$400 million a year before adding the costs of the Asylum Processing IFR, and USCIS is regularly adding new asylum offices and capabilities. Thus, DHS projects that the total costs of the asylum program will exceed the revenue from the new fee even before any new capacity is added to implement the Asylum Processing IFR.”

AILA supports the proper resourcing of federal agencies to ensure the fast, fair, and orderly processing of individuals and families at the U.S. southern border. Congress should fund the following:

- **Port of entry capacity:** Increase the processing capacity at the U.S. southern border by [adequately funding CBP staff](#), [medical care staffing](#), and infrastructure at ports of entry.
- **Drug and weapons interdiction:** Concentrate resources on threats to border security and local community safety by funding the [President's FY2025 budget request](#) for more than \$1 billion to combat cartels and stop fentanyl, other drugs, and weapons trafficking.
- **Asylum officers:** Hire additional USCIS asylum officers and support staff, specifically the 1,600 asylum officers included in the President's FY2025 request. The increased staff will support effective border management by improving speed and fairness in asylum screening.
- **Legal representation:** Legal counsel is critical to improving the fairness and efficiency of immigration proceedings. In FY2023, the President requested \$4.5 billion in funding for legal representation of people who cannot afford counsel to be spent over 10 years. AILA urges Congress to support that funding level. Asylum seekers represented by counsel are five to ten times [more likely](#) to be found eligible for protection. Their cases also move more rapidly through the legal process.
- **Legal access in detention facilities:** Congress should again fund ICE at the level of [\\$10 million to improve legal access](#) for noncitizens in detention so that attorneys can easily and reliably communicate with their clients and exchange legal documents in every facility ICE operates.
- **Office of Migrant Protection:** Create an [Office of Migrant Protection](#) to coordinate at the federal level the multi-agency screening and procedures needed to address high-volume areas on the southern border. This new office would establish short-term reception centers to manage efficient processing across agencies while also providing legal orientation, access to counsel, and social services.
- **Detention reduction:** The government frequently detains people pending their immigration proceedings unnecessarily causing [physical and mental hardship](#) to those deprived of their liberty. The President's FY2025 budget [requests](#) an average daily detention capacity of 34,000 adult detention beds at a cost of \$2 billion. The enacted FY 2024 levels increased detention capacity to 41,500 beds. These levels are excessive and a poor use of American taxpayer resources. AILA urges Congress to re-set ICE detention at lower levels with a ceiling of 25,000 average daily beds. As an alternative, Congress should increase funding for CBP to process arriving migrants fairly and efficiently – this would reduce the need for detention.
- **Alternatives to detention:** Instead of detention, Congress should fund more cost-effective programs that have a proven record of ensuring new arrivals comply with immigration law

at [much lower costs](#) to the government. Congress should continue funding for the [Case Management Pilot Program](#) which provides legal information, trafficking screening, mental health services, and other support for people required to appear in immigration court. Congress should also direct ICE to issue standards for its [Alternatives to Detention program](#) and [evaluate whether](#) someone should be released from custody into an alternative to detention program.

- **Shelter and Services Program (SSP)** Congress should provide receiving communities with the resources they need to support new arrivals by funding SSP at the level of \$4.5 billion. The \$650 million provided in the recently enacted FY 2024 appropriations bill (which was a reduction from FY 2023) is inadequate to meet the needs of communities across the country that are welcoming newcomers.

Provide Funding for Fair Immigration Courts (EOIR/DOJ)

Our immigration courts make decisions that impact the lives of millions of people on a daily basis. Congress's chronic under-funding of the courts, however, has made it impossible for them to guarantee efficient, fair, and consistent adjudications. AILA urges Congress to provide the necessary funding requested by the Executive Office of Immigration Review (EOIR). This funding will improve court management including funding immigration judge teams and electronic systems. The President's FY2025 budget requests \$981 million.

- **Immigration judge teams:** DHS continues to file [a record number](#) of Notices to Appear, and the immigration courts are unable to keep pace. Additional judge teams will help reduce the courts' case backlog which now exceed three [million cases](#).
- **Legal orientation programs:** Fund the [Legal Orientation Program](#) operated by the immigration courts which significantly aids in reducing the court's backlogs and resources spent during hearings. As of January 2024, the average legal representation rates fell from [65% to 30%](#) in just three years.
- **Digital court systems:** Congress should provide \$30 million to develop and implement [digital court operation strategies](#) as requested by the President's FY2025 budget. Digital systems will bring the courts into the 21st Century by reducing reliance on paper records and ultimately reduce the court case backlogs.

Improve the Processing of Immigration Benefits at DOS and DOL

Congress should provide sufficient funding and resources for DOS and DOL. Both agencies are integral to the immigration system and play an important role in addressing and filling gaps in the U.S. economy and processing a significant volume of cases that affect family, employment, and humanitarian applicants and employers across the globe. Despite this, both agencies continue to face significant resource-related restrictions creating processing delays and backlogs. For example, in some cases, it can take [over a year](#) for DOL to process a PERM application and, at certain consular posts, [more than two years](#) to schedule a visitor visa interview.

AILA urges Congress to allocate the full \$65 million [requested by](#) the DOL, for the Office of Foreign Labor Certification (OFLC) and to also allow DOL OFLC to utilize H-2A fees, which it collects but is unable to keep, to better apply its limited funding and resources to address significant issues with other workloads. Providing additional appropriations and allowing the agency to make use of its existing H-2A funding will allow it to reduce processing delays across the board and restore its adjudicatory capacity, which has, according to the agency, fallen in some areas by as much as [40 percent](#).

AILA also urges Congress to allocate sufficient funding to the DOS to supplement funding provided by Machine-Readable Visa (MRV) visa fees to ensure the agency can reduce its backlog at high-volume posts and leverage technology to streamline processing, as well as support and expand the Safe Mobility Office (SMO) initiative to provide access to humanitarian assistance and information and resources concerning lawful pathways to the United States.

Conclusion

In the interest of the country's prosperity, we urge you to fund an immigration system that meets America's social and economic needs and secures our global competitiveness. For additional information, please contact Gregory Chen, Senior Director of Government Relations (GChen@aila.org) and Shev Dalal-Dheini, Senior Director of Government Relations (SDalal-Dheini@aila.org).

Sincerely,



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