



AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration

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The American Immigration Lawyers Association's (AILA) analysis of recently published U.S. Citizenship and Immigration Services (USCIS) data reveals crisis-level delays in the agency's processing of applications and petitions for immigration benefits under the Trump administration. Throughout the nation, these delays are harming families, vulnerable populations, and U.S. businesses that depend on timely adjudications.

Congress intended USCIS to function as a service-oriented agency that efficiently processes immigration-related applications and petitions, enabling individuals to obtain work authorization, citizenship, humanitarian protection, and other vital benefits, and U.S. employers to fill critical workforce gaps. USCIS data for fiscal years (FY) 2014 through 2018¹ shows that the agency is failing this Congressional mandate by adjudicating cases at an unacceptably and increasingly slow pace. AILA's analysis of this data reveals:

- The overall average case processing time surged by **46 percent** over the past two fiscal years and **91 percent** since FY 2014.
- USCIS processed **94 percent** of its form types—from green cards for family members to visas for human trafficking victims to petitions for immigrant workers—more slowly in FY 2018 than in FY 2014.
- Case processing times increased substantially in FY 2018 even as case receipt volume appeared to markedly decrease.

Other agency data lays bare a USCIS “net backlog” **exceeding 2.3 million delayed cases** at the end of FY 2017. This total amounts to **more than a 100 percent increase** over the span of one year despite only a four percent rise in case receipts during that period.²

Ballooning USCIS processing times leave families—including families with U.S. citizen spouses and children—in financial distress, expose vulnerable protection seekers to danger, and threaten the viability of American companies. Yet rather than relieving the logjam, USCIS exacerbates it with policies that inhibit efficiency and prioritize immigration enforcement over the administration of legal immigration benefits. Such measures act as bricks in the Trump administration's “invisible wall” curbing legal immigration in the United States.

Immediate steps must be taken to shed additional light on and address USCIS's processing crisis. AILA recommends that USCIS rescind a series of policies introduced within the past two years that deepen delays. In addition, USCIS should enhance transparency by providing more information to the public about its processing practices and the impact of its policies on

adjudication efficiency. Finally, Congress must conduct rigorous oversight to support the agency in achieving greater transparency and accountability.

Table of Contents

1. [Background on USCIS Processing Delays](#)
2. [Principal Findings on USCIS Processing Delays](#)
3. [Consequences of USCIS Processing Delays](#)
4. [Contributors to USCIS Processing Delays](#)
5. [AILA Recommendations](#)

Background on USCIS Processing Delays

Through the Homeland Security Act of 2002, Congress established the agency now called USCIS.³ Congress meant for it to act as a service-oriented immigration benefits agency—one that adjudicates cases fairly and efficiently. Recognizing the importance of this mandate, the Homeland Security Act references the elimination of any case “backlog” and the prevention of future backlogs.⁴

The Department of Homeland Security (DHS) defines USCIS’s “gross backlog” as the number of cases pending outside the “target cycle time period,” i.e., the agency’s processing time goals.⁵ For example, if the agency aims to process Forms I-485, *Application to Register Permanent Residence or Adjust Status*, within six months, I-485s that remain pending beyond six months count towards the “gross backlog.” USCIS’s “net backlog” is the “gross backlog” minus cases not in “active suspense categories”—that is, not presently actionable—such as cases in which a “Request for Evidence” has been issued to the applicant or petitioner and a response remains pending.⁶

In an April 2018 report to Congress, DHS identified a net backlog of 2,330,143 USCIS cases as of the end of FY 2017.⁷ DHS observed that USCIS’s “net backlog has been as high as 1.7 million in FY 2004 and 1.5 million in FY 2008”⁸—**suggesting that USCIS’s net backlog at the conclusion of FY 2017 was its highest on record.** The report also indicates that the FY 2017 net backlog more than doubled from 1,047,751 cases at the conclusion of FY 2016—**despite only a four percent increase in case receipts during that one-year period.**⁹ Given that, by DHS definition, every backlogged case is a delayed case, the report indicated profound case processing slowdowns.

As described below, AILA’s analysis of USCIS’s “national average processing times for select forms based on all USCIS Offices for Fiscal Years 2014 through 2018” confirms this plight, revealing that processing delays under the Trump administration have now reached crisis levels.¹⁰

Principal Findings on Processing Delays

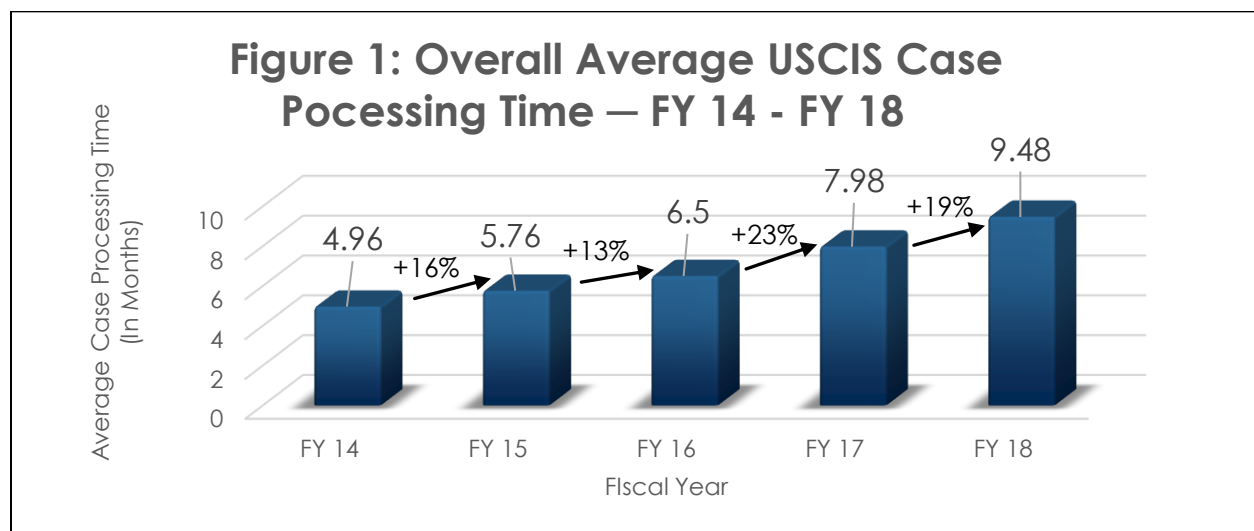
Based on the data analyzed,¹¹ AILA concludes that at the end of FY 2018:

1. USCIS was processing most application and petition types more slowly than in recent years.¹²

- **74 percent** of application and petition types equaled or exceeded record-long average processing times for the period covered.¹³
- The processing times for **67 percent** of form types had increased since FY 2017.
- The processing times for **79 percent** of form types had increased since FY 2016, the last full fiscal year of the prior administration.
- The processing times for **94 percent** of form types had increased since FY 2014, the earliest year for which data is provided.

2. The overall average case processing time had lengthened dramatically in recent years.

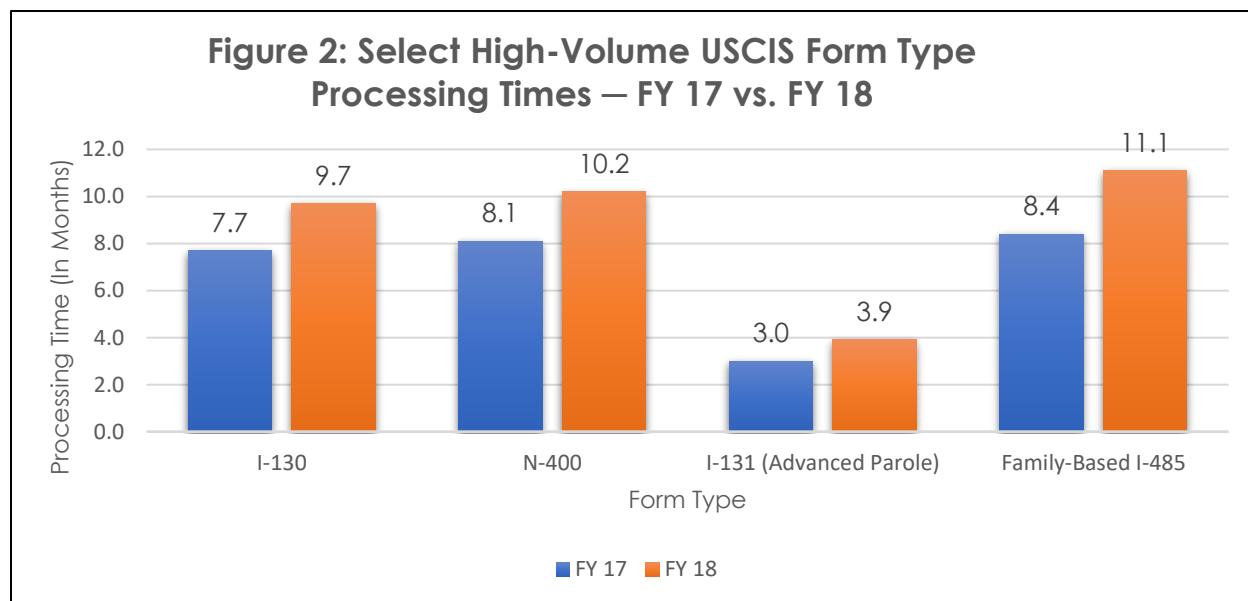
- The overall average case processing time had **increased 46 percent** since FY 2016—the last full fiscal year of the prior administration.¹⁴
- The overall average case processing time had **increased 91 percent** since FY 2014.
- Figure 1 tracks the annual increase in overall average case processing time from FY 2014 through the end of FY 2018.



Source: AILA analysis of data from USCIS webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

3. The processing times for most high-volume form types increased significantly in the past fiscal year alone.¹⁵

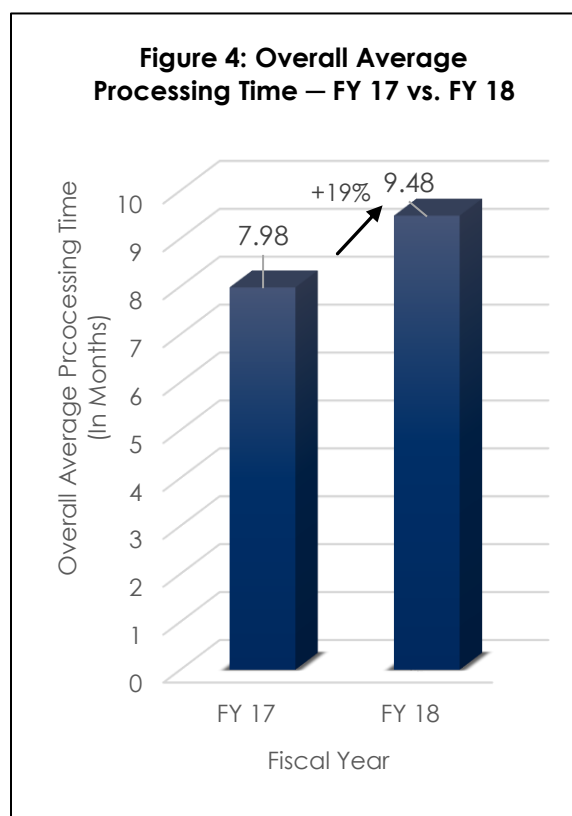
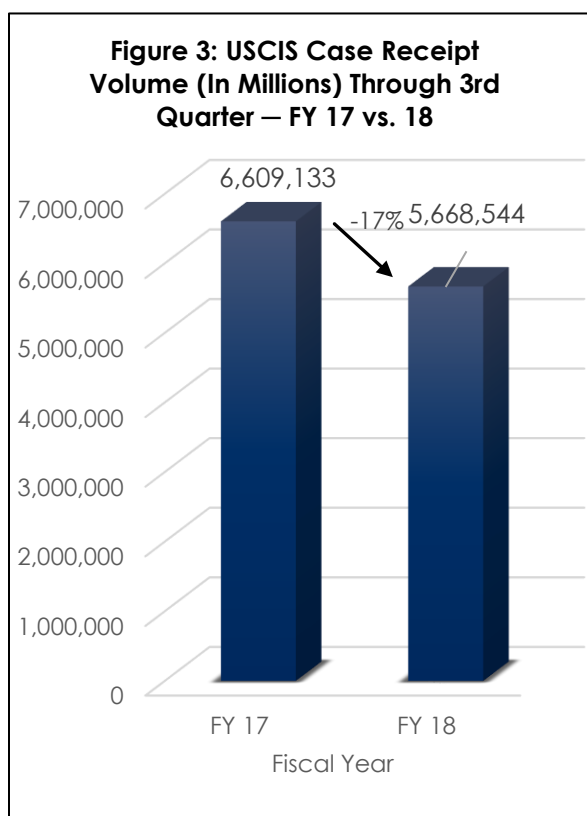
- The processing times for most high-volume USCIS form types increased significantly in recent years.
- In fact, four out of the five highest-volume form types (measured during the first three quarters of FY 2018) for which processing times are determinable each increased in processing time by **more than 25 percent** from FYs 2017 to 2018.¹⁶ Figure 2 depicts the processing times from FYs 2017 to 2018 for those four forms: Form I-130, *Petition for Alien Relative*; Form N-400, *Application for Naturalization*; Form I-131, *Application for Travel Document* (advance parole); and Form I-485, *Application to Register Permanent Residence or Adjust Status* (family-based).
- During the first three quarters of FY 2018 alone, USCIS received **well over 1.5 million submissions** for these four types of cases combined.¹⁷ These examples illustrate the depth of the USCIS applicant and petitioner populations facing severe case processing delays.



Source: Data from USCIS webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

4. Even as the overall volume of USCIS case receipts declined through the first three quarters of FY 2018, average case processing times increased during that fiscal year.¹⁸

- According to USCIS, through the third quarter of FY 2018—the most recent time period for which relevant data is available—case processing receipts totaled 5,668,544.¹⁹ As shown in Figures 3 and 4, this total represents a 17 percent decline compared to the same period during the prior fiscal year.²⁰
- Despite that 17 percent decline in volume, the overall average USCIS case processing time **increased by 19 percent** from FY 2017 to FY 2018 as described in #2 above.²¹



Sources: AILA analysis of data from USCIS webpages, “All USCIS Application and Petition Form Types (Fiscal Year 2017, 3rd Quarter, April 1-June 30, 2017)” (Sep. 21, 2017); https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY17Q3.pdf; “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1-June 30, 2018);” https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf; “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

Viewed as a whole, USCIS’s national average processing time data reveals a legal immigration system in a tailspin. On a sweeping basis, the agency is processing cases, including most high-

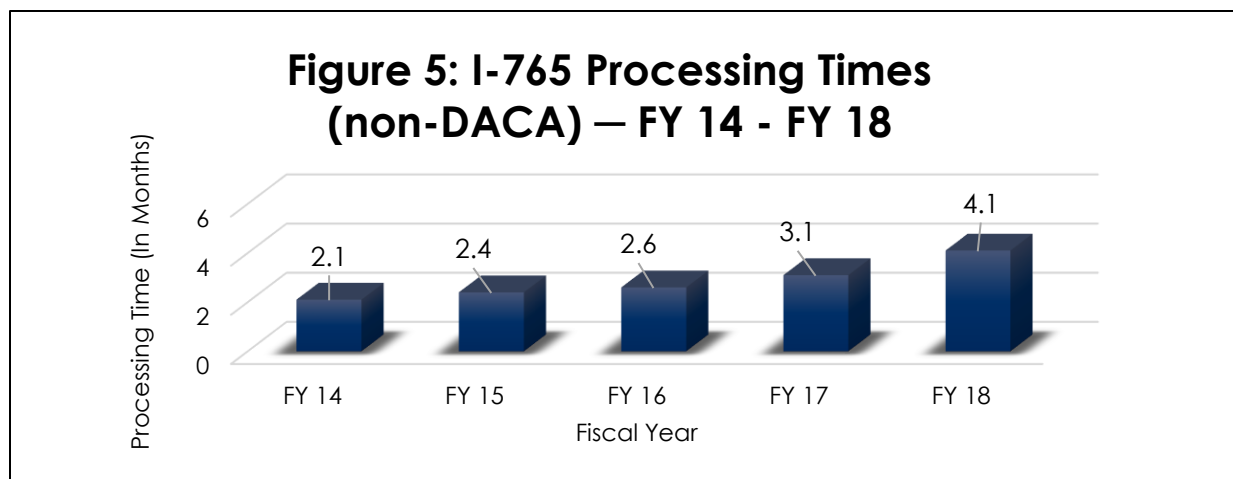
volume form types, at a rate markedly slower than under the prior administration even as overall case volume appears to have receded. AILA’s analysis confirms that USCIS is failing its congressional mandate and disserving the public.

Consequences of Processing Delays

Processing delays carry extreme consequences for affected applicants and petitioners. Matters as vital as food security, physical safety, and business sustainability can hinge on the timeliness of agency adjudications. This section explores the implications of the agency’s systemic processing failures for families, vulnerable populations, and American companies.

1. Families

The well-being of many immigrant families—including those with U.S. citizen spouses and children—depends on USCIS’s efficient adjudication of benefits requests. For instance, processing delays frequently jeopardize the ability of individuals to work,²² leaving families without a source of income for necessities such as food, housing, and transportation. At the end of FY 2018, USCIS took an average of 4.1 months to process Form I-765, *Application for Work Authorization* (excluding those I-765s associated with DACA cases)—58 percent longer than in FY 2016 and nearly twice as long as in FY 2014.²³ Even with “auto-extensions” of certain employment authorization documents,²⁴ delays can result in job loss or the inability to work for extended periods of time, leaving families in financial distress. Figure 5 shows average processing times for Form I-765 from FY 2014 through FY 2018. Processing delays associated with other form types, meanwhile, extend the separation of families whose reunion depends on petition approval.



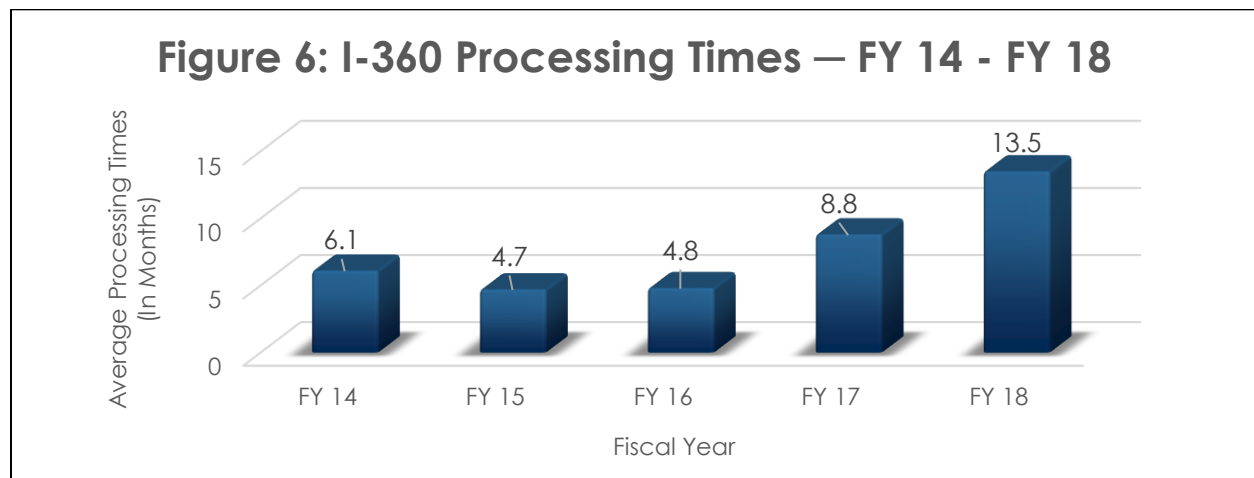
Source: Data from USCIS webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

Case Example: Shilpa Patil, a mother of two and a dentist with a master’s degree in public health, lost her job offer from the MD Anderson Cancer Center in Houston, Texas in 2018 as a result of USCIS delays in processing her I-765.

Source: Sunita Sohrabji, “Possible Spike Seen in Delay of Work Authorization Renewals for H-4 Visa Holders” *IndiaWest* (Mar. 14, 2018); https://www.indiawest.com/news/global_indian/possible-spike-seen-in-delay-of-work-authorization-renewals-for/article_08d16886-27c1-11e8-9a73-eba2a308b536.html.

2. Vulnerable Populations

The timely approval of a humanitarian-based benefit is the difference between safety and peril for many vulnerable individuals. By filing Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*, for example, domestic abuse survivors and abandoned children can obtain lasting protection and legal immigration status in the United States. Nationwide processing times for this form, however, soared from 4.8 months in FY 2016 to 13.5 months in FY 2018—a 181 percent spike.²⁵ The delays in these and other humanitarian form types place traumatized and threatened persons in limbo and oftentimes danger, undermining efforts to safeguard and rebuild their lives. Figure 6 depicts average processing times for Form I-360 from FYs 2014 through 2018.



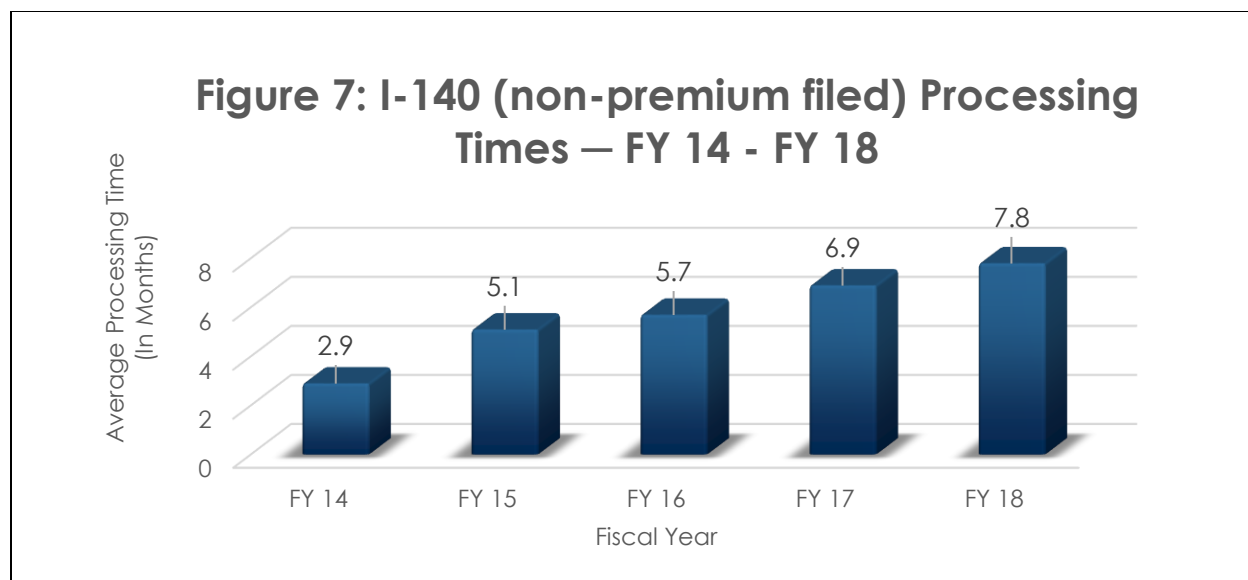
Source: Data from USCIS webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

Case Example: (From Rewire News) “Mayela Sanchez Miles said waiting for her I-360 petition to be approved was excruciating. It had taken years for her to gather the courage to collect her children and leave her husband’s outbursts. Originally from Honduras and without a green card or work permit, she was still dependent on the man who would throw tables at her and threaten to have her deported or killed.”

Source: Moira Lavelle, “Immigrant Women in Abusive Relationships Face Long Delays for Green Cards—and Possible Deportation” *Rewire News* (Nov. 19, 2018); <https://rewire.news/article/2018/11/19/immigrant-women-in-abusive-relationships-face-long-delays-for-green-cards-and-possible-deportation/>.

3. U.S. Businesses

Increased delays in the adjudication of employment-based benefits have undermined the ability of U.S. companies to hire and retain essential workers and fill critical workforce gaps. Average processing times for (non-premium filed) Form I-140, *Immigrant Petition for Alien Worker* increased by 37 percent since FY 2017 and 169 percent since FY 2014—from 2.9 months in FY 2014 to 7.8 months as of September 30, 2018.²⁶ Lengthy processing delays in employment-based cases exacerbate labor shortfalls and alienate talented candidates from seeking employment opportunities in the United States, thus compromising the sustainability and global competitiveness of American businesses. Figure 7 below shows processing times for non-premium-filed I-140s from FY 2014 through FY 2018.



Source: Data from USCIS webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

Contributors to USCIS Processing Delays

Misguided policy changes under the Trump administration have worsened the adjudication slowdowns harming families, vulnerable individuals, and U.S. businesses. Historically, a variety of factors have contributed to USCIS case processing delays, including case receipt volume, personnel levels, and agency policies. The evidence indicates that current policies are playing a key role in USCIS’s dramatically increased processing times. In its April 2018 report to Congress, DHS acknowledged recent policy shifts as factors influencing its diminished per hour case completion rate (though it did not provide meaningful detail concerning the nature and impact of those shifts).²⁷ The report, moreover, showed that USCIS’s net backlog more than doubled from the end of FY 2016 to the end of FY 2017 even as its overall case volume increased just four percent during that period.²⁸ And though USCIS case volume through the first three quarters of FY 2018 declined by 17 percent relative to the same period in FY 2017, the overall average case processing time for FY 2018 increased by 19 percent over the prior fiscal year.²⁹ Further, AILA is unaware of evidence demonstrating a significant decrease in overall USCIS personnel levels in recent years.

In an April 2018 report, AILA highlighted numerous changes introduced by USCIS and other agencies over the past two years that have functioned as bricks in the Trump administration’s growing “invisible wall”—a comprehensive set of policies and practices slowing and decreasing legal immigration to and in the United States.³⁰ Some of these “invisible wall” policies obstruct efficient adjudications, fueling today’s case backlog. For example:

- In 2017, USCIS rescinded longstanding guidance that directed USCIS personnel to give deference to prior determinations when adjudicating nonimmigrant employment-based extension petitions involving the same position and the same employer.³¹ This shift wastes resources and promotes inconsistent decision-making by compelling adjudicators to needlessly reexamine matters already satisfactorily assessed.

- The Trump administration has overhauled refugee case adjudications, bringing the processing of many of these applications to a virtual standstill.³²
- In 2017, USCIS implemented a sweeping new in-person interview requirement for employment-based green card applications and Forms I-730, *Refugee/Asylee Relative Petition*, without providing meaningful justification.³³

These shifts, announced and/or implemented in 2017 and early 2018, occurred amid DHS's broader institution, at President Trump's direction, of "extreme vetting" security protocols. The administration failed to furnish persuasive evidence that existing screening measures were inadequate.³⁴

All these changes set the stage for USCIS's ongoing transformation from the service-oriented benefits agency that Congress intended into a third immigration enforcement component of DHS. This mission shift was further solidified in February 2018, when USCIS eliminated the phrase "nation of immigrants" from its mission statement and ceased referring to applicants and petitioners as "customers."³⁵ Since then, several other policy changes and practices have been implemented that highlight the agency's growing prioritization of immigration enforcement over fair and efficient adjudications. These include:

- A new "Notice to Appear" policy that threatens to place into deportation proceedings a dramatically higher number of individuals whose applications and petitions are denied.³⁶
- A new measure subjecting foreign students and exchange visitors who inadvertently commit even *de minimis* status violations to deportation proceedings.³⁷
- "Deportation traps" where ICE has arrested spouses of U.S. citizens who appear at a USCIS office for an interview in connection with their Form I-130, *Petition for Alien Relative*, which if approved would form the basis for lawful permanent residence.³⁸

While USCIS continues to advance policies that divert resources from adjudication to enforcement and slow case processing, it is also decreasing transparency and rolling back services long offered to applicants and their attorneys for inquiring into the status of their cases and the reasons for delays, including:

- The phase-out of self-scheduled "InfoPass" appointments, which allowed applicants and attorneys to self-schedule in-person meetings with USCIS personnel to discuss processing delays and other case problems. The agency announced that by the end of 2020 it will terminate this self-scheduling option altogether and require individuals to request appointments, which will be provided only in very limited circumstances, through the Customer Contact Center.³⁹
- The elimination, as of January 21, 2019, of the "use of USCIS service center e-mail boxes for case-specific questions."⁴⁰ These email boxes represent another tool that applicants and attorneys have historically employed to gain insight into case delays.

Although USCIS offers a “Case Status Online” service, which allows applicants and petitioners to check the status of their cases by typing their case receipt number into an online portal, the information returned is often out of date or inaccurate.⁴¹ Therefore, with new restrictions on InfoPass and the elimination of direct communication with USCIS service centers, the public not only faces extraordinary processing delays, it is also left with limited means for obtaining information and status updates on their cases. USCIS has offered no satisfactory explanation for why it is rolling back these communication channels.

AILA Recommendations

Immediate steps must be taken to address USCIS’s backlog and extreme processing delays, including:

- (1) Rescission of “invisible wall” policies.** USCIS should rescind policies, such as the elimination of deference to certain prior case determinations, that needlessly delay adjudications. The agency should also end harmful measures that increasingly divert finite resources away from USCIS’s core function of service-oriented adjudications. This is essential to scale down lengthy processing times and realign USCIS with its Congressional mandate.
- (2) Strengthened Congressional oversight.** During the first two years of the Trump administration, USCIS received minimal Congressional oversight. That must change. Congress passed the legislation that created USCIS; now it should hold the agency accountable for failing its statutory objective. Using its full range of oversight tools, Congress should shed light on the extent of the USCIS backlog and case processing crisis; expose how USCIS policies deepen these problems; and explore how the government can reduce and ultimately eliminate the backlog and associated delays so that families, vulnerable populations, and U.S. businesses receive the timely adjudications they deserve.
- (3) Heightened USCIS transparency.** USCIS has restricted the public’s visibility into agency operations generally and processing delays specifically. USCIS should remedy these failings by enhancing transparency around processing time calculation methodologies; processing time goals; the impacts of new policies on adjudication efficiency; and its plans, if any, for reducing and ultimately eliminating the backlog and associated delays. Moreover, the agency should restore and expand services for accessing assistance with processing challenges.

The need for these and further corrective measures is urgent—as delays persist, families suffer, survivors of violence and torture face danger, and businesses fall behind.

¹ USCIS Webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

² 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>.

³ See Pub. L. No. 107–296, 116 Stat. 2135, Sec. 451 (Nov. 25, 2002), available at https://www.dhs.gov/sites/default/files/publications/hr_5005_enr.pdf.

⁴ See *id.*

⁵ 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>.

⁶ *Id.* It follows that, under the department’s standards, USCIS could increase or decrease the backlog by adjusting those goals. AILA is unable to find evidence that, at present, USCIS publicly discloses case processing time goals in any systematic, ongoing fashion.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* It is unclear what methodology DHS used in calculating this receipt volume figure or how it compares to the methodology used in USCIS’s “All USCIS Application and Petition Form Types” data at https://www.uscis.gov/tools/reports-studies/immigration-forms-data?topic_id=23035&field_native_doc_issue_date_value%255Bvalue%255D%255Bmonth%255D=&field_native_doc_issue_date_value_1%255Bvalue%255D%255Byear%255D=&combined=&items_per_page=10.

¹⁰ USCIS Webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

¹¹ *Id.* The data omits processing times for, among other form types, Form I-589, *Application for Asylum and for Withholding of Removal*, and Form I-590, *Registration for Classification as Refugee*. USCIS states that these times are “based on the age of the workload that USCIS is awaiting adjudication (pending cases) and combines data from all of the USCIS offices,” but provides little other information concerning the underlying methodology. Nor does the agency explain how its calculation methodology for this table differs from the methodology behind the processing times displayed on a separate USCIS webpage entitled “Check Case Processing Times” (which lists processing times by USCIS office rather than on a national level and does not furnish an historical basis for comparison). See USCIS Webpage, “Check Case Processing Times,” <https://egov.uscis.gov/processing-times>. For years, AILA has expressed concern over the reliability of the agency’s processing time representations and the lack of transparency surrounding calculation methodologies employed. See, e.g., AILA, “Letter to Director Rodriguez on USCIS Processing Delays” (Mar. 16, 2016) <https://www.aila.org/advo-media/aila-correspondence/2016/letter-director-rodriguez-uscis-processing-delays>. In March 2018, USCIS made progress in this area by implementing a pilot program that appears to provide more accurate office-specific processing times for four form types. See American Immigration Council Fact Sheet, “How USCIS Estimates Application and Petition Processing Times” (Jul. 18, 2018); <https://www.americanimmigrationcouncil.org/research/uscis-data-application-and-petition-processing-times>.

¹² AILA counts each form broken out separately by USCIS in its national average processing time data as a distinct form type. For instance, as USCIS separately lists five different types of Form I-485, AILA counts each as a discrete form type. USCIS listed the FY 2014 processing times for six forms as “N/A.” Where this was the case, AILA bases its analysis solely on the processing times associated with later periods.

¹³ This figure does not reflect processing times for premium-filed Forms I-129, *Petition for a Nonimmigrant Worker*, which remained at .6 months for each fiscal year in which a time was provided.

¹⁴ AILA reached this figure by calculating the mean average of the processing times for each of the 42 form types listed in FY 2016, then measuring the difference between that average and the equivalent average for FY 2018 (due to the unavailability of certain data, this figure does not take into account the volume of case receipts associated with each form type assessed). AILA uses the same methodology when making other “overall average case processing time” calculations.

¹⁵ AILA draws from USCIS’s regularly-updated “All USCIS Application and Petition Form Types” for data on case receipt volume. See USCIS webpage, “Immigration and Citizenship Data,” https://www.uscis.gov/tools/reports-studies/immigration-forms-data?topic_id=23035&field_native_doc_issue_date_value%255Bvalue%255D%255Bmonth%255D=&field_native_doc_issue_date_value_1%255Bvalue%255D%255Byear%255D=&combined=&items_per_page=10. These sources, and therefore the overall case receipt figures cited in AILA’s analysis, reflect some form types not listed in USCIS’s national average processing times data, such as Form I-589. At the time of writing, the most recent publicly available “All USCIS Application and Petition Form Types” covered up through the third quarter of FY 2018.

¹⁶ See USCIS Webpages, “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1- June 30, 2018);” https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf; “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average->

[processing-times/uscis-national-average-processing-times-9-30-18](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf). Differences in how USCIS lists certain form types on its “All USCIS Application and Petition Form Types” webpage versus in its historical processing times data preclude the identification of processing times for some of USCIS’s highest-volume form types as listed in the former source. For example, while the “All USCIS Application and Petition Form Types” data through the third quarter of FY 2018 lists Form I-765, *Application for Employment Authorization*, as a single form type, and shows that applicants filed more I-765s as of that time of the year than any other form type, the historical processing times data does not provide a consolidated Form I-765 processing time. Rather, the historical processing times data lists DACA-based I-765s and all other I-765s separately.

¹⁷ See USCIS Webpage, “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1- June 30, 2018);”

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf.

¹⁸ See FN 16 concerning differences in the “All USCIS Application and Petition Form Types” webpage and USCIS’s national average processing times.

¹⁹ USCIS Webpage, “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1-June 30, 2018);”

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf.

²⁰ See USCIS Webpages, “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1- June 30, 2018);”

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY18Q3.pdf; “All USCIS Application and Petition Form Types (Fiscal Year 2018, 3rd Quarter, April 1- June 30, 2017);”

https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/All%20Form%20Types/Quarterly_All_Forms_FY17Q3.pdf.

²¹ See USCIS Webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

²² See AILA, “Deconstructing the Invisible Wall: How Policy Changes by the Trump Administration Are Slowing and Restricting Legal Immigration” (Apr. 24, 2018); <http://www.aila.org/infonet/aila-report-deconstructing-the-invisible-wall>.

²³ See USCIS Webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

²⁴ See “Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers,” 81 Fed Reg. 82398 (Nov. 18, 2016) (providing for an automatic extension of work authorization for up to 180 days for some categories of employment authorization documents (EADs) and the ability to file an EAD renewal up to 180 days prior to expiration of an existing EAD).

²⁵ See USCIS Webpage, “Historical National Average Processing Times for All USCIS Offices” (Nov. 29, 2018); <https://www.aila.org/infonet/processing-time-reports/historical-average-processing-times/uscis-national-average-processing-times-9-30-18>.

²⁶ *Id.*

²⁷ See 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>.

²⁸ See *id.* It is unclear what methodology DHS used in calculating this receipt volume figure or how it compares to the methodology used in USCIS’s “All USCIS Application and Petition Form Types” data.

²⁹ See section on “Principal Findings on Processing Delays.”

³⁰ See AILA, “Deconstructing the Invisible Wall: How Policy Changes by the Trump Administration Are Slowing and Restricting Legal Immigration” (Apr. 24, 2018); <http://www.aila.org/infonet/aila-report-deconstructing-the-invisible-wall>.

³¹ See USCIS Policy Memorandum, “Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status” (Oct. 27, 2018); <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2017/2017-10-23Rescission-of-Deference-PM6020151.pdf>.

³² See Meredith Hoffman, “Trump Has Slowed Refugee Admissions to a Crawl,” *Politico* (Feb. 26, 2018); <https://www.politico.com/magazine/story/2018/02/26/refugee-resettlement-confusion-executive-orders-217038>.

³³ USCIS Webpage, “USCIS to Expand In-Person Interview Requirements for Certain Permanent Residency Applicants,” (Aug. 28, 2017); <https://www.uscis.gov/news/news-releases/uscis-to-expand-in-person-interview-requirements-for-certain-permanent-residency-applicants>.

³⁴ See AILA, “Deconstructing the Invisible Wall: How Policy Changes by the Trump Administration Are Slowing and Restricting Legal Immigration” (Apr. 24, 2018); <http://www.aila.org/infonet/aila-report-deconstructing-the-invisible-wall>.

³⁵ Dara Lind, “America’s immigration agency removes ‘nation of immigrants’ from its mission statement” *Vox* (Feb. 22, 2018); <https://www.vox.com/2018/2/22/17041862/uscis-removes-nation-of-immigrants-from-mission-statement>.

³⁶ See USCIS Policy Memorandum, “Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens” (Jun. 28, 2018); <https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2018/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf>.

³⁷ See AILA and the American Immigration Council, “AILA/Council Comments on USCIS Changes to Unlawful Presence Guidance for F, M, and J Nonimmigrants” (Jun. 11, 2018); <https://www.aila.org/infonet/aila-council-comments-on-uscis-changes-to-unlawful>.

³⁸ Meagan Flynn, “Citizenship service conspired with ICE to ‘trap’ immigrants at visa interviews, ACLU says” *Washington Post* (Aug. 15, 2018); https://www.washingtonpost.com/news/morning-mix/wp/2018/08/15/citizenship-service-conspired-with-ice-to-trap-immigrants-at-green-card-interviews-aclu-says/?noredirect=on&utm_term=.fa05360589c0.

³⁹ USCIS Webpage, “USCIS to Expand Information Services Modernization Program to Key Locations” (Oct. 30, 2018); <https://www.uscis.gov/news/news-releases/uscis-expand-information-services-modernization-program-key-locations>.

⁴⁰ USCIS Webpage, “Update on Case Assistance by Service Centers” (Dec. 21, 2018); <https://www.uscis.gov/news/alerts/update-case-assistance-service-centers>.

⁴¹ AILA, “AILA Submits Comments on USCIS Case Status Online and MyUSCIS tools” (Nov. 13, 2018); <https://www.aila.org/infonet/aila-submits-comments-on-uscis-case-status-online>.