Congress of the United States
Washington, DC 20515

July 24, 2020

The Honorable Nancy Pelosi
Speaker of the House
United States House of Representatives
H-232, U.S. Capitol
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
H-204, U.S. Capitol
Washington, D.C. 20515

The Honorable Mitch McConnell
Majority Leader
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi, Leader Schumer, Leader McConnell and Leader McCarthy,

We are aware[1] that U.S. Citizenship and Immigration Services (USCIS), a primarily fee-based component of the Department of Homeland Security (DHS) that administers immigration benefits, needs appropriated funding in order to fully continue its operations through the end of fiscal year 2020 and for at least part of fiscal year 2021.

We are disappointed that the Administration has not formally requested funding to support its workforce and resolve the financial problems USCIS faces. While the agency's financial status has improved significantly since its initial estimate of a $1.2 billion requirement, supplemental funding is still needed to ensure USCIS continues to fully operate through the first quarter of fiscal year 2021. It is still imperative that such funding be provided prior to the end of July before the agency begins a planned furlough of more than 13,000 of its personnel.

While we should appropriate any needed emergency funding, it is equally critical that we establish firm parameters and sideboards to ensure the funds are not used to intimidate or discourage immigration and to encourage the agency to develop procedures that will prevent a funding shortfall in the future.

Although USCIS has been facing financial woes[2] for over a year now,[3] it only recently approached Congress in May[4] with an informal notice of severe financial issues – claiming

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[1] USCIS "Deputy Director for Policy Statement on USCIS' Fiscal Outlook" 2020
https://www.uscis.gov/news/news-releases/deputy-director-policy-statement-uscis-fiscal-outlook
[2] CSPAN "House Judiciary Subcommittee in Immigration and Citizenship hearing" 2019 https://www.c-span.org/video/?462672-1/house-judiciary-subcommittee-examines-immigration-processing-delays
[3] Federal Register "USCIS Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements" DHS 2019 https://www.federalregister.gov/documents/2019/12/09/2019-26521/us-citizenship-and-immigration-services-fee-schedule-and-changes-to-certain-other-immigration
[4] USCIS "Deputy Director for Policy Statement on USCIS' Fiscal Outlook" 2020
https://www.uscis.gov/news/news-releases/deputy-director-policy-statement-uscis-fiscal-outlook

revenue losses due to the coronavirus crisis. However, a simple review of the data and the Administration's immigration policies make it clear that much of the agency's current financial crisis is due to mismanagement and policy choices, including: closing offices and ending the processing of certain benefits; wasting resources on unnecessary interviews; reallocating resources to train U.S. Customs and Border Protection employees to perform asylum officer duties; and requiring burdensome requests for evidence.

USCIS provides essential services to our country, such as adjudicating employment and family immigrant visa petitions, naturalization applications, and asylum and refugee applications. These services are critical to economic growth and the ability of working men, women, and families to achieve the American dream. As the nation sees an increased need for essential workers – many of whom are immigrants – in the agricultural, childcare, hospitality, and transportation spaces, we could see some of these essential workers[5] lose their immigration status because USCIS does not have the capacity to process their renewal filings in a timely manner.

Additionally, existing backlogs in processing immigration applications will be further exacerbated, resulting in U.S. citizens and lawful permanent residents being kept apart longer from their family members; thousands of people waiting in limbo for naturalization ceremonies; U.S. businesses being unable to hire the talent they need to succeed; and individuals with Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS) being unable to obtain timely renewals; and asylum seekers unable to obtain timely protection.

While we can and *should* further debate the exact guardrails necessary to ensure USCIS responsibility and accountability in the coming days, we strongly encourage you to consider the following general suggestions now:

- Implement measures to generate additional revenue without new or increased fees on under-resourced families or asylum seekers and facilitate increased filing of applications and petitions.
- Ensure the availability of fee waivers.[6]
- Prohibit the use of USCIS fee resources to fund enforcement agencies.
- Improve efficiency and agency focus by addressing redundant anti-fraud programs, such as the tip form for reporting suspected fraud – which is already managed by U.S. Immigration and Customs Enforcement.
- Increase transparency, fiscal responsibility, and efficiency[7] by waiving in-person interviews when not necessary and ensuring meaningful opportunities to cure application/petition deficiencies before denying cases.

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[5] Courthouse News "Immigrants Work Essential Jobs on Front Lines of Coronavirus Crisis" Cameron Langford 2020 https://www.courthousenews.com/immigrants-work-essential-jobs-on-front-lines-of-coronavirus-crisis/
[6] NALEO Educational Fund "Making Citizenship Affordable" 2017 https://naleo.org/PRA/Natz%20Fee%20Action%20Alert%2011-2019/9_5_19%20-%20Fee%20Waiver%20Fact%20Sheet%20-%203%20-%202.pdf
[7] CLINIC "CLINIC's Written Testimony to the House Judiciary Committee's Subcommittee on immigration and Citizenship" 2019 https://cliniclegal.org/resources/clinics-written-testimony-house-judiciary-committees-subcommittee-immigration-and

- Provide USCIS authority to conduct swearing-in ceremonies immediately after a naturalization interview and require the agency to offer this option to applicants.

In light of the above, we ask you to enact an emergency supplemental funding bill further responding to the COVID-19 pandemic before the end of July, including sufficient funding for USCIS to continue its important mission and avoid crippling furloughs and appropriate parameters to improve the agency's operations.

Sincerely,

Joaquin Castro
Chairman
Congressional Hispanic Caucus

Jerrold Nadler
Chairman
Judiciary Committee

Lucille Roybal-Allard
Chair of Homeland Security Subcommittee
Committee on Appropriations

Zoe Lofgren
Chair of Immigration Subcommittee
Judiciary Committee

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