

Statement of the American Friends Service Committee

Submitted to the Judiciary Subcommittee on Immigration and Citizenship Hearing on “Oversight of U.S. Citizenship and Immigration Services”

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The American Friends Service Committee (AFSC) provides legal services related to immigration for clients across the country, including in New Jersey, Iowa, and Florida. AFSC’s immigration lawyers work closely with USCIS as they guide clients through various immigration related applications and processes.

When USCIS is working as it should, it serves as the backbone of our legal immigration system. It was intended to function as a service-based agency, but under the Trump administration, the agency has prioritized immigration enforcement activities, like denaturalization and providing administrative support for Immigration and Customs Enforcement (ICE). USCIS has also made unnecessary work for itself by instituting practices like “extreme vetting” and not waiving interview requirements for applications that don’t raise any concerns—contributing to a huge backlog of applications.

These problems are compounded by the Trump administration’s broader anti-immigrant agenda, instituting policies like the Muslim ban, the “public charge” rule, and the “Remain in Mexico” program. These policies have severely restricted who qualifies for certain immigration statuses, further reducing USCIS revenues through application and renewal fees.

AFSC is incredibly concerned by the mismanagement that has led the agency to request \$1.2 billion in appropriations on the threat of 13,000 USCIS staff being furloughed. Even with more recent, improved projections that indicate a surplus in FY2020, the agency still plans to go forward with furloughs- an incredibly concerning development that only further proves the need for strong oversight and accountability at USCIS.

It’s imperative that the agency’s current budget crisis does not weaken our ability to welcome immigrants and visitors into the country- but any money given to USCIS must have strings attached to stop the administration from further using the agency to further its xenophobic agenda.

In consultation with AFSC’s immigration lawyers and community organizers, AFSC has several recommendations for Congress for guardrails that could be put on USCIS.

First, AFSC believes that Congress must improve access and affordability to immigrants seeking legal immigration status through USCIS. Fees for things like green cards or DACA renewals are a significant barrier to many immigrants. In the experience of our lawyers, the typical application fee for a family-based green card application is \$1,760, a fee for a domestic violence visa waiver is \$930, and a fee for a naturalization application is \$725. USCIS frequently denies requests for fee waivers—in one case, a client living in a homeless shelter was denied a waiver.

In order to achieve access and affordability, USCIS should:

- eliminate recently implemented barriers to immigration, such as the public charge rule.
- stop charging fees for asylum or other humanitarian applications.
- stop increasing application or renewal fees.
- update procedures to protect public health in this COVID-19 pandemic. That would include allowing for virtual naturalization ceremonies and interviews, reusing existing biometrics on file for clients instead of requiring the collection of new data, and extending deadlines for applications and renewals.

AFSC also urges Congress to ensure that USCIS acts only as a service provider—not as an enforcement agency. In previous years, USCIS had exercised discretion when individuals applying for immigration benefits were denied. Now the agency issues “notices to appear” to practically all individuals whose applications are denied, placing them in the deportation pipeline.

To counter this trend toward enforcement, USCIS must be barred from:

- transferring any of its budget to immigration enforcement agencies.
- volunteering staff time to work with ICE or Customs and Border Protection.
- spending their money on denaturalization of U.S. citizens.

Finally, USCIS must increase transparency and accountability. Processing times for applications among AFSC clients in Newark and Red Bank, NJ have doubled—or even tripled—in recent years. Applications for adjustment of status to lawful permanent residence used to take around six months to a year—now, it’s closer to two years.

What’s more, applications are now being rejected by USCIS on a wholesale level, for little to no reason. People applying for asylum or U visas based on domestic violence, for example, have had applications rejected for not writing “N/A” or “None” in a field on a form where the answer is obviously not applicable based on previous answers. Applications are also rejected and returned without specifying the alleged deficiency. In effect, USCIS is uniformly denying immigrants benefits to which they are entitled to under the law.

Congress must require USCIS to:

- reduce its backlog of applications.

- provide better reporting on wait times and reasons for application rejections and returns.
- fix the mismanagement that allowed it to go from \$800 million in budget surplus to a \$1.2 billion deficit in three years.

In addition to USCIS's budget issues, AFSC is concerned about the Trump Administration and USCIS's failure to comply with the Supreme Court decision reversing attempts to end the Deferred Action for Childhood Arrivals (DACA) program, and their failure to effectively implement legislation that created a pathway to citizenship for Liberians through the Liberian Immigrant Refugee Fairness (LIRF) provision in the FY2020 National Defense Authorization Act.

We urge Congress to:

- Inquire about USCIS's delay in publishing guidelines for the full restoration of the DACA program, including initial DACA applications and advance parole
- Inquire about LIRF application process, including why in-person interviews are being required in the middle of a pandemic, and how USCIS is working with ICE to identify Liberians eligible for LIRF.

USCIS is a critical part of our legal immigration system, and Congress must take action to ensure it continues to function as it was intended—as a service-based agency to assist immigrants who want to live and work in the U.S.