



American Federation of Government Employees

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Testimony of Michael A. Knowles, President, AFGE Local 1924, before the House Judiciary Committee / Subcommittee on Immigration and Citizenship:

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- **Introduction**

Committee Chair Nadler and Subcommittee Chair Lofgren:

Thank you for the opportunity to testify before you today on behalf of our Union and its members. My name is Michael A. Knowles; I am President of AFGE Local 1924, which represents some 2,500 bargaining unit employees who work at US Citizenship and Immigration Services (USCIS) offices in the National Capital Region and abroad, including: USCIS Headquarters offices, the Washington and Norfolk Field Offices, the Potomac Service Center, the Arlington Asylum Office, the Administrative Appeals Office, the Investor Program Office, the Refugee and International Operations program and USCIS offices abroad. I have served as an Asylum Officer since joining the legacy Immigration and Naturalization Service (INS) in 1992.

Our members provide critical services to our country by adjudicating and processing applications for legal immigration benefits, including: asylum and refugee status, immigrant and non-immigrant visas, work permits, adjustment of status and naturalization. In addition, they are responsible for the creation and custody of vital alien records (document files and biometrics) and perform important vetting functions such as background checks and identify verification. USCIS works closely with sister agencies of the Department of Homeland such as Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), and with the Department of Justice's Executive Office of Immigration Review (EOIR) to administer our Country's immigration laws.

I am here today to talk about the plight of 13,400 federal employees who are facing a furlough on 30 August 2020 due to a dire funding crisis at USCIS. While that may seem like a drop in the bucket when millions are unemployed, the cascading effect will be felt throughout communities across the United States and around the world. Asylum seekers fleeing persecution will not have their cases heard, the reunion of families will be put off, lawful non-immigrants will fall out of status, persons in need of humanitarian parole for medical emergencies will be placed at risk,

green cards for doctors fighting the pandemic and work permits for essential workers putting food on our tables will be held up, and individuals who have labored long and hard to achieve the American dream as naturalized citizens will have that dream deferred. Our country cannot afford to let this happen, for too much is at stake for so many.

- **The budget crisis and impending furloughs at USCIS**

On 15 May, 2020, Deputy Director for Policy Joseph Edlow informed the USCIS workforce that our Agency was facing a financial crisis due to precipitous drops in the immigration benefits applications that fund our operations and services since the onset of the global pandemic caused by the novel COVID 19 virus. He told us that that the Agency had requested Congressional intervention in the form an emergency assistance loan of 1.2 Billion Dollars to help ensure the continuity of operations through the end of the fiscal year 2020 and first quarter of FY 2021 – but warned that drastic measures may be required if assistance was not forthcoming by Summer.

On 26 May, 2020, Mr. Edlow informed our Union that the Agency was projected to exhaust its available resources in the near future and would have to effect an administrative furlough of some 13,400 employees of its 19,000 employees (or approximately 70% of the workforce) in order to maintain the minimum level of essential operations, if Congressional intervention was not forthcoming by 20 July 2020. At that time, the Union began to engage with the Agency in discussions about arrangements for such a furlough – and urged our members to reach out to their representatives on Capitol Hill for help. Since then our Union has engaged with this and other key oversight committees – asking Congress to partner with the Administration to save our Agency from this impending catastrophe.

USCIS subsequently pushed back the furlough date as various cost-savings measures (hiring freeze, curtailment of overtime, non-essential travel and training) were implemented – but as we feared, 13,400 employees received notices of an administrative furlough, effective 3 August 2020. Surely you can imagine the anxiety and dismay this caused to the entire workforce, including those who did not receive furlough notices -- as the notices indicated a furlough of longer than 30 days, but less than 90 days, utilizing federal reduction-in-force procedures. Our Union has expressed concern about the haste with which the furlough retention lists were drawn up, and many employees have demanded a review of their employee personnel records to ensure that proper determinations were made under the applicable rules.

On 24 July, Mr. Edlow notified the workforce that, based on the Agency's slightly improved financial situation, with the uptick of benefits applications that occurred when USCIS offices resumed a modified but still-limited schedule of public-facing services earlier this month, sufficient operating funds were projected for another month. Accordingly, the furlough date has been pushed back yet again – this time to 31 August 2020 -- which the Administration has suggested will give Congress more time to work out an emergency funding bill.

Despite the many assurances we've received that the Administration and Congress are working earnestly to find a solution to this problem, I must tell you quite frankly that our workforce is deeply concerned that time is running out, their confidence shaken by the public controversy and political posturing between the White House and the Hill over this matter – with no end in sight.

USCIS employees breathed a collective sigh when Deputy Director Edlow announced the latest furlough postponement – but one might well ask whether that was a sigh of relief or one of exasperation? Any sense of relief is fleeting at best -- undermined by the fact that, to date, there has been no news of an actual agreement on emergency funding, with best reports indicating that such funding may be tied to the larger COVID 19 relief package – which is, itself, the subject of protracted controversy and fierce partisan debate.

- **The need for urgent action**

USCIS employees are understandably anxious, demoralized and exhausted from the stress of uncertainty and the lack of transparency from all parties concerned. Some of our members have described feeling kicked about like a “political football.” Most tragically, these dedicated civil servants have come to believe that the work that they do for their country is not sufficiently recognized or valued for the Administration and Congress to move swiftly to stabilize the situation and keep our doors open for business. I come here to today to ask the members of this Committee what message I may take back to reassure the USCIS workforce that help is truly on the way and that we have your full support to continue carrying out the important mission with which we have been entrusted by the American people.

The urgency for a resolution of this matter cannot be emphasized strongly enough. This is not the time for folks to argue about who asked for what from whom, when -- or whether the request was made in the proper format. The need for relief is clear, and the emergency nature of that need is obvious. Our Union fully acknowledges and supports the concerns raised by many Members of Congress: that there needs to be more transparency and fiscal accountability by USCIS; that the funding structure of the Agency needs to be reviewed and possibly overhauled – with a part of the operating costs to be met through user fees and part to be met through appropriated funds; that user fees should not be so unreasonably high that applicants cannot afford to pay them; that there need to be “guardrails” to ensure that all funds are utilized for the necessary operations of USCIS and not ever re-programmed or transferred to other federal agencies for any other purpose.

There are also legitimate concerns about many of the Administration’s policies that have hindered, deterred or blocked many forms of legal immigration, and which have harmed vitally important humanitarian programs like asylum and refugee resettlement. And there is evidence that such policies have contributed in large part to the USCIS funding crisis – a situation only exacerbated and laid bare by the COVID 19 pandemic. Our Union has made its views on those policies abundantly clear through frequent statements to the media, filing of five amicus briefs in important court cases and our recent submission of public comments regarding the Administration’s new proposed asylum regulations. But these concerns should not become hard and fast “conditions” for whether or when and how emergency funding should be made available. Instead, they should inform and frame the agenda for priority action by the next Congress and Administration, which will be elected by the American people to lead and unite our country in facing the great challenges of the troubled times in which we live.

We call upon the Administration and Congress to act now to provide the emergency funding that is necessary to keep our Country's immigration services agency functioning and allow its dedicated workforce to carry out the work that is expected of us by the American People.

This matter cannot wait until after all of the many demands and interests of all concerned parties are met in passing a larger COVID 19 relief bill. It is not in the public interest to allow USCIS to implement an administrative furlough pending a funding resolution by Congress. We liken a furlough of this nature to a "freefall" in which there is no telling how long it will be before the parachute opens, if at all. A furlough of any length of time – whether several weeks or several months – will cause severe damage to the Agency's capacity to effectively manage the Country's legal immigration system. Our members worry that temporary furloughs could turn into permanent reductions in force. That damage may take many months, if not years, to repair -- with the important work that we do grinding to a snail's pace, if not a standstill, resulting in interminable delays in processing new applications and adding exponentially to the already enormous backlog of millions of cases.

A furlough would be devastating not only to the civil servants and their families who would be without a paycheck – but devastating also to millions of legal immigrants and lawful permanent residents, as well as to millions of American citizens. According to USCIS (<https://www.uscis.gov/about-us/a-day-in-the-life-of-uscis>):

On an average day we:

- Adjudicate 30,000 requests for various immigration benefits.
- Process 3,000 applications to sponsor relatives and future spouses.
- Analyze more than 700 tips, leads, cases and detections for potential fraud, public safety and national security concerns.
- Process refugee applications around the world in support of the refugee admissions ceiling of 18,000 refugees for fiscal year 2020.
- Grant asylum to 100 individuals already in the United States.
- Screen 400 people for protection based on a credible fear of persecution if they return home.
- Serve 1,430 people at informational appointments and interview 7,000 people in our 88 domestic field offices.
- Fingerprint and photograph 14,000 people at 133 application support centers.
- Approve applications and petitions to help unite 12 foreign-born orphans with the Americans who want to adopt them.
- Grant lawful permanent residence to 2,200 people and issue 4,000 Green Cards.
- Welcome 3,195 new citizens at naturalization ceremonies—that's one every 27 seconds. Typically, about 15 of these new citizens are members of the U.S. armed forces.
- Ensure the employment eligibility of 100,000 new hires in the United States.

- Receive 50,000 phone calls to our toll-free phone line.
- Receive 800,000 visitor sessions to our website.

All of that will grind to a halt once furloughs begin. The lapse in these services will harm millions and affect vast swaths of our economy. The military will also be affected – in that thousands of legal permanent residents serving our country in uniform would have their naturalizations delayed. And, of course, many hundreds of thousands who have met all of the requirements for citizenship would be deprived of the opportunity to be naturalized in time to vote in the November elections.

One cannot underestimate the adverse impact a furlough would also have on the ability of USCIS to provide critical services that support immigration law enforcement agencies like Customs and Border Protection and Immigration and Customs Enforcement, as well as the Immigration Courts. USCIS is the custodian of alien files and biometric data, and it performs important work combatting immigration fraud, human trafficking and threats to national security.

Another unwelcome consequence of an indefinite furlough may be the loss of a significant “brain trust” – the talent, skills and expertise, indeed the institutional memory, of the large number of employees who cannot afford to be out of work indefinitely and would have to look for other work in order to support their families and salvage their careers. Under the best of circumstances, the cost of recruiting, training and retaining a workforce that possess the knowledge and competence to effectively administer our complex legal immigration system is substantial – but the cost of replacing large numbers that might be lost due to a furlough or temporary reduction in force would be incalculable.

In short, we must implore both the Administration and Congress: don’t let this Agency fail by allowing its workforce to be furloughed for lack of sufficient funds. That failure would be the collective failure of all concerned – to the great detriment of our nation and the American People. USCIS employees, and the millions of people and myriad institutions that depend on our services should not be held hostage to a political standoff. The whole world is watching – let’s do the right thing and rescue USCIS now.

Thank you again, for allowing me this opportunity to speak on behalf of Local 1924 and the hard-working civil servants that we represent.