



## Practice Advisory: USCIS Budget Crisis and Furlough

United States Citizenship and Immigration Services, or USCIS, has created a budget crisis and its employees will face furlough by Aug. 3, 2020, unless Congress provides emergency funding. Even before the COVID-19 pandemic, we have seen USCIS mishandling budget issues, increasing filing fees, struggling with long processing times and implementing policies that suppress the number of applications that can be filed, resulting in a decline in application fee revenue. Now with the pandemic wreaking additional havoc on the budget shortfall, your immigration legal services programs may face the following scenarios:

- **What if USCIS shuts down field offices and application support centers?**
  - ✓ USCIS field offices are already functioning at a lesser capacity than normal due to COVID-19. If USCIS starts shutting down more field offices and application support centers, it will become more difficult to access in-person services such as obtaining temporary I-551 stamp (proof of permanent resident status), an emergency advance parole (travel document), and relief related to Deferred Action for Childhood Arrivals, or DACA, or Parole in Place, known as PIP.
  - ✓ If you currently have clients who need to visit field offices for some urgent in-person services, you can recommend that these clients visit the USCIS field offices as soon as possible by making an appointment via the USCIS Contact Center at 1-800-375-5283 and get their urgent in-person services completed.
  - ✓ It is very important to utilize the USCIS Contact Center and case inquiry feature at [uscis.gov](https://uscis.gov) since many of the in-person services can probably be accessed through the phone and online methods. As you submit the case inquiry or call the contact center, make sure you clearly record the date and time, confirmation number and a short summary of the conversation with the customer service representative so you can follow up if USCIS does not respond within the allotted time period.
- **What if USCIS is unable to complete adjudications of urgent cases that have been pending for months?**
  - ✓ CLINIC's advocacy team has been in contact with USCIS, asking for more information about the status of operations and requesting USCIS prioritize urgent humanitarian cases before furloughing their employees. We do not know how USCIS will prioritize adjudication of cases. Here are some examples of cases that you will want to prioritize:
    - Those whose immigration status will expire in 2-3 months
    - DACA renewal cases
    - EAD, or employment authorization document, applications for those that are expiring
    - Humanitarian parole cases
    - SIJS, Special Immigrant Juvenile Status, or VAWA, or Violence Against Women Act, cases
    - Age out family cases

- ✓ Program directors should follow closely CLINIC's email agency updates, website and newsletters for any updates on USCIS furlough issues. There may be an introduction of a bipartisan bill providing emergency funding for USCIS, but we still do not know if or when this may happen.
- ✓ Do not hesitate to call the contact center or file an online inquiry to request expedited processing based on the expedite criteria. Not all cases will fit the exact expedite criteria but it is worth speaking with the contact center representative about your case to advocate for speedy resolution. Here are the expedite criteria:
  - Severe financial loss to a company or person, provided that the need for urgent action is not the result of the petitioner's or applicant's fault
  - Urgent humanitarian reasons
  - Compelling U.S. government interests
  - Clear USCIS error
- ✓ If you have a pending Request for Evidence, or RFE, or Notice of Intent to Deny, or NOID, file your responses as soon as possible and do not rely on USCIS' extension of additional 60 days for response time for RFE or NOID due to the pandemic unless you must.
- **What if USCIS reduces the number of contract workers at USCIS lockbox facilities?**
  - ✓ Many contract workers work at USCIS lockbox facilities where most filings are initially processed. If lockbox facilities are short-staffed, there will be delays in getting your receipt notices. Also, it may take longer to receive rejected applications back from USCIS lockbox facilities. For this reason, you will want to revisit the application review process for quality control so that it reduces the chance of applications being rejected at USCIS lockbox facilities.
  - ✓ Utilize your case management system — like Lawlogix — to its fullest capacity and reach out to case management system experts to learn more about how to make electronic application review processes more efficient and secure.
  - ✓ The USCIS website provides a **checklist of required initial evidence** for some forms that you may frequently file, such as I-485, N-400 and I-360. Review this information and double check to make sure that you include all of the required initial evidence. Based on this checklist, you can internally produce a checklist for yourself for frequently filed forms that your case managers and paralegals can use.
  - ✓ Double check the filing fee amount, signature pages and filing addresses so that the applications are not rejected at the lockbox centers. You will also want to make sure that you send these applications using a tracking number so that you can track the delivery and obtain proof of delivery
- **What should be your program's overall plan of action facing USCIS furlough uncertainty?**
  - ✓ When handling current cases, continue to identify clients who are most likely to be severely impacted in the short term and prioritize these cases.
  - ✓ It is important that you communicate to all your clients and manage their expectations as to how and when their cases will be completed.
  - ✓ Identify experienced immigration legal practitioners and other providers who can take referrals in case you are unable to handle some of the urgent cases in time.