

Backgrounder: USCIS' Self-Induced Financial Crisis

U.S. Citizenship and Immigration Services, or USCIS, is requesting a \$1.2 billion bailout from Congress, [saying](#) that without it, they will drastically cut services and furlough [13,400](#) public servants. USCIS, which processes immigration and naturalization applications, is funded primarily by the fees it charges customers – immigrants, their families and employers. Other federal agencies are funded by taxpayer dollars. While the agency's acting director cited the COVID-19 pandemic as the cause of the funding crisis, CLINIC has long raised alarms that USCIS leadership has mismanaged the agency for years.

How USCIS Got Here: anti-immigrant policy decisions and rhetoric that caused the financial crisis include:

- **Relentless anti-immigrant policy**

changes: A steady stream of policy changes by USCIS and the Department of Homeland Security were designed to reduce immigration, particularly targeting low-income and other vulnerable populations. These include a new public charge rule, changes in eligibility for filing fee waivers, new requirements for mandatory in-person interviews, review standards that result in denials of cases with even minor flaws and ending Temporary Protected Status for hundreds of thousands of people. The sheer number of policy changes contributed to inefficiency at the agency, as staff need to continually stop core work to be re-trained. Some of the administration's proposed policy changes were stopped by the courts because of questions about their legality. USCIS repeatedly failed to follow the law and regulatory process.

- **Erosion of mission and customer service model:** In the first weeks of the administration, USCIS [stripped](#) the words "nation of immigrants" from its mission statement and stopped referring to its users as customers. It also nearly eliminated public outreach and education, making immigration less accessible for applicants. CLINIC has called for [outreach](#).

- **A comparison between FY17 and FY19 shows that 1 million fewer applications were filed. Simultaneously, the backlog and processing delays increased.**

- **Pervasive and extreme operational mismanagement:** Experts have pointed out extreme operational inefficiencies resulting from policy changes. Some, for instance, require cases to restart at square one for small issues that previously could just be corrected. USCIS staff and adjudicators are repeating work that has already been done. New requirements for in-person interviews, never needed before, now cause major slowdowns. The result is a [deeply inefficient process](#) at all levels, leading to a tremendous waste of resources.

"USCIS leadership has been barreling down this highway since 2017. The agency itself [predicted](#) the \$1.2 billion shortfall well before the pandemic took hold. The administration's anti-immigrant policies have drastically decreased application rates and exacerbated [processing backlogs](#). That they did nothing about it suggests this was intentional."

— Anna Gallagher, Executive Director

"CLINIC's Religious Immigration Services was massively impacted by many of the administration's policy decisions. These include requests for needless evidence, adding hundreds of pages to filings, and denying cases for small omissions or errors, requiring the case to restart at the very beginning. These changes served no purpose but deter people from applying. USCIS didn't just make its own processes more inefficient, it burdened and slowed down the entire legal services system."

— Miguel Naranjo, Director of Religious Immigration Services

- **Spending and transfer of funds away from core work:** USCIS [proposed](#) transferring funds away from its core work and mission — processing immigration cases — to enforcement. The exact amount of money that has been spent outside of congressionally mandated activities is unknown. CLINIC calls for rigorous congressional investigation and oversight. USCIS also spent money on projects like a new, anonymous tip form for reporting suspected fraud which could be easily used as a weapon against the very people USCIS is supposed to serve.

“The administration’s [public charge rule](#) is a prime example of how the administration used fear to suppress immigration. This predictably led to its financial straits. Even before the new public charge rule was put in place, it had a tremendous chilling effect, reducing family-based immigration. Now that the rule is in effect and application processing has become more complex, it is hard to see how the agency will dig itself out of its processing backlogs.”

— Charles Wheeler, Director of Training and Legal Support

USCIS’ Failed COVID Response

While simultaneously asking for a bailout under the cover of COVID, USCIS is also using the pandemic to further suppress immigration and naturalization. Policy recommendations from [CLINIC](#) and other legal services providers for how to protect lives and use technology to keep processes moving have not been addressed.

USCIS’ Proposal to Correct Course is Flawed

- In addition to the bailout, USCIS proposes to address its financial failure by adding a 10 percent [surcharge](#) on applications. Higher prices will not encourage immigration. It will do the opposite.
- In their [joint public comment](#) last fall about the proposed biannual USCIS fee schedule changes, CLINIC, the U.S. Conference of Catholic Bishops and Catholic Charities USA delineated a range of problems with the proposed increases. They commented on the effects of policy changes on agency inefficiency as well as the history of fee increases failing to reduce backlogs.

Human Consequences of USCIS’ Fiscal Failure

While USCIS should not receive a blank check and strict guardrails should ensure the agency corrects course, immigrants and public servants should not be punished for fiscal irresponsibility by agency leadership.

The human consequences include families permanently separated, religious workers who are unable to realize their calling, businesses that cannot hire globally, people who are blocked from life-saving protections including TPS, and thousands of public servants who may be put out of work during a pandemic.

“As an immigration attorney, I’ve met and worked with hundreds of dedicated public servants at USCIS. Once, while visiting at a USCIS service center, I saw a poster that said, ‘we don’t process files, we help people achieve the American dream.’ During these unprecedented times, our policy should be to stabilize the lives of immigrants and public servants alike. Instead, this administration has put the jobs of 10,000-plus USCIS staff in jeopardy when millions are already out of work. This crisis underscores once again that the futures of citizens and noncitizens are inextricably linked.”

— Jill Marie Bussey, Director of Advocacy

For Further Information:

The Catholic Legal Immigration Network’s staff includes some of the nation’s top experts on immigration policy, processing and administrative advocacy. For more information or to schedule an interview, please contact Madison Allman, Project Manager, at mallman@cliniclegal.org.