



Written Testimony of  
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for  
House Judiciary Committee  
Subcommittee on Immigration and Citizenship

“Oversight of U.S. Citizenship and Immigration Services”

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“[O]ur response to the challenges posed by contemporary migration can be summed up in four verbs: welcome, protect, promote and integrate. Yet these verbs do not apply only to migrants and refugees. They describe the Church’s mission to all those living in the existential peripheries, who need to be welcomed, protected, promoted and integrated. If we put those four verbs into practice, we will help build the city of God and man. We will promote the integral human development of all people.”

--Pope Francis, Message for the 105th World Day of Migrants and Refugees September 29, 2019 ”<sup>1</sup>

Thank you to Immigration and Citizenship Subcommittee Chairwoman Zoe Lofgren (D-CA) and Ranking Subcommittee Member Ken Buck (R-CO), as well as House Judiciary Chairman Jarrod Nadler (D-NY) and Ranking Committee Member Jim Jordan (R-OH) for the opportunity to submit this written testimony regarding the recent developments involving the U.S. Citizenship and Immigration Service (USCIS) within the U.S. Department of Homeland Security (DHS) and the need for oversight and transparency.

As chairman of the Committee on Migration for the United States Conference of Catholic Bishops (USCCB) and a board member of the Catholic Legal Immigration Network, Inc., I wish to address the importance of America’s legal immigration system and the services that are provided by USCIS. I submit this statement on behalf of the USCCB, in consultation with the Catholic Legal Immigration Network, Inc. (CLINIC).

First, we are extremely thankful for the career civil servants and contractors at USCIS who provide services around the country. We appreciate their commitment and their work keeping our legal immigration system operating. The Catholic Church teaches that every human being is created in God’s image and deserves dignity and respect. We view assisting those in need as a fundamental Christian duty that is derived directly from the words and the life of Christ, who himself was a migrant and part of a refugee family. As Christians, we are called to welcome our new neighbors, including those fleeing persecution and in search of a dignified life, with the same love and compassion that we would want shown to ourselves. We also recognize the importance of integrating newcomers, assisting them with community support; helping them access legal information on immigration; and encouraging citizenship, where possible. As my brother bishops have noted: “The task of welcoming immigrants, refugees and displaced persons into full participation in the Church and society with equal rights and duties continues the biblical understanding of the justice of God reaching out to all peoples and rectifying the situation of the poor, the orphans, the widows, the disadvantaged, and especially in the Old Testament, the alien and the stranger.”<sup>2</sup> With this understanding in mind, we comment today on the need for transparency, and improved service to all immigrants and refugees accessing legal immigration benefits and pathways through the USCIS.

In this testimony, I will describe the Catholic Church’s work and mission assisting immigrants and refugees in complying with the legal immigration system in the United States. I will focus on the Catholic Church’s national network and extensive work interacting with USCIS in the advancement of family-based and humanitarian immigration, as well as our work on religious-based immigration and how

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<sup>1</sup> Pope Francis, Message of His Holiness Pope Francis for the 105th World Day for Migrants and Refugees, 29 September 2019. [http://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco\\_20190527\\_world-migrants-day-2019.html](http://w2.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20190527_world-migrants-day-2019.html)

<sup>2</sup> Together a New People: Pastoral Statement on Migrants and Refugees, National Conference of Catholic Bishops, 1986 <https://cliniclegal.org/about-us/catholic-identity>

that work frequently aids low-income families. Furthermore, through that lens, I wish to share our concerns regarding recent actions by USCIS leadership in relation to its primary mission to adjudicate claims, its commitment to timely processing, and its stated need to furlough workers at this time. Finally, I will offer recommendations on how to ensure that USCIS resumes its work to responsibly and efficiently facilitate legal immigration, particularly for those who seek religious occupations, reunify family members, provide humanitarian protections, and work towards naturalization. None of this should come at the expense of low-income or otherwise vulnerable immigrants, and Congress needs to robustly monitor USCIS's work.

## I. Catholic Social Teaching and Concern, Care and Support for Integrating Immigrants and Refugees and Supporting Legal Immigration

The Catholic Church has a strong interest in the well-being of all immigrants and refugees. That interest is rooted in the Gospel and is part of the Church's social teaching and lived out in the work of the Church itself. In the Old Testament, God calls upon his people to care for the alien because of their own experience as aliens: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt" (Deut. 10:19). In the New Testament, the image of the migrant is seen in the life and teachings of Jesus Christ. In his own life and work, Jesus identified himself with newcomers and other marginalized persons in a special way: "I was a stranger and you welcomed me" (Mt. 25:35). Jesus himself was an itinerant preacher without a home of his own, and as noted, a refugee fleeing to Egypt to avoid persecution and death (Mt. 2:15).

In modern times, popes over the last 120 years have developed the Church's teaching on migration. Pope Leo XIII pioneered the Catholic Church's commitment to care for pilgrims, aliens, refugees, and migrants of every kind, affirming in his 1891 encyclical, *Rerum Novarum*, that all peoples have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>3</sup> This teaching has been reiterated by popes of the modern age, and echoed by the U.S. bishops as we advocate to address the root causes for such poor conditions while also protecting those compelled to migrate in the United States. In our joint pastoral letter with the Mexican bishops in 2003, *Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration*,<sup>4</sup> we call for nations to work toward a "globalization of solidarity." This solidarity explicitly includes "broad-based efforts to provide both a comprehensive network of social services and advocacy for migrant families. Another important resource communities can offer migrants, especially those seeking asylum or family reunification, is affordable or free legal assistance. A special call is issued to lawyers in both our countries to assist individuals and families in navigating the arduous immigration process."<sup>5</sup> We believe that the arrival of immigrants and refugees provides an opportunity for growth as much for local communities as for the newcomers. It is our mission to treat all with dignity and integrate them into our community to the extent possible. As Pope Francis notes, integration, a two-directional process which acknowledges and

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<sup>3</sup> Pope Leo XIII Rerum Novarum, ENCYCLICAL OF POPE LEO XIII ON CAPITAL AND LABOR, 1891. [http://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum.html](http://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html)

<sup>4</sup> Strangers No Longer: Together on the Journey of Hope, A Pastoral Letter Concerning Migration from the Catholic Bishops of Mexico and the United States, United States Conference of Catholic Bishops, Inc. and Conferencia del Episcopado Mexicano, January 22, 2003

<http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope.cfm>.

<sup>5</sup> *Id.* at 44 <http://www.usccb.org/issues-and-action/human-life-and-dignity/immigration/strangers-no-longer-together-on-the-journey-of-hope.cfm>.

values the riches of both cultures should be promoted.<sup>6</sup> Our work with USCIS is an important component of that integration.

The Catholic Church, its bishops, and our institutional structures that provide social services, health care, and education have played a vital role in assisting immigrants and refugees who have emigrated to the United States and have been leaders in the protection of and advocacy for immigrants and refugees. By 1920, 75 percent of the U.S. Catholic population were immigrants, with newcomers primarily coming from Southern and Eastern Europe.<sup>7</sup> In response to their needs, the Church created or significantly expanded all of its defining institutions, including parishes, schools, charities, hospitals, mutual aid societies, religious communities, and fraternal and sororal groups. For these Catholics, the Church offered an array of educational, medical, social service, and social institutions that paralleled those of the larger society.

At the height of World War II in 1943, the U.S. bishops established War Relief Services (WRS) as the mechanism through which the Church would participate in overseas refugee and relief work. Soon after its establishment, the bishops assigned WRS with the responsibility to lead the Church's work with displaced persons abroad and extend "help to war-afflicted people, especially children, on the basis of need alone, without reference to race, creed, or other factors." By 1948, of the 119 dioceses in the U.S. at the time, 105 dioceses had a resettlement director appointed by their respective bishop.<sup>8</sup> This effort established the foundation upon which the Church's current resettlement and immigration legal services programs was built.

During the next three-decades, the Church remained responsive to migration flows – often forced – that emerged under the cloud of the Cold War. From 1948 to 1952, the Church helped to resettle 190,275 persons who were displaced by the devastation of World War II, another 70,000 persons through the Refugee Relief Act of 1953 and in the aftermath of the Hungarian uprising in 1956.<sup>9</sup> Striking more closely to home, the periodic influx of Cubans following the rise of Fidel Castro reshaped the demographic and cultural identity of southern Florida. The Catholic Church in Miami, due in large part to the efforts of Catholic Relief Services and the local Catholic Charities (the social services arm of the Church), was indispensable to the reception and placement of Cubans upon their arrival.

The Catholic Church played a critical role in the Orderly Departure Program (ODP), which permitted Vietnamese immigration to the United States and other countries after the Vietnam War. Prior to the ODP, tens of thousands of "boat people" fled Vietnam monthly and to neighboring countries. From 1979 until the end of 1999 the Orderly Departure Program processed more than 523,000 Vietnamese for admission to the U.S. as refugees, immigrants, and parolees.<sup>10</sup> It was during these years that the USCCB's Migration and Refugee Services office was created to serve refugees, unaccompanied children, human trafficking victims, and other vulnerable populations on the move. Since 1980, the U.S. Refugee

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<sup>6</sup>See Vatican Dicastery of Migrants and Refugees, 20 Pastoral Action Points, Integrating: Greater Participation of Migrants and Refugees to Enrich Local Communities, at 4, 2019. [https://migrants-refugees.va/wp-content/uploads/2019/03/20-Pastoral-Action-Points.EN\\_.pdf](https://migrants-refugees.va/wp-content/uploads/2019/03/20-Pastoral-Action-Points.EN_.pdf)

<sup>7</sup> Don Kerwin, Immigration Reform and Catholic Church, Migration Policy Institute, May 1, 2006, <https://www.migrationpolicy.org/article/immigration-reform-and-catholic-church>

<sup>8</sup> Todd Scribner, "'Pilgrims of the Night': The American Catholic Church Responds to the Post-World War II Displaced Persons, Crisis," American Catholic Studies 124(3): Fall, 2013, 14.

<sup>9</sup> *Id.* at 19.

<sup>10</sup> The U.S. Department of State, "Fact Sheet: Refugee Admissions Program from East Asia", January 16, 2004, <https://2001-2009.state.gov/g/prm/rls/fs/2004/28212.htm>.

Admissions program has received broad, bipartisan support, with the annual admissions goal averaging 95,000 each year.<sup>11</sup>

During this time, in addition to resettlement, the Catholic Church, through the national Catholic Charities network, established the nation's largest charitable social service network. Based on the needs of newcomers, this network has rapidly transformed into both a social service and a legal network, with 159 agencies now providing legal services to low-income newcomers.

More recently, the U.S. Catholic Bishops created two national institutional bodies to serve, minister to, assist and integrate immigrants and refugees: USCCB's Migration and Refugee Services (MRS) and the Catholic Legal Immigration Network, Inc. (CLINC). Together, these two institutions have been leaders in the protection of and advocacy for these populations.

In 1988, USCCB established CLINIC as a non-profit organization to support a rapidly growing need for community-based programs dedicated to low-income immigrants and representing the nation's largest network of nonprofit immigrant legal services organizations. CLINIC's network primarily serves low-income immigrants and regularly advises and assists individuals in filing family-based immigration applications, naturalization applications, humanitarian forms of immigration relief, and more. CLINIC's network originally comprised seventeen diocesan affiliates and has since increased to over 370 separately incorporated nonprofits operating in 49 states and the District of Columbia. CLINIC's network employs an estimated 2,300 staff, including attorneys and representatives approved and accredited by the U.S. Department of Justice who, in turn, serve hundreds of thousands of immigrants each year. CLINIC also houses the nation's premiere non-profit law firm specializing in religious worker visas and serving immigrant religious workers.

CLINIC has been working with USCIS on legal immigration since the creation of USCIS in 2003. Previous to that, over several decades and across different administrations, CLINIC has tracked and analyzed information provided by the thousands of attorneys and accredited representatives in its Catholic network, in an effort to identify trends and troubleshoot systemic issues in the U.S. immigration system in close collaboration with federal agencies and their staff. This long-standing and mutually beneficial partnership between CLINIC and USCIS has resulted in more streamlined immigration processing, improved consistency and fairness in immigration adjudications, faster response times to errors, and enhanced customer service. In turn, CLINIC has been able to advise its network agencies of best practices that improve internal processes and help improve the quality of applications USCIS receives.<sup>12</sup>

## **II. Concerns Relating to Current Functioning of USCIS and Forthcoming Furloughs**

As the agency dedicated to the administration and adjudication of immigration benefits, USCIS was created by The Homeland Security Act of 2002, and was specifically designed to be a service-

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<sup>11</sup> See Migration Policy Institute, U.S. Annual Refugee Resettlement Ceilings and Number of Refugees Admitted since 1980, available at <https://www.migrationpolicy.org/programs/data-hub/charts/us-annual-refugee-resettlement-ceilings-and-number-refugees-admitted-united>.

<sup>12</sup> For example, CLINIC worked closely with USCIS to develop Form I-912, Request for Fee Waiver, which offers applicants a standardized application process. CLINIC worked extensively with legacy INS to create policies and Form N-648 aiding persons with disabilities to access naturalization and U.S. citizenship. CLINIC assisted USCIS' Office of Citizenship in updating the naturalization test. CLINIC also worked closely with INS and later USCIS in the creation and updating of Form I-864, Affidavit of Support under INA Section 213A.

oriented immigration agency separate and distinct from immigration enforcement agencies.<sup>13</sup> USCIS has a unique role and opportunity in welcoming newcomers to the United States, becoming part of their immigrant journey. For people fleeing violence and persecution, seeking to remain or reunite with their family members, or eager to work and provide for themselves and their families, USCIS is the gateway to their chance at achieving their American dream. Over the years, the Catholic Church's network, including CLINIC and Catholic social service providers on the ground, have been honored to work with many dedicated public servants at USCIS who play a crucial role in building our country and assisting our immigrant sisters and brothers in understanding and accessing immigration benefits.

Since its founding, CLINIC has advocated for fair and just policies and processes at USCIS. Some problems have been persistent and recurring across administrations. However, as CLINIC presented to this committee a year ago,<sup>14</sup> the current administration's departures from past practice, unprecedented policy decisions, and sharp deviation from the USCIS mission have created extensive backlogs and chaos in the legal immigration system. These changes have led to the agency becoming significantly less operationally efficient and wasteful (by operationally efficient, we mean processing cases in the most cost-effective manner possible while still ensuring high quality adjudications, service, and support). They have resulted in serious consequences to immigrants and their families, immigrant legal service providers, and American businesses and communities. While USCIS faces some operational challenges due to COVID-19, it is important to note that earlier, systemic changes brought on in recent years, not related to the novel coronavirus pandemic, are the ultimate reason USCIS is facing a financial crisis today.

Over the past three years, massive and persistent policy changes, agency restructuring, errors, irregularities, and mismanagement have created extensive processing delays and other problems that have left USCIS' customers, immigrants and refugees, facing serious, life-altering consequences. This is despite applicants paying fees, putting forth sensitive information in trust, and doing everything asked by USCIS of them. Timely case processing, the expeditious receipt of correct information, and other services from USCIS can mean the difference between a family having an income or not, being able to drive to medical appointments or school, being able to put a roof over a child's head and food on the table, or a survivor of violence being able to leave their abuser. In addition to the very human consequences for those personally engaged, the breakdowns and failures at USCIS also have a ripple effect across society affecting employers, the economy, and our communities.

In May 2020, USCIS notified Congress of a massive projected budget shortfall that was threatening the agency's operations and the financial well-being of thousands of USCIS employees.<sup>15</sup> The USCIS asked for \$1.2 billion from Congress to ensure financial solvency. Without this funding, the USCIS stated, it would not have sufficient funds to maintain its operations through the end of the fiscal year or to fund its operations during the first quarter of Fiscal Year (FY) 2021. USCIS began issuing furlough notices to its employees and anticipated that the agency would need to furlough approximately 13,400 employees starting August 3, 2020 if the agency did not receive funding from Congress. A

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<sup>13</sup> Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 213 (codified as amended in scattered sections of 6 U.S.C.), available at [www.dhs.gov/sites/default/files/publications/hr\\_5005\\_enr.pdf](http://www.dhs.gov/sites/default/files/publications/hr_5005_enr.pdf); LISA M. SEGHETTI, CONG. RESEARCH SERV., RL31388, IMMIGRATION AND NATURALIZATION SERVICE: RESTRUCTURING PROPOSALS IN THE 107TH CONGRESS 2 (2002), available at <https://fas.org/sgp/crs/RL31727.pdf>.

<sup>14</sup> Testimony of CLINIC Advocacy Director, Jill Bussey, House Judiciary Subcommittee on Immigration and Citizenship, July 16, 2019, <https://cliniclegal.org/resources/clinics-written-testimony-house-judiciary-committees-subcommittee-immigration-and>

<sup>15</sup> Deputy Director for Policy Statement on USCIS' Fiscal Outlook, USCIS, 06/25/2020 <https://www.uscis.gov/news/news-releases/deputy-director-for-policy-statement-on-uscis-fiscal-outlook>

new announcement delayed the furlough by one month, until August 31.<sup>16</sup> But the delay does not overcome the essential problem that a furlough of that magnitude would still shut down the agency's operations through the end of the fiscal year and into the first quarter of FY2021, severely slowing and crippling the immigration system.

The anticipated disruptions in operations would exacerbate lengthy backlogs that have already left religious and other essential workers without work permits. Despite timely filing of work authorization applications, some Catholic dioceses have been forced to tell the priests covered under these work permits that they must stop working because USCIS has not processed their case in time. These situations have directly impacted the ministry mission of the Church, particularly at a difficult time when the spiritual health of parishioners is under great stress and pastoral care is in high demand.

The issues highlighted below reflect the longer-term problems that have led to the financial instability of the USCIS and call for Congressional oversight to ensure that USCIS is fulfilling its mission and mandate.

#### A. Volume of Policy and Practice Changes Create Serious Operational Inefficiencies

Since 2017, both USCIS and DHS have initiated dozens of immigration policy changes either affecting directly or involving the operations of USCIS.<sup>17</sup> There appears to have been little to no cost-benefit analysis conducted by the agency to determine the implications of each change on its revenues and operations, or the implications of such changes on its revenues cumulative effect. While certain changes, alone, have resulted in substantial burdens on the agency and its customers, they have also contributed to significant inefficiency at USCIS. This is because the implementation of each change or new policy requires USCIS staff to stop their core work to be trained and re-trained. Furthermore, USCIS has had to increase staff and associated expenditures in an effort to implement certain policy changes and other initiatives such as its unsupported growth of a special unit that focuses on denaturalization.<sup>18</sup> In a sharp turn from previous practices, the agency all but eliminated outreach and information distribution and changed well-established, in-person case status appointment scheduling procedures<sup>19</sup>, making already-difficult processes more opaque and inaccessible, and focusing on seemingly disproportionate and highly questionable fraud detection efforts and other enforcement-style practices.<sup>20</sup>

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<sup>16</sup>Michael Frett, Leahy: USCIS furloughs postponed another month, July 24, 2020  
[https://www.samessenger.com/news/leahy-uscis-furloughs-postponed-another-month/article\\_ebf0c42e-cdcb-11ea-a98d-477d1c703b09.html](https://www.samessenger.com/news/leahy-uscis-furloughs-postponed-another-month/article_ebf0c42e-cdcb-11ea-a98d-477d1c703b09.html); *see also*, Leahy Announces That USCIS Is Postponing Furloughs Of 13,000 Public Servants, Including 1,109 In Vermont, Senator Leahy Website, July 24th, 2020.

<https://www.leahy.senate.gov/press/leahy-announces-that-uscis-is-postponing-furloughs-of-13000-public-servants-including-1109-in-vermont>

<sup>17</sup> Sarah Pierce, Immigration-Related Policy Changes in the First Two Years of the Trump Administration, Migration Policy Institute, May 2019,

<https://www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration>

<sup>18</sup>Nick Miroff, Scanning immigrants' old fingerprints, U.S. threatens to strip thousands of citizenship, Washington Post, June 13, 2018

[https://www.washingtonpost.com/world/national-security/scanning-immigrants-old-fingerprints-us-threatens-to-strip-thousands-of-citizenship/2018/06/13/2230d8a2-6f2e-11e8-af55-778aca903bbe\\_story.html](https://www.washingtonpost.com/world/national-security/scanning-immigrants-old-fingerprints-us-threatens-to-strip-thousands-of-citizenship/2018/06/13/2230d8a2-6f2e-11e8-af55-778aca903bbe_story.html)

<sup>19</sup>Roxanne Levin, USCIS to No Longer Allow InfoPass Appointment Scheduling Without Pre-Authorization, Lexology, December 19, 2018

<https://www.lexology.com/library/detail.aspx?g=e2613a38-c145-45f4-9f83-ac97897c1eb7>

<sup>20</sup>CLINIC Submits Comment Opposing USCIS' Proposed New Tip Form, April 16, 2019

<https://cliniclegal.org/resources/federal-administrative-advocacy/clinic-submits-comment-opposing-uscis-proposed-new-tip>

While too numerous to comprehensively list here, we note several key policies that have increased burdens on both the agency and applicants, reducing efficiency and exacerbating burgeoning backlogs. Two policies came within just weeks of each other in 2017: the expansion of in-person interview requirements for certain permanent residency applicants<sup>21</sup>; and the Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility of the Adjudication of Petitions for Extension of Nonimmigrant Status.<sup>22</sup> These two policies have negatively affected the processing of cases submitted by CLINIC’s network agencies and Religious Immigration Services practice group, as explained in CLINIC’s 2019 testimony. Since those policy changes have gone into effect, USCIS has rolled out other major changes like changes in Request for Evidence and Notice of Intent to Deny policies<sup>23</sup> and changes to policy regarding the referral of cases and issuances of Notice to Appear<sup>24</sup>. Further, it has proceeded with its Public Charge rule, which has had a substantial chilling effect on receipts associated with applications for lawful permanent residency.

As an example of the detrimental effects of these policies and resultant backlogs, CLINIC’s Religious Immigration Services clients reported a notable uptick in Requests for Evidence (RFEs) associated with lawful permanent residency cases in the summer of 2018. Although clients submitted responses to the RFEs on time, most of these cases remain pending with USCIS. This means the religious worker applicants have been waiting over two years for their green card cases to be processed by USCIS. This is particularly problematic as the religious workers’ underlying immigration status has a set limit of five years that cannot be extended. Thus, when their non-immigrant status runs out, they may face lapses in their legal immigration status and work authorization.

## B. Numerous Forms and Operating Changes Create Indirect but Large Adjustments to Daily Work

In addition to the dozens of direct policy changes, USCIS has also attempted to change the agency’s well-established policies and practices through changes in forms and operating procedures. One such example is USCIS’ attempt to change its fee waiver policy, a policy and practice that stakeholders have relied upon for years to ensure low-income immigrants are able to access naturalization and other vital immigration benefits such as work authorization. The fee waiver is an exemption for part or all of the fee cost for specific immigration benefits based on a person’s income level. Specifically, USCIS attempted to eliminate the use of receipt of a means-tested benefit as a form of eligibility for a fee waiver by making significant changes to USCIS Form I-912. This criterion is the most utilized and efficient to document eligibility for a fee waiver. CLINIC recognized the negative impact this would have on the agency and applicants and submitted public comments in opposition to the proposed form changes, citing

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<sup>21</sup> Expanded use of In-Person Interviews for Certain Applications and Petitions, USCIS Archived Content <https://www.uscis.gov/archive/expanded-use-of-in-person-interviews-for-certain-applications-and-petitions>

<sup>22</sup> USCIS Policy Memorandum on Rescission of Guidance Regarding Deference to Prior Determinations of Eligibility in the Adjudication of Petitions for Extension of Nonimmigrant Status, USCIS, October 23, 2017 PM-602-0151, <https://www.uscis.gov/sites/default/files/document/memos/2017-10-23-Rescission-of-Deference-PM602-0151.pdf>

<sup>23</sup> USCIS Policy Update on Issuing RFEs and NOIDs, USCIS Sept. 6, 2018, [https://www.uscis.gov/sites/default/files/foia/USCIS\\_Policy\\_Update\\_on\\_Issuing\\_RFEs\\_and\\_NOIDs.pdf](https://www.uscis.gov/sites/default/files/foia/USCIS_Policy_Update_on_Issuing_RFEs_and_NOIDs.pdf)

<sup>24</sup> USCIS Policy Memorandum Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens, PM-602-0050.1 June 28, 2018. <https://www.uscis.gov/sites/default/files/document/memos/2018-06-28-PM-602-0050.1-Guidance-for-Referral-of-Cases-and-Issuance-of-NTA.pdf>

the many legal deficiencies.<sup>25</sup> Despite notification by CLINIC and other low-income service providers of the very severe impact this change would have on low-income immigrants and refugees, USCIS proceeded with the implementation of the revised form. In response, CLINIC and other partners filed a lawsuit that has resulted in a preliminary injunction, barring USCIS from implementing this plan.<sup>26</sup> While the lawsuit has brought reprieve from the implementation of a new policy that will likely harm low-income immigrants and refugees, it is another example of changes within USCIS that have not been thought out and are subject USCIS staff to a “stop-start” that has undoubtedly harmed the productivity of USCIS in their core work of adjudicating immigration benefits.

### **III. Solutions to USCIS Financial Instability Should Not Be Undertaken by Low Income Immigrants and Refugees**

As Congress searches for solutions to USCIS’s financial instability, we urge you to remember the words of Pope Francis: “We must never forget, however, that migrants, rather than simply being a statistic, are first of all persons who have faces, names and individual stories.”<sup>27</sup> In our work serving immigrants and refugees, we strive to see the human face and treat each individual with the human dignity that they were imbued with as a child of Jesus Christ. It is in this vein that we ask you to strongly consider the needs of low-income immigrants and refugees as you work towards solving the USCIS financial insolvency.

We are disappointed to see the recently introduced Senate COVID-19 relief proposal includes a 10 percent uniform surcharge to pay back Congress. Over decades, we have observed that when costs go up at USCIS, application rates go down, and this proposed uniform surcharge will likely suppress applications and exacerbate current issues.<sup>28</sup> Instead, to ensure that USCIS’ proposed solutions are not counterproductive, we recommend that USCIS implement a use of premium processing fees, with appropriate carve outs for nonprofit organizations and small businesses as noted in our below recommendations.

### **IV. Recommendations**

On June 15, USCCB/MRS submitted a letter to Congress regarding the USCIS financial instability and impeding furloughs of USCIS staff.<sup>29</sup> In the letter, USCCB/MRS urges Congress to fund USCIS and engage in robust oversight of USCIS to prevent future periods of insolvency. We strongly believe that operational guardrails should be implemented to ensure USCIS corrects course, and immigrants and public servants should not be punished for this situation. The human consequences of a poorly-managed immigration system are very real and include families that are permanently separated,

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<sup>25</sup>CLINIC Submission on USCIS Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver; e-Docket ID USCIS-2010-0008 RE: OMB Control Number 1615-0116, May 3, 2019. <https://cliniclegal.org/resources/fee-waivers-uscis/clinic-public-comment-opposing-uscis-changes-fee-waivers>

<sup>26</sup>*City of Seattle v. DHS*, Case Documents and Updates, available at <https://protectdemocracy.org/project/city-of-seattle-v-dhs/?emci=21e44538-10fb-e911-828b-2818784d6d68&emdi=faaa230f-11fb-e911-828b-2818784d6d68&ceid=8041365>; <https://cliniclegal.org/resources/litigation/federal-judge-grants-nationwide-injunction-clinic-lawsuit-preserves-fee>

<sup>27</sup>Pope Francis Address Greeting People of Lesbos, April 4, 2016

<https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/04/16/160416c.html>

<sup>28</sup> U.S. Senate Emergency Coronavirus Funding Package, Senate Appropriations Committee, July 27, 2020, <https://www.appropriations.senate.gov/imo/media/doc/TJS05MAH.PDF>

<sup>29</sup> USCCB MRS Letter to Congress on Emergency USCIS Supplemental Funding, June 15, 2020, [https://justiceforimmigrants.org/wp-content/uploads/2020/06/Senate\\_USCIS-Draft-Approps-Emergency-Funding-June-15.20.pdf](https://justiceforimmigrants.org/wp-content/uploads/2020/06/Senate_USCIS-Draft-Approps-Emergency-Funding-June-15.20.pdf)

religious workers who are unable to live out their vocation, 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 time of economic hardship brought on by a global health crisis.

Below, we reiterate several key recommendations from our June 15th letter and submit additional recommendations to help mitigate further harm:

1. USCIS should provide Congress with a formal accounting of how the volume and substance of policy and regulatory changes have affected USCIS' efficiency.
2. Any funding from Congress needs to be contingent on a USCIS instituting a temporary pause on any new policy and regulatory changes.
3. Any funding from Congress should be contingent on USCIS spending any and all funds on core mission work and adjudication. No money should be spent on enforcement, including transfers to ICE, denaturalization efforts, or tip forms.
4. Congress should require reports from USCIS every 30 days on how money is being spent. Congress should also schedule regular oversight hearings of the agency for the foreseeable future.
5. Congress should not agree to USCIS' proposed 10 percent across-the-board surcharge to repay any loans, as this proposed method will suppress applications and exacerbate current issues. USCIS should instead adjust premium processing fees with carve outs for nonprofit organizations and small businesses.
6. USCIS should take practical measures to clear backlogs and improve processing times.<sup>30</sup> This must include implementing virtual oath ceremonies for naturalization cases that are all but completed except for this final step.
7. Congress should require that USCIS restore and allocate generous funding to public outreach and education services. Distribution of information and stakeholder engagement will create a feedback channel that improves agency operations and efficiency.

## V. Conclusion

The USCCB and CLINIC welcome and appreciate the work of USCIS to keep our legal immigration system operational. We urge Congress to fund USCIS but engage in robust oversight to ensure that USCIS fulfills its mandate and mission and does so in a manner that is fair and accessible to all immigrant applicants regardless of income or type of immigration relief requested. Thank you for the opportunity to share our insights and our long-standing commitment to welcoming and integrating immigrants and refugees.

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<sup>30</sup> For example, according to data collected by USCIS, processing times for both U and T visas have experienced an over 110% increase from FY 2016 to FY 2020 (for U visas 113.1 % increase and for T visas 110.1 % increase). See Historical National Average Processing Time (in Months) for All USCIS Offices for Select Forms by Fiscal Year, USCIS, May 31, 2020, <https://egov.uscis.gov/processing-times/historic-pt>