



Application Processing

Fiscal Year 2022

January 18, 2022

Fiscal Year 2022 Report to Congress



**Homeland
Security**

U.S. Citizenship and Immigration Services

Message from the Director

January 18, 2022

I am pleased to present the following report, “Application Processing,” for Fiscal Year (FY) 2022, which has been prepared by U.S. Citizenship and Immigration Services (USCIS).

This document was compiled pursuant to direction in Section 132 of the Continuing Appropriations Act, 2022 (P.L. 117-43).

This report is provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

If you have any questions, please do not hesitate to contact me at (240) 721-1500.

Sincerely,



Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services



Executive Summary

This report outlines the expenditure plan for the \$250 million provided by Congress to U.S. Citizenship and Immigration Services (USCIS) to support application processing, which includes the reduction of backlogs within asylum, field, and service center offices, and to support the refugee program that is included in section 132 of the Continuing Appropriations Act, 2022 (P.L. 117-43). USCIS also included a spending plan for the full \$345 million requested in the FY 2022 President's Budget to show the comparison.

The funding will be allocated to USCIS Directorates/Program Offices that support backlog reduction efforts and/or refugee admissions processing. The planned funding breakdown in the report provides additional information on how each respective USCIS Directorate/Program Office plans to obligate these funds. USCIS assures the Committees that no funds will have been obligated prior to the official transmission of this report to Congress.

USCIS will provide updates to Congress every quarter on the backlog reduction metrics and on the execution of the spend plan.



Homeland Security

Application Processing Backlog Reduction Fiscal Year 2022

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I. Legislative Language

This report responds to the direction set forth in section 132 of the Continuing Appropriations Act, 2022 (P.L. 117-43).

Section 132 includes the following language:

In addition to amounts otherwise provided by section 101, an amount is provided to the Department of Homeland Security for “U.S. Citizenship and Immigration Services—Operations and Support” for application processing, the reduction of backlogs within asylum, field, and service center offices, and support of the refugee program at a rate for operations of \$250,000,000: *Provided*, That such amounts shall be in addition to any other funds made available for such purposes, and shall not be construed to require any reduction of any fee described in section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)): *Provided further*, That prior to the obligation of such resources, U.S. Citizenship and Immigration Services shall provide to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan that identifies backlog reduction metrics and quarterly reports on the execution of such plan.

II. Background

Over the past several years, U.S. Citizenship and Immigration Services (USCIS) has experienced a steady increase in backlogs for various immigration benefit applications and petitions. The USCIS backlog was relatively stable from Fiscal Year (FY) 2017 – FY 2019 at approximately 2.4 million cases, before increasing to 3.1 million in FY 2020 and then increasing to approximately 4.4 million¹ at the end of September 2021.

Addressing the USCIS backlog reduction is a priority for the Administration and USCIS senior leadership. The backlog is a significant concern for applicants applying for benefits with USCIS. As the backlog increases, applicants and petitioners experience longer wait times to receive a decision on their benefit requests. USCIS understands the impact that delays in receiving decisions have on applicants and petitioners.

Congress is also concerned with growth in the USCIS backlog. As a result, Congress appropriated \$250 million to support USCIS backlog reduction and refugee admissions processing. Additional funding from Congress will allow USCIS to initiate a multi-year plan to eliminate the backlog and to achieve the Administration's FY 2022 refugee admissions target.

Given the size of the USCIS backlog and the rate of growth, it will require a sustained, multi-year effort to significantly reduce and ultimately eliminate the current backlog.

In FY 2022, USCIS plans to focus on a combination of new staff, expanded overtime hours, and information technology investments to promote more efficient processing of cases and use of officers' time. These investments will benefit new submitted applications and will improve the ability of USCIS to mitigate backlog growth.

¹ Three categories comprise the pending cases: Within Processing Time Goals, Outside USCIS Control, and Net Backlog. Outside USCIS Control cases are waiting for a visa number, response from the applicant or petitioner, or re-exam for naturalization.

III. Backlog Reduction Expenditure Plan

A. Strategy

Backlog Reduction

USCIS tracks the total number of cases that have not been adjudicated (approved or denied), otherwise referred to as pending cases. Three categories comprise the pending cases: Within Processing Time Goals, Outside USCIS Control,² and Net Backlog. All cases received become pending cases. Except for the I-589, Application for Asylum and Withholding of Removal,³ applications and petitions are adjudicated based on a first-in-first-out approach. Therefore, to reduce the backlog, USCIS must increase productivity and must complete more applications and petitions than it receives in a given fiscal year.

USCIS has not had a fee increase since FY 2016. USCIS published a [Final Fee Rule](#) at the end of FY 2020, but that final rule was enjoined. As a result, the current USCIS fee structure does not generate sufficient revenue to recover the costs of processing the incoming workload. Therefore, a critical component of the USCIS backlog reduction strategy is successful implementation of the FY 2022/2023 Fee Rule to ensure that USCIS is resourced appropriately to adjudicate the incoming level of applications and petitions.

For its backlog reduction efforts, USCIS will focus its efforts on both a short- and a long-term solution. USCIS will rely heavily on overtime hours to reduce the backlog, as it will take most of the year to get new staff hired, trained, and working at full strength. Concurrently, new investments in information technology will improve processing workflows and will allow USCIS to redistribute workload efficiently and electronically based on available capacity across the country.

The total backlog at the end of September 2021 was approximately 4.4 million cases. USCIS is planning to focus its backlog reduction efforts on the following forms that total 2.7 million, or 61 percent, of the total backlog:

- N-400 – Application for Naturalization
- I-589 – Application for Asylum and for Withholding of Removal
- I-918 – Petition for U Nonimmigrant Status awaiting a Waitlist or Bona Fide determination
- I-130 – Petition for Alien Relative
- I-485 – Application to Register Permanent Residence or Adjust Status
- I-751 – Petition to Remove Conditions on Residence
- I-765 – Application for Employment Authorization

² Outside USCIS Control cases are waiting for a visa number, a response to a Request for Evidence, or a re-exam for naturalization.

³ The I-589s are adjudicated based on a last-in-first-out approach. The backlog reduction focus for this form will be on adjudicating the oldest cases.

These are priority forms for the USCIS backlog reduction efforts because of the proportion of the backlog that they represent and the impact that processing delays in these forms have on applicants and petitioners.

Refugee Admissions Processing

USCIS also plans to use appropriated funding to support refugee admissions under the U.S. Refugee Admissions Program (USRAP). USCIS intends to rebuild its refugee program by hiring an additional 320 positions in support of the USRAP. The rest of the funding will be used for refugee processing travel and other nonpayroll expenses associated with the additional positions.

B. Spend Plan

Exhibit A outlines how USCIS plans to allocate funding to its Directorates/Program Offices to support backlog reduction and refugee admissions processing efforts:

Exhibit A:

| FY22 Application Processing Summary Spend Plan | | | | | | | |
|--|--------------|-------------|-------------|-------------------------|-----------------------|--------------|---|
| Directorates | Total Pos | Officer Pos | Support Pos | FY22 President's Budget | FY22 CR | CR Total Pos | Comments |
| Management | - | | | \$ 76,750,458 | \$ 75,847,458 | - | Office of Information Technology - automating targeted forms for backlog reduction and investing to expand the capabilities of the global case management system for asylum and refugee processing, and expanding video interviewing; Office of Intake and Document Production - Card Consumables |
| External Affairs | 9 | | 9 | \$ 1,327,809 | \$ 726,404 | 6 | Overtime for TIER II call center support; support Service Referral System Modernization Tool, and provide high level support to national and local public-facing email boxes. |
| Refugee, Asylum, and International Operations | 598 | 469 | 129 | \$ 109,383,025 | \$ 72,171,617 | 504 | Asylum and Refugee salaries; training; travel; interpretation services; and vetting center expansion. |
| Asylum | 277 | 180 | 97 | \$ 44,287,407 | \$ 26,027,612 | 183 | |
| Refugee | 321 | 289 | 32 | \$ 65,095,618 | \$ 46,145,005 | 321 | |
| Immigration Records and Identity Services | - | | | \$ 553,898 | \$ 553,898 | | Commercial Records Storage, development teams for person-centric identity services and biometric integration systems, and lockbox digitization |
| Field Operations | 360 | 144 | 216 | \$ 71,948,667 | \$ 42,462,262 | 225 | Additional positions and overtime for backlog and adjudication processing, Language support, National Benefits Center contract, federal oath, inbound USCIS records digitization, and backlog travel |
| Service Center Operations | 335 | 314 | 21 | \$ 69,160,105 | \$ 51,211,745 | 209 | Additional positions and overtime for backlog reduction and New high-level and high speed scanners for Service Centers to continue their digitization efforts |
| Fraud Detection and National Security | 14 | 10 | 4 | \$ 1,526,038 | \$ 763,019 | 9 | Positions to assist Refugee, Asylum, and International Operations, Field Operations, and Service Center Operations are included in the respective Directorates position count and HQ Fraud Detection and National Security positions for classified vetting, Social media, ATLAS, and case management |
| Office of Performance and Quality | - | | | \$ 1,350,000 | \$ 1,350,000 | - | Contract support to assist with backlog reduction metric performance |
| Chief Financial Officer | - | | | \$ 13,000,000 | \$ 4,913,597 | - | Support for additional requirements related to contracts, overtime, and acceleration in onboarding staff. |
| Total | 1,316 | 937 | 379 | \$ 345,000,000 | \$ 250,000,000 | 953 | |

Exhibit B below is a detailed breakout of the spend plan by Office of Management and Budget Object Class.

Exhibit B:

| BOC | Description <i>(Full descriptions are listed in the next tab)</i> | FY22 President's Budget | FY22 CR |
|--|---|-------------------------|-----------------------|
| 11.0 Personnel Compensation | Compensation directly related to duties performed for the Government by Federal civilian employees, military personnel, and non-Federal personnel. | \$ 171,669,755 | \$ 110,997,223 |
| 21.0 Travel | Obligations for transportation of Government employees or others, their per diem allowances while in an authorized travel status, and other expenses incident to travel that are to be paid by the Government either directly or by reimbursing the traveler. | \$ 26,605,668 | \$ 16,304,259 |
| 23.0 Rent, Communications, and Utilities | Payments for possession and use of land, structures, or equipment owned by others and for communication and utility services. | \$ 500,000 | \$ 375,000 |
| 25.0 Contracts | Contractual services for advisory and assistance services, purchases of goods and services from Government accounts, operation and maintenance of facilities and equipment, payments for medical care, research and development (R&D) contracts, subsistence and support of persons and other services not otherwise classified. | \$ 65,373,833 | \$ 44,635,065 |
| 25.2 Systems Development Contracts | SYSTEMS DEVELOPMENT CONTRACTS | \$ 22,650,000 | \$ 22,650,000 |
| 25.2 Software Development | CUSTOM SOFTWARE DEVELOPMENT | \$ 7,536,000 | \$ 7,536,000 |
| 26.0 Supplies and Materials | Commodities that are: ordinarily consumed or expended within one year after they are put into use; converted in the process of construction or manufacture; used to form a minor part of equipment or fixed property, other property of little monetary value | \$ 20,521,979 | \$ 17,584,688 |
| 31.0 Equipment | Obligations for the purchase of personal property of a durable nature, that is, property that normally may be expected to have a period of service of a year or more after being put into use without material impairment of its physical condition or functional capacity. The initial installation cost of equipment when performed under contract is included in the obligation. | \$ 30,142,765 | \$ 29,917,765 |
| Total | | \$ 345,000,000 | \$ 250,000,000 |

These numbers highlight the specific FY 2022 resource needs of the respective USCIS Directorates/Program Offices to support backlog reduction and refugee admissions processing. The Directorate/Program Office breakout section below provides a more detailed outline of how USCIS plans to use appropriated funds. The \$250 million appropriated through section 132 of the Continuing Appropriations Act, 2022 (P.L. 117-43), will not fund sufficiently the 1,316 positions needed for these initiatives. As a result, USCIS requests that Congress provide the total amount of funding requested in the FY 2022 President's Budget (\$345 million).

C. Directorate/Program Office Breakout

Management (Information Technology)

- Information technology investments to: (a) increase the functionality of the priority forms, (b) expand the capabilities of the global case management system for asylum and refugee processing, and (c) expand self-service for our customers with myUSCIS features that reduce the need for dedicated customer service transactions.
- USCIS plans to improve the process for in-person interview scheduling to increase productivity and to optimize available space, while investing in infrastructure and developing additional capabilities to increase capacity for video/remote interviewing.

External Affairs

- Overtime support for the TIER II call center support, which handles more complex public inquiries that require escalation to an Immigration Services Officer for resolution.

Refugee, Asylum, and International Operations

- Additional asylum and refugee positions and overtime to support staff dedicated to the reduction of the application processing backlog and the staff that will support refugee admissions processing, as well as support for training, travel, interpretation services, and vetting center expansion.

Immigration Records and Identity Services

- Support for increased commercial records storage and scanning services as part of the increased number of adjudications for backlog reduction.

Field Operations

- Additional positions, overtime, and increased language support for a larger number of naturalization interviews, contract support to pre-process applications that require interviews (i.e., the National Benefits Center contract), U.S. Courts to support additional naturalization ceremonies, and increased travel expenses for efforts related to backlog reduction.

Service Center Operations

- New positions, additional overtime, and new high-speed scanners to digitize paper cases so that they can be adjudicated electronically.

Fraud Detection and National Security

- Additional positions to assist refugee, asylum, and international operations; field operations; service center operations; and for classified vetting, social media checks, ATLAS⁴ system-generated notification backlogs, and case management entity analysis.

⁴ ATLAS is a USCIS enterprise platform built to streamline and support accurate exchange of data between USCIS, the Department of Homeland Security (DHS), and non-DHS systems for screening and vetting.

Office of Performance and Quality

- Contract support to assist with backlog reduction metric performance.

Chief Financial Officer

- Support for additional requirements related to contracts, overtime, and acceleration in onboarding staff.

D. Backlog Reduction Metrics

In future years, USCIS expects to realize additional productivity gains from FY 2022 investments in information technology and other projects described above.

As described in Section “A. Strategy”, the USCIS net backlog at the end of September 2021 was approximately 4.4 million cases. USCIS is planning to focus its backlog reduction efforts on the listed forms that total 2.7 million, or 61 percent, of the net backlog (table below). This table also includes a breakout of the planned backlog reduction efforts by form type during FY 2022 and a breakout of cases outside government control, which are cases that USCIS is unable to adjudicate, including cases waiting for a visa number, a response to a request for evidence, or a re-exam for naturalization.

| Form | Pending Cases | Net Backlog | FY22 | |
|---------------------------------|------------------|------------------|---------------------|---------------------------|
| | | | Outside Gov Control | Appropriation Completions |
| I-130 Immediate Relative | 504,822 | 232,217 | 614 | 57,348 |
| I-765 | 1,336,803 | 740,569 | 1,565 | 210,977 |
| I-485 Asylee | 87,997 | 76,033 | 114 | 18,347 |
| I-485 Cuban | 14,819 | 10,203 | 1,360 | 1,937 |
| I-485 Employment | 245,490 | 182,450 | 5,473 | 40,457 |
| I-485 Family | 349,350 | 206,323 | 24,719 | 33,991 |
| I-485 Other | 47,747 | 28,965 | 2,360 | 8,832 |
| I-485 Refugee | 24,983 | 19,739 | 10 | 3,014 |
| I-589 | 412,796 | 380,427 | 0 | 17,612 |
| I-751 | 232,803 | 127,973 | 1,242 | 35,114 |
| I-918 Waitlisting/EAD Issuance* | 264,193 | 227,289 | 24,854 | 75,702 |
| N-400 Military | 5,897 | 1,224 | 214 | 182 |
| N-400 Regular | 833,738 | 487,027 | 21,442 | 84,153 |
| Total: | 4,361,438 | 2,720,439 | 83,967 | 587,665 |

Source: September 2021 National Performance Report (columns B,C,D). Column E are projections

*Includes Bona Fide Determination (BFD) cases