

US Immigration Application Backlogs, What They Mean for Applicants and Their Families, and What It Will Take for USCIS to Catch Up

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“Why is my application taking so long?” This question is one I heard every day without fail throughout my time as an immigration services officer with U.S. Citizenship and Immigration Services (USCIS). USCIS is the Department of Homeland Security (DHS) agency that adjudicates our country’s immigration and naturalization applications. You may have heard about the immense backlog that is delaying the receipt of immigrant benefits. According to recent statistics, USCIS received 4,935,140 applications, approved 4,407,613 applications, and denied 652,139 applications between January 1st and March 31st of fiscal year (FY) 2023. Yet it continues to labor under a backlog of nearly 8.9 million applications.¹ While the number of applications received has remained consistent over the years, the backlog has swelled, growing fourfold between fiscal years 2010-2022.² So how did we get here?

In the past few years, a series of unfortunate developments has significantly hindered backlog reduction efforts. The previous administration introduced a multitude of policies that created new hurdles to advancing in immigration status and to processing benefit applications, such as the “extreme vetting” Executive Order that went into effect in March of 2017.³ This order required DHS and its agencies to meet a higher threshold for screening and verifying applicants, demanding more time and resources from USCIS. The administration also made attempts to implement more stringent eligibility criteria for obtaining residency, to terminate the Deferred Action For Childhood Arrivals (DACA) program, and to rescind Temporary Protected Status (TPS) for select groups.⁴ When the COVID-19 outbreak began, all USCIS offices closed for three months, pushing back scheduled interviews and naturalization ceremonies. To put it in perspective, in 2016 it took 6.1 months on average for a naturalization application to be processed, while in 2020 it took an average of 10 months.⁵ As the pandemic raged, immigration application filings significantly declined. Because USCIS is a fee-based agency— meaning most of its funding (about 96%) comes from application fees — revenue dropped drastically. This raises another issue: the fees applicants are required to pay are exorbitant. Currently, with the \$85 fingerprinting fee

¹ “Number of Service-Wide Forms by Quarter, Form Status, and Processing Time,” U.S. Citizenship and Immigration Services, March 31, 2023,

https://www.uscis.gov/sites/default/files/document/data/Quarterly_All_Forms_FY2023_Q2.pdf.

² David J. Bier, “USCIS’s Immigration Backlogs Hit 8.8 Million,” CATO Institute, November 7, 2022, <https://www.cato.org/blog/uscis-immigration-backlogs-hit-88-million>.

³ Executive Office of the President, “Implementing Immediate Heightened Screening and Vetting of Applications for Visas and Other Immigration Benefits, Ensuring Enforcement of All Laws for Entry Into the United States, and Increasing Transparency Among Departments and Agencies of the Federal Government and for the American People.” Federal Register 82, no.62 (March 6, 2017): 16279

<https://www.federalregister.gov/documents/2017/04/03/2017-06702/implementing-immediate-heightened-screening-and-vetting-of-applications-for-visas-and-other>.

⁴ Kerwin, Donald, and Robert Warren, “Putting Americans First: A Statistical Case for Encouraging Rather than Impeding and Devaluing US Citizenship,” *Journal on Migration and Human Security* 7, no. 4 (November 11, 2019): 108–22. <https://doi.org/10.1177/2331502419894286>.

⁵ “USCIS Processing Times Fiscal Years 2016 – 2020.” Department of Homeland Security, September 28, 2021. <https://www.dhs.gov/sites/default/files/2022-01/USCIS%20-%20Processing%20Times%2C%20Fiscal%20Years%202016%20-%202020%20%281%29.pdf>.

included, an application for residency costs \$1,225, while an application to apply for citizenship costs \$725.⁶ These fees impose a large financial burden on individuals, on top of the physical and psychological burdens that can result from these delays. An applicant could be left, for example, in the vulnerable position of being unable to leave the country in case of an emergency if their green card expires and they are still waiting on a naturalization interview. Along similar lines, the decline in application revenue put USCIS staff at risk, as the agency issued furlough notices to 70% of its employees in May of 2020, followed by a hiring freeze that persisted until March 2021.⁷ Though the furlough was avoided,⁸ the number of officers able to adjudicate cases nosedived and the application backlog skyrocketed.

The Biden administration reversed many of the excesses of the previous administration and initiated several reforms in early 2022, including hiring more personnel and establishing more rigorous goals for reducing cycle times and expanding premium processing services.⁹ Numerous advances were made as a result of these backlog mitigation measures, aided in part by Congress's \$275 million Consolidated Appropriations Act in FY 2022, whose funding was to be strictly used to reduce the backlog and ramp up hiring efforts.¹⁰ The agency brought on more than 3,000 new employees,¹¹ and naturalized nearly 1 million individuals in fiscal year (FY) 2022, the highest naturalization number since 2008, leading to a whopping 62% reduction in the naturalization application backlog.¹² In addition, the agency was able to extend the validity of work permits¹³ and green cards¹⁴ (the document that shows an individual's permanent residence status) for those with pending renewal applications,¹⁵ initiated virtual interviews, increased the use of interview waivers, and simplified various form types. Despite these advances, the

⁶ "Filing Fees," U.S. Citizenship and Immigration Services, Accessed October 26, 2023, <https://www.uscis.gov/forms/filing-fees>.

⁷ "Fiscal Year 2022 Progress Report," U.S. Citizenship and Immigration Services, March 31, 2023, https://www.uscis.gov/sites/default/files/document/reports/OPA_ProgressReport.pdf.

⁸ "USCIS Averts Furlough of Nearly 70% of Workforce," U.S. Citizenship and Immigration Services, August 25, 2020, <https://www.uscis.gov/archive/uscis-averts-furlough-of-nearly-70-of-workforce>.

⁹ Cycle time is a USCIS internal metric that refers to the months' worth of pending cases for a particular form that is awaiting a decision. Premium processing is a service USCIS provides for certain form types, allowing applicants to pay more money for faster processing. "USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders," U.S. Citizenship and Immigration Services, March 29, 2022, <https://www.uscis.gov/newsroom/news-releases/uscis-announces-new-actions-to-reduce-backlogs-expand-premium-processing-and-provide-relief-to-work>.

¹⁰ "Proposed Fee Rule Frequently Asked Questions," U.S. Citizenship and Immigration Services, February 23, 2023, <https://www.uscis.gov/proposed-fee-rule-frequently-asked-questions>.

¹¹ "USCIS Celebrates Public Service Recognition Week," U.S. Citizenship and Immigration Services, May 08, 2023, <https://www.uscis.gov/newsroom/news-releases/uscis-celebrates-public-service-recognition-week-0>.

¹² "Naturalization Statistics," U.S. Citizenship and Immigration Services, Accessed October 26, 2023, <https://www.uscis.gov/citizenship-resource-center/naturalization-statistics#:~:text=USCIS%20welcomed%20967%2C500%20new%20citizens%20in%20fiscal%20year,highest%20number%20of%20naturalizations%20seen%20since%20FY%202008>.

¹³ "USCIS Increases Automatic Extension Period of Work Permits for Certain Applicants," U.S. Citizenship and Immigration Services, May 03, 2022, <https://www.uscis.gov/newsroom/news-releases/uscis-increases-automatic-extension-period-of-work-permits-for-certain-applicants>.

¹⁴ "USCIS Extends Green Card Validity Extension to 24 Months for Green Card Renewals," September 28, 2022, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/newsroom/alerts/uscis-extends-green-card-validity-extension-to-24-months-for-green-card-renewals>.

¹⁵ A renewal application refers to an immigration benefit that an individual can apply to renew, such as a green card or work authorization document. A green card is generally valid for 10 years. After ten years, if an individual has yet to or chooses not to apply for naturalization, they can apply to renew their green card and then receive a new 10-year card.

backlog persists, leading to concerns over whether USCIS is placing enough emphasis on measures that will adequately combat the backlog and rid the system of inefficiencies in the long term.

So what should be done to curtail the seemingly never-ending waitlist of pending applications? For starters, USCIS should exponentially increase its workforce. Congress, in turn, should continue to appropriate funding directed at hiring and backlog reduction needs. These proposals are not new, but they speak to what ultimately drives the agency's application completions. We have already witnessed what can be accomplished, with the success of naturalization backlog reduction following the pandemic. As a former USCIS employee, I can speak to the fact that USCIS employees are tired, overworked, and overwhelmed, a situation that cannot be ignored. Staffing levels should be increased to meet authorized employment levels: this will alleviate the workload-related burnout current employees are experiencing. In August of 2021, the US Government Accountability Office (GAO) recommended that USCIS develop "a long-term workforce plan that includes strategies for acquiring, developing, and retaining staff." DHS declined to pursue this recommendation based on the fallacy that "current workforce planning activities meet its needs."¹⁶ Yet the Field Operations Directorate had a 10% attrition rate, and the Refugee, Asylum and International Operations Directorate had an average of 42% attrition each year from 2016-2019.¹⁷ Unfortunately, data on employment and retention levels is not publicly reported with any frequency. The attrition rates noted in the GAO report are the most current, as referenced in DHS's 2023 annual report.¹⁸ Given the seemingly never ending workload, exacerbated by the pandemic, I would suspect the attrition rates are much higher now.

The process of providing benefits is also riddled with inefficiencies, despite USCIS's attempts at digitizing and modernizing its systems. The agency is still very much dependent on its paper-based past. It was not until 2012 that USCIS began the process of digitization by launching ELIS, an Electronic Immigration System that allows individuals to make an account and apply for benefits online. While potential applicants can now file 17 of the agency's 106 forms online¹⁹ the system is not intuitive and is prone to complications. Adjudications officers, who approve and deny applications for immigration benefits, are required to review any existing paper Alien files (A files) before making decisions on an applicant's benefits. Given that every individual has been assigned a physical A-file since 1944 up until very recently, there are millions of A-files that have not been digitized.²⁰ Thus, when an officer reviews an application that was filed online, they must review the information in ELIS, the physical file, and other systems that have been developed to store digitized documents. If this sounds like an inefficient use of time, that is because it is. USCIS should hire additional staff and contractors to fully digitize A-files and to create a centralized system that simplifies the adjudications process. In the end, applicants are the ones paying a high price for these inefficiencies. The delays and inefficiencies of these systems and processes have lasting impacts on applicant's livelihoods. When work authorization documents are not processed in

¹⁶ "U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload," U.S. Government Accountability Office, August 18, 2021, <https://www.gao.gov/products/gao-21-529>.

¹⁷ Field Operations Directorate refers to the 88 field offices which provide direct services to the public, the National Benefits Center (NBC) which processes applications, the immigrant investor program, the headquarters office, four regional offices, and 16 district offices. See "U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload," U.S. Government Accountability Office, August 18, 2021, <https://www.gao.gov/products/gao-21-529>.

¹⁸ "Annual Report 2023 - Homeland Security." Department of Homeland Security, June 30, 2023.

https://www.dhs.gov/sites/default/files/2023-07/23_0630_cisomb_2023-annual-report-to-congress.pdf.

¹⁹ "Forms Available to File Online," U.S. Citizenship and Immigration Services, Accessed October 26, 2023, <https://www.uscis.gov/file-online/forms-available-to-file-online>.

²⁰ "Alien Files (A-Files)," The U.S. National Archives and Records Administration, Accessed October 26, 2023, <https://www.archives.gov/research/immigration/aliens>.

a timely manner, individual's jobs and economic security are put at risk, and when petitions for family members abroad and travel authorization documents are brought to a standstill, this leads to the prolonged separation of families, making it difficult, if not impossible, to plan for the future. Ultimately, USCIS's continued attempts to reduce the backlog will be meaningless if both its clients and the backbone of the agency— its staff and its systems— do not take precedence in the eyes of DHS and Congress.