

BETH VAN DUYNÉ

24TH DISTRICT, TEXAS

**COMMITTEE ON TRANSPORTATION
& INFRASTRUCTURE**

SUBCOMMITTEES

AVIATION
HIGHWAYS AND TRANSIT
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT

COMMITTEE ON SMALL BUSINESS

SUBCOMMITTEES

OVERSIGHT, INVESTIGATIONS, AND REGULATIONS,
RANKING MEMBER
ECONOMIC GROWTH, TAX, AND CAPITAL ACCESS

**SELECT COMMITTEE ON THE
MODERNIZATION OF CONGRESS**

WASHINGTON OFFICE:
1337 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-6605

DISTRICT OFFICE:
3100 OLYMPUS BLVD., SUITE 440
DALLAS, TX 75019
(972) 966-5500

Congress of the United States
House of Representatives
Washington, DC 20515-4324

July 22, 2021

The Honorable Tracy Renaud
Acting Director
U.S. Citizenship and Immigration Services
111 Massachusetts Ave. N.W.
Washington, D.C. 20529-2260

Dear Acting Director Renaud,

I write to request information about the concerning backlog processing Employment Based I-485 applications.

Many of my constituents have contacted me to bring to my attention the challenges they're experiencing due to their delayed application pending with USCIS. These individuals are reporting 19 to 50 month wait times for adjudication at the Texas Service Center. While in FY20, USCIS reported an average wait time of 6.9 months for the same application for all offices.

While the COVID-19 pandemic has drastically disrupted everyday life, Texans and all Americans are resuming work and the federal government should be no different. It is to this fact I ask you to provide my office the answers to the following questions:

- How is USCIS currently operating and what is being done/has been done to ensure resume normal operations?
- What is being done to increase the speed of application turnaround time?

I look forward to your response, and if you have any questions, please contact Ryan Dilworth at (202) 225-6605 or at Ryan.Dilworth@mail.house.gov.

Sincerely,



Beth Van Duyne
Member of Congress



U.S. Citizenship
and Immigration
Services

September 7, 2021

The Honorable Beth Van Duyne
U.S. House of Representatives
Washington, DC 20515

Dear Representative Van Duyne:

Thank you for your July 22, 2021 letter to U.S. Citizenship and Immigration Services (USCIS) regarding processing of employment-based Form I-485, Application to Register Permanent Residence or Adjust Status.

USCIS understands the concerns involving Form I-485 processing for employment-based applicants. The COVID-19 pandemic has limited travel worldwide and caused significant delays in consular processing services. In Fiscal Year (FY) 2020, many family-sponsored immigrants were unable to apply for immigrant visas or travel to the United States. When family-sponsored visas go unused in one fiscal year, they carry over as employment-based visas for the following fiscal year. This caused a historically high number of immigrant visas to be available in FY 2021 and, unlike the majority of family-sponsored immigrants who consular process, employment-based immigrants are more likely to already be working in the United States as nonimmigrants and seek adjustment of status with USCIS.

During FY 2020, USCIS, a primarily fee-funded agency, experienced a sharp drop in receipts due to the pandemic, which, in combination with other factors, caused severe financial strain. While USCIS avoided the potential furlough of nearly 70 percent of its staff, the agency remained in a hiring pause for several months and began recruiting to fill vacant positions in April 2021. The hiring, selection, onboarding, and training processes take several months in total, so the effects of new hiring are largely yet to be seen. During this time, USCIS also significantly scaled back the scope of its contract workforce, resulting in a reduction of processing capacity at several points in its workflow. In addition, because a historically high number of visas became available at the start of FY 2021, USCIS experienced a surge in filing of employment-based adjustment of status applications and related forms, which contributed to further processing delays.

In addition, USCIS experienced delays in scheduling of biometric appointments due to necessary closure of our Application Support Centers (ASCs) at the onset of the pandemic and reduced capacity upon reopening to ensure safety protocols. Since that time, USCIS has made tremendous strides in reducing the number of individuals awaiting biometrics submission

through biometrics reuse and expanding hours and capacity. Throughout this time, USCIS has prioritized biometrics appointment scheduling for employment-based I-485 applicants. However, the effects of the filing surge, the delays in scheduling of biometric appointments, staffing shortages and other COVID-related capacity restrictions, created a situation in which USCIS has not had the the ability to meet demand and use all available visas thus far.

In order to maximize employment-based visa usage, USCIS has engaged in a social media campaign to provide information to applicants about steps they should take to ensure their applications are ready for adjudication. USCIS also published guidance on August 12, 2021, temporarily extending the validity of Form I-693, Report of Medical Examination and Vaccination Record, to four years for the remainder of FY 2021, in order to reduce the need for Requests for Evidence (RFEs). USCIS has also taken steps to identify adjudication-ready applications where background checks are completed and the record contains a valid Form I-693. USCIS has worked to identify applications that are otherwise adjudication-ready but for a missing Form I-693 and issued RFEs and contacted applicants via email, text message, and in some cases telephonically to encourage applicants to submit this required document as quickly as possible.

USCIS hopes these efforts will continue to increase the number of visas that are used in FY 2021. Additionally, USCIS will continue to work to identify and process applications as quickly as possible going into FY 2022, which also is anticipated to have a historically high number of employment-based visas available in the event of unused family-sponsored visas from FY 2021. USCIS is also looking to improve efficiencies in the coming years through increased digitization and modernized solutions.

Please see the enclosure for specific responses to the two questions you raised.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director

Enclosure

**U.S. Citizenship and Immigration Services' Response to
Representative Beth Van Duyne's July 22, 2021 Letter**

1. How is USCIS currently operating and what is being done/has been done to ensure resume normal operations?

USCIS has worked to resume normal operations and reduce backlogs created by COVID-19 related disruptions to in person services and operating capacity. To the greatest extent possible, USCIS is reusing biometrics to alleviate backlogs at Application Support Centers, as well as offering extended hours at locations with particularly high demand. Field offices are utilizing remote interviews (both parties are in the office, but the interview is conducted in different spaces) to maximize capacity while protecting the health and safety of both staff and visitors. USCIS Service Centers did not close during the COVID-19 pandemic, although there were limited disruptions to operations in the form of transitioning to a full telework posture for officers and addressing social distancing and facilities adjustments to allow mail and file room operations to continue while protecting the health and safety of federal and contract employees working on-site. USCIS continues to work towards increased digitization and electronic processing and to seek creative solutions to increase capacity and efficiency in order to reduce backlogs and processing times.

2. What is being done to increase the speed of application turnaround time?

USCIS has worked to identify cases that are adjudication ready, including having an approved underlying immigrant visa petition, a currently available visa, completed biometrics and other security check results, and a valid Form I-693, Report of Medical Examination and Vaccination Record, and to prioritize these applications. Additionally, because many employment-based adjustment applications do not include the Form I-693 or have included one that is expired, USCIS has reviewed cases that would otherwise be ready for adjudication and has issued requests for evidence (RFEs) for this required documentation. USCIS also issued policy to extend the validity of Form I-693 from two years to four years for the remainder of FY2021 in order to reduce the need for RFEs due to expired I-693 and is engaging in a social media and outreach campaign to encourage concurrent filing of the Form I-693 and urging applicants to respond to RFEs as quickly as possible. USCIS also continues to work on digital solutions to provide greater operational flexibility and streamline adjudications.