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## USCIS Responds to Congressional Letter Asking for Info on Backlog Causes

**Legal Update**

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By Immigration Group

*This article was prepared with the assistance of ABIL, the Alliance of Business Immigration Lawyers, of which Loan Huynh, Fredrikson Immigration Department Chair, is a member.*

U.S. Citizenship and Immigration Services (USCIS) responded on April 5, 2019, to a letter sent from 86 members of the U.S. House of Representatives to USCIS Director Francis Cissna. The letter asked the agency to explain the reasons for backlogged cases and how certain policies such as “extreme vetting” affect processing times and contribute to the backlog.

Regarding some of the reasons for the current backlog, USCIS noted:

- USCIS did not anticipate that filings would remain steady in FY 2017 following the implementation of the new fees in December 2016 and the presidential election in November 2016. For example, after the presidential election, naturalization filings did not decrease. The increase in filings therefore outpaced the agency’s capacity to complete processing applications within the time goals.
- Additional interview requirements resulting from new programs/policies led to increased workloads, security checks and overall processing times.
- It appears that increased processing times may have been the result of USCIS changing its “focus for employee evaluations to the quality of their work product and away from numerical case production metrics.”
- USCIS experienced hiring constraints due to budget concerns. There was also a lag in productivity concerning newly recruited officers as they needed time to ramp up on training.

USCIS’ historical data confirms that the agency’s new in-person interview requirement has contributed to the backlog for I-485 employment-based green card cases.

The congressional letter also asked for any analyses conducted by USCIS on its reversal of longstanding guidance concerning deference toward prior determinations for employment visa petitions. USCIS responded that it lacked data to perform such

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analyses.

**Details:**

USCIS response (including representatives' queries) (click Open)