April 11, 2022

Director Ur M. Jaddou
United States Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, DC 20001

Dear Director Jaddou:

We write to inquire about the steps that United States Citizenship and Immigration Services (USCIS) is taking to address delays in green card, visa, and work permit application processing so the United States can continue to recruit top talent during a time of workforce shortages.

Across the country, businesses are having a hard time finding enough workers to get the job done. Current estimates indicate that the United States has around 11.3 million job openings,[1] and demand for labor far exceeds the supply of available U.S. workers at this time.[2] With so many job openings, American businesses are looking to hire skilled workers through our employment-based immigrant and non-immigrant visa programs.

In recent years, however, the path to legally immigrating to the United States has become a rocky one filled with waitlists and backlogs that too often keep the world's talent waiting in limbo or away entirely. Currently, about nine million prospective immigrants are awaiting green cards, and, for applicants from some countries, the wait will be years-long.[3] In fiscal year 2021, processing delays were partly responsible for the evaporation of roughly 80,000 employment-based green cards.[4] These delays and backlogs cause tremendous harm not only to prospective immigrants and their families who are left living in uncertainty, but also to companies that are waiting to hire them and the communities that are waiting to benefit from their talents.

At a recent hearing in the Senate Judiciary Committee, former USCIS Chief Counsel Lynden Melmed testified that some delays in visa processing were attributable to the lack of options for

---

[1] News Release, U.S. Bureau of Labor Statistics, Job Openings and Labor Turnover Summary (Mar. 29, 2022), https://www.bls.gov/news.release/jolts.nr0.htm.

[2] *See* Howard Schneider, *Record U.S. Quits, Hiring Slowdown May Show Omicron's Impact on Labor Supply*, Reuters (Jan. 4, 2022), https://www.reuters.com/markets/us/record-quits-hiring-slowdown-may-show-omicrons-impact-us-labor-supply-2022-01-04/.

[3] David J. Bier, *Family and Employment Green Card Backlog Exceeds 9 Million*, Cato Institute (Sept. 29, 2021), https://www.cato.org/blog/family-employment-green-card-backlog-exceeds-9-million.

[4] *80,000 Green Cards Are About to Disappear From the U.S.*, Washington Post (Oct. 14, 2021), https://www.washingtonpost.com/business/80000-green-cards-are-about-to-disappear-from-the-us/2021/10/14/74c096fc-2cef-11ec-b17d-985c186de338_story.html.

electronic filing.[5] Given the workforce shortages faced by communities across the country, we are interested in making sure that USCIS has the resources it needs to cut down on these backlogs and to issue the immigrant visas that Congress has made available.

Accordingly, we ask that you answer the following questions by April 25, 2022:

1. Do you agree that processing paper applications causes delays in the agency's processing of applications that contribute to backlogs and long waits?
2. What options currently exist for applicants to file immigration forms electronically? What plans does the agency have to expand electronic filing?
3. Some programs currently allow applicants to file applications entirely or partially online, while others require an entirely paper application. How has USCIS determined which processes to make electronic, and which to keep as paper applications?
4. In May of 2019, USCIS announced a new strategy called eProcessing to transition to a digital immigration processing system.[6] What steps has the agency taken to implement eProcessing, and what effect, if any, has there been on backlogs as a result of that program?
5. What support can Congress provide to facilitate processing generally and the move toward electronic application processing specifically?

Sincerely,

Amy Klobuchar
U.S. Senator
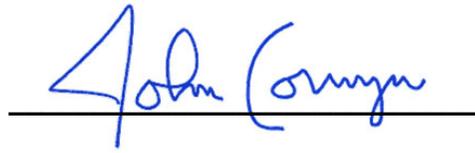
John Cornyn
U.S. Senator

Christopher A. Coons
U.S. Senator

Thom Tillis
U.S. Senator

---

[5] *Removing Barriers to Legal Migration to Strengthen our Communities and Economy Before the Subcomm. on Immigration, Citizenship and Border Safety*, 117th Cong. (2022) (written statement of Lynden D. Melmed, Former Chief Counsel, USCIS; Partner, Berry Appleman & Leiden LLP), https://www.judiciary.senate.gov/imo/media/doc/Melmed%20Testimony.pdf.
[6] Press release, USCIS, USCIS Accelerates Transition to Digital Immigration Processing (May 22, 2019), https://www.uscis.gov/newsroom/news-releases/uscis-accelerates-transition-to-digital-immigration-processing.

U.S. Citizenship
and Immigration
Services

May 10, 2022

The Honorable Amy Klobuchar
United States Senate
Washington, DC 20510

Dear Senator Klobuchar:

Thank you for your April 11, 2022 letter regarding how U.S. Citizenship and Immigration Services (USCIS) is addressing processing delays for green cards, visas, and work permits. Please see the enclosure with responses to your questions.

The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

Ur M. Jaddou
Director

Enclosure

1. Do you agree that processing paper applications causes delays in the agency's processing of applications that contribute to backlogs and long waits?

USCIS believes that electronic processing improves the customer experience for those seeking our services and provides greater transparency and communication options for our customers. While processing benefits and requests in an electronic environment may not initially reduce the time it takes to complete individual adjudications, as officers learn how to efficiently process work in the new system, USCIS realizes significant benefits after the initial learning curve is complete. Working in an electronic environment reduces the costs associated with shipping, handling, moving, and storing paper files. It allows the agency to be more agile in balancing workloads and resources. These cost savings provide resources that can be reallocated to human resources. Additionally, as our electronic systems become increasingly sophisticated, we are able to leverage technology to automate processes that previously required human review, which improves our overall efficiency.

2. What options currently exist for applicants to file immigration forms electronically? What plans does the agency have to expand electronic filing?

USCIS currently accepts electronic submission for the 13 forms listed below with the goal of complete electronic capability by Fiscal Year 2026. This represents 48 percent of the overall numbers of applications, petitions, and requests that USCIS receives annually. Details on the following forms, which are currently available online, can be found on our Forms Available to File Online web page at https://www.uscis.gov/file-online/forms-available-to-file-online:

1. I-90, Application to Replace Permanent Resident Card;
2. N-400, Application for Naturalization;
3. N-336, Request for a Hearing on a Decision in Naturalization Proceedings;
4. N-565, Application for Replacement of Naturalization/Citizenship Document;
5. N-600, Application for Certificate of Citizenship;
6. N-600K, Application for Citizenship and Issuance of Certificate;
7. I-539, Application to Extend/Change Nonimmigrant Status (filed by certain non-immigrant academic and vocational students);
8. I-130, Petition for Alien Relative;
9. I-765, Application for Employment Authorization (limited categories);
10. I-821, Application for Temporary Protected Status;
*11. I-589, Application for Asylum and for Withholding of Removal;
12. I-821D, Consideration of Deferred Action for Childhood Arrivals; and
13. G-28, Notice of Entry of Appearance as Attorney or Accredited Representative.

*Form I-589, Application for Asylum and for Withholding of Removal is available online, but not advertised, because it is in a soft launch phase.

USCIS developed a 5-year strategy to make electronic processing available for all applications and petitions for immigration benefits. USCIS delivered the Strategy to Congress in September 2021 and has made it available to the public: https://www.uscis.gov/sites/default/files/document/reports/SIGNED-Section-4103-FY2021-Report-9-7-21.pdf.

3. Some programs currently allow applicants to file applications entirely or partially online, while others require an entirely paper application. How has USCIS determined which processes to make electronic, and which to keep as paper applications?

Per Section 4103 of the Emergency Stopgap USCIS Stabilization Act, USCIS developed a 5-year strategy to make electronic processing available for all applications and petitions for immigration benefits. After a thorough review of volumes of all benefit request types, USCIS determined that some forms are filed at such low yearly volumes that the benefits of their electronic conversion would not justify the 5-year costs. USCIS generally receives only a few dozen of these form types per year; therefore, it is more effective to concentrate on high volume forms to assure we reach the greatest number of filers.

4. In May of 2019, USCIS announced a new strategy called eProcessing to transition to a digital immigration processing system. What steps has the agency taken to implement eProcessing, and what effect, if any, has there been on backlogs as a result of that program?

Electronic processing impacts efficiency in two main ways: (1) reducing the personnel and time needed to move physical files, and (2) increasing USCIS' ability to shift workloads to areas with capacity as adjudicators can access digital files from any USCIS location or authorized computer. The latter ability was particularly helpful during the first several months of the COVID-19 pandemic when USCIS offices were closed and officers were working from home.

As required by Section 4103 of the Emergency Stopgap USCIS Stabilization Act, Title 1, Div. D of Public Law 116-159, USCIS developed a 5-year strategy to make electronic processing available for applications and petitions for immigration benefits which builds upon the 2019 eProcessing strategy Per Section 4103 (a) (4) of the Act, USCIS electronic processing strategy is required to "improve processing times for all immigration and naturalization benefit requests." USCIS is also required to report to Congress quarterly on the status of this effort.

5. What support can Congress provide to facilitate processing generally and the move toward electronic application processing specifically?

USCIS appreciates any opportunity to increase awareness of the benefits and availability of online filing. We also appreciate feedback on how users are experiencing myUSCIS and our other online offerings. Each year, USCIS receives more than 7.4 million requests for immigration benefits. Online filing enables complete electronic operations within USCIS to minimize reliance on paper records and supports timely adjudication from the most reliable information possible. The expansion of online filing is a priority for USCIS as we make our operations more efficient and effective for the agency and our stakeholders. USCIS welcomes the continued collaboration with members of Congress and their staff to help us the spread the word and encouraging online filing. Currently, USCIS customers choose to file online only approximately 44 percent of the time. However, USCIS converts paper filings to electronic processing for over 70 percent of its workload and continues to expand electronic case processing.

USCIS is grateful for Congress' support and financial assistance as we work to address backlogs that were already increasing prior to the COVID-19 pandemic and were greatly exacerbated by

the pandemic's impacts on our operations and financial health. Through a combination of fiscal austerity and the support of appropriated funds, USCIS' fiscal health has improved and continues to improve. Congress' support provides resources that USCIS applies to backlog reduction through investments in its digital processing infrastructure, hiring, and overtime. Your support is appreciated, and continuity in appropriated funding will be critical and necessary for USCIS to continue its focus and prioritization on its humanitarian mission, especially as our workload continues to increase.