

## USCIS Announces Possible Furloughs of 13,400 Immigration Employees

On Monday, June 29, 2020, approximately 13,400 employees of the U.S. Citizenship and Immigration Services (USCIS) received notice of a possible upcoming job furlough. These employees were informed they would be furloughed beginning August 3, 2020, unless Congress was able to fund USCIS with the necessary resources needed to operate through the end of the fiscal year. These employees will be placed in non-duty and non-pay status for at least 30 days, with the possibility of extending up to 90 days.

USCIS currently employs approximately 20,000 workers. USCIS and other federal agencies are required by law to give their employees 30 days' advance notice before the expected date of a furlough. USCIS employees were told last week that around 73 percent of the agency's entire staff would be put out of work temporarily. USCIS confirmed these furloughs to various sources. Unlike other federal agencies, a significant amount of the USCIS's \$14.8 billion operating budget is produced by immigration fees. The reasoning given to employees for the furloughs was that there are declining revenues as a result of the COVID-19 pandemic and resulting economic crisis. As confirmed by a USCIS spokesperson, "USCIS has seen a 50 percent drop in receipts and incoming fees starting in March and estimates that application and petition receipts will stay well below what was projected through the end of Fiscal Year 2020" (September 30, 2020). "This dramatic drop in revenue has made it impossible for our agency to operate at full capacity. Without additional funding from Congress before August 3, USCIS has no choice but to administratively furlough a substantial portion of our workforce."

On May 15, 2020, USCIS requested a \$1.2 billion cash infusion from Congress "to ensure we can carry out our mission of administering our nation's lawful immigration system, safeguarding its integrity, and protecting the American people," the spokesperson said. USCIS would pay the money back to the Treasury via a 10 percent surcharge added to applications. At this time, there have been no final decisions made surrounding this request.

Although USCIS claims that its budget shortfall is caused by the coronavirus pandemic, in reality, the agency's shortfall is largely due to the agency's own fiscal mismanagement and counterproductive policies.

Since 2017, USCIS has implemented myriad policies and procedures that have decreased USCIS efficiency, driven up the cost of adjudications, slowed case processing, and discouraged applicants and petitioners from submitting their applications and petitions to USCIS, including, among many others:

- Mandating in-person interviews for all employment-based adjustment of status and refugee/asylee relative petitions;
- Eliminating a decades-old policy to give deference to prior adjudications that are materially the same;
- Unprecedented issuance of request for evidence (RFEs), often for information that has already been provided or is not relevant to the case; and
- Issuing complex regulations, such as the public charge rule.

It is clear that USCIS, an agency that only a few years ago had significant budget surpluses, has run itself into the ground through its own policies and inefficient processes. Unfortunately, now lawful immigrants, permanent residents, and U.S. employers will bear the brunt of the agency's own inefficiencies.



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