

Issue Brief



The Case Backlog and Transparency Act of 2020 (H.R. 5971)

Request: We urge members of Congress to cosponsor the *Case Backlog and Transparency Act of 2020* to address U.S. Citizenship and Immigration Services (USCIS)'s severe application processing delays.

Issue: USCIS' processing delays have reached acute levels. According to the American Immigration Lawyers Association, from FY 2014 to FY 2018, the average case processing time increased by 91%, while the agency's net backlog of delayed cases grew from about 544,000 to over 2.4 million. Meanwhile, processing times have surged 25% between FY 2017 and FY 2019, despite a 10% decrease in overall applications.

USCIS processing delays negatively impact international education. For example, F-1 international students who wish to pursue Optional Practical Training, an essential component of their educational experience in the United States, must apply for and receive work authorization from USCIS before they can start. However, international students may only submit their application 90 days before their program end date. USCIS processing times for employment authorization applications increased from a previous maximum of 90 days in 2016 to 5½ months in 2019. As a result, last year international students had to delay the start of their training program or forgo the opportunity altogether. This harms not only the students and the employers seeking to hire qualified, U.S.-trained workers, but also U.S. competitiveness for international students who seek higher education that includes practical training. USCIS delays also negatively impact researchers and scholars on U.S. campuses awaiting work authorization or green cards.

Solution: The Case Backlog and Transparency Act of 2020 would:

- Require USCIS to publish on its website, and submit to designated U.S. congressional committees, quarterly reports on the case backlog.
- Strengthen USCIS's annual report to require analysis of factors to include the agency's own policies contributing to the backlog, a plan for backlog elimination, key data on case processing efficiency, updates on mechanisms to ensure accurate and consistent adjudications, and the posting of the report on its website.
- Establish a biennial Government Accountability Office report published on its website that reviews factors contributing to the case backlog, an assessment of the impact of USCIS' own policies on processing times, efforts to eliminate the backlog and ensure accurate and consistent adjudications, and recommendations for more expeditiously application processing.

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