

# REFUGEE COUNCIL USA

June 10, 2020

Dear Members of Congress,

On behalf of the twenty-nine-member organizations of Refugee Council USA (RCUSA), we write to provide recommendations on any emergency appropriations that may be provided to US Citizenship and Immigration Services (USCIS). Our coalition and its members are dedicated to refugee protection, assistance and welcome, and represent the interests of hundreds of thousands of refugees, their families, and the many volunteers and community members across the country who support refugee resettlement.

Reports indicate that USCIS, an agency that is primarily funded by application fees, is projecting a shortfall in fiscal year 2020 of \$1.2 billion and has taken steps to begin furloughing [thousands](#) of employees. Although USCIS is blaming the budget crunch on the COVID-19 pandemic, it is notable that USCIS projected an annual deficit of \$1.2 billion as early as [November 2019](#). This is particularly striking as just three years ago, USCIS had a surplus \$800 million carryover balance.

Despite this fiscal mismanagement, USCIS continues to play an integral role in administering humanitarian programs that protect vulnerable people from violence, persecution, and torture. It is essential that USCIS maintain these programs, yet the White House has not formally requested emergency appropriations of Congress. This is not surprising given the administration's disfavour of humanitarian immigration programs. **Therefore, we ask that Congress expeditiously consider the request for technical assistance submitted by USCIS, so that the financial mismanagement of USCIS is not used as a predicate to gut the refugee program.**

Using tax-payer funds to bail out a fee-funded agency is extraordinary and must only be done in tandem with conditions that: **(i)** ensure transparency in how appropriations are spent; **(ii)** increase revenues without overburdening poorer refugees and immigrants; **(iii)** eliminate wasteful and inefficient practices that have led to record delays, **(iv)** investigate the policies that led USCIS to the precipice of insolvency, such as the use of hundreds of millions of dollars for harmful immigration enforcement, and **(v)** safeguard the continuous and robust operation of the refugee program.

To this end, there are specific further steps Congress must take to ensure that emergency appropriations for USCIS allow for the equitable and efficient processing of refugees, Special Immigrant Visa (SIV) holders, and their families:

1. **Refugee Admissions:** Tens of thousands of refugees whose cases have already been adjudicated by USCIS and are ready for travel in FY20 may not be able to travel due to the current pandemic. Furthermore, for the first time, the administration has restricted the ability of agencies to re-allocate

Refugee Council USA  
Amnesty International  
Bethany Christian Services  
Boat People SOS  
Center for Applied Linguistics  
Center for Migration Studies  
Center for Victims of Torture  
Church World Service  
Ethiopian Community  
Development Council  
Episcopal Migration Ministries  
Exodus Institute  
HIAS  
Human Rights First  
International Catholic  
Migration Commission  
International Refugee  
Assistance Project  
International Rescue  
Committee  
Islamic Relief USA  
Jesuit Refugee Service USA  
Jubilee Campaign  
Lutheran Immigration and  
Refugee Service  
Oxfam America  
Refuge Point  
Refugee Congress  
Refugees International  
SEARAC  
USAHello  
United Stateless  
United State Conference of  
Catholic Bishops  
US Committee for Refugees  
and Immigrants  
World Relief

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refugees between the various categories. In order to maximize the best use of USCIS resources, refugees marked ready for departure in FY20 should be counted towards the FY20 goal and should be admitted regardless of category. The FY21 refugee goal should be set in line with historic commitments and global needs and should not fall victim to USCIS financial mismanagement or the COVID-19 pandemic.

2. **Establish Mandatory Timelines for Refugee & SIV Applications:** USCIS processing delays have dramatically increased under this administration. Until the instant funding shortfall, USCIS lacked a clear incentive to improve the efficiency of refugee processing and meaningfully reduce the backlog. These delays have proved deadly for refugees. Now Congress must hold USCIS accountable for establishing a plan to adjudicate refugee and SIV applications timely (i.e. within 180 days) and mandate adherence to that plan through clear benchmarks and regular reporting.
3. **Extend Validity Periods for Security Checks:** Refugees and SIVs already face significant delays due to resource-intensive security checks. These delays have been exacerbated by the present pandemic and financial mismanagement. In order to prevent needless waste, USCIS and its vetting partners should extend security check validity periods until the resumption of arrivals.
4. **Stop Wasteful New Policies:** The administration has plundered USCIS resources in order to propose, implement, and defend legally questionable refugee policies that deviate from the agency's statutorily authorized mission. Many of these programs, such as the Migrant Protection Protocols and the Asylum Cooperative Agreements require massive financial outlays and human resources at the expense of the humanitarian programs authorized by Congress. Congress must ensure that any appropriations do not go to these new programs and instead focus on the continuous and robust operation of the refugee and affirmative asylum programs.
5. **Transparency in the Development and Implementation of New Policies:** The administration has not been transparent in how these new resource-intensive policies are developed and implemented. How USCIS trains and guides its refugee and asylum officers to implement these initiatives is of utmost importance to ensure the correct application of refugee and asylum law. Congress should require that USCIS make public all materials concerning the development and implementation of the administration's immigration policies, including all training materials and guidance to staff regarding the treatment of people seeking humanitarian relief.
6. **Reduce USCIS Expenditures Related to Refugee Adjustment of Status Applications:** Refugees must adjust their status one-year after arrival in the United States. Due to the vetting a refugee receives, these adjustment of status applications can be adjudicated quickly and efficiently. Unfortunately, they are not. USCIS should cut costs by waiving in-person interviews for refugees applying for adjustment of status and re-use recently collected [biometric](#) information.
7. **Eliminate Unnecessary Refugee EAD Applications:** Refugees' work authorization never expires. However, employment-authorization documents (EADs) are issued for only one year. USCIS should reduce this bureaucracy and extend EADs for at least a 2-year period and make clear to the Department of Labor (DOL) that refugees have work authorization for purposes of qualifying for unemployment benefits.
8. **Personal Protective Equipment (PPE), Supplies, and Notices:** Providing services during the current pandemic will likely lead to increased costs. Appropriations should be provided so that USCIS can adhere to CDC COVID-19 guidelines without reducing services or access to the public. Appropriations should be used to protect staff and visitors, including PPE and cleaning supplies, informative flyers in multiple languages, and infrastructure to enhance customer service.

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9. **Restore Cuban Haitian Entrant Program (CHEP):** Managing potential migration flows in the Caribbean is essential to maintaining cost-efficient USCIS operations. CHEP was statutorily authorized to provide reception and resettlement services to newly arriving Cubans and Haitians paroled into the US. The administration terminated this program and halted enrolling Cubans and Haitians into the program last year. USCIS should restore the program to be prepared for potential migration events in the Caribbean and Florida that could impact its financial outlook.
10. **Mitigate Family Visas Inefficiencies:** Family members of new Americans face increased delays due to lengthening visa backlogs. These have been exacerbated by the administration's executive actions and the current pandemic. In order to reduce further inefficiencies and hardship, USCIS should ensure that any unused family based immigration visas from 2020 can be used in 2021 or 2022.

We strongly urge you to move forward with emergency appropriations for USCIS, but to put in place these recommendations. If you have any questions or for more information or bill language, please contact me via email at [dgrigsby@rcusa.org](mailto:dgrigsby@rcusa.org).

Sincerely,

Danielle Grigsby  
Interim Executive Director  
Refugee Council USA (RCUSA)

*RCUSA is a diverse coalition advocating for just and humane laws and policies, and the promotion of dialogue and communication among government, civil society, and those who need protection and welcome. Individual RCUSA members do not all address all refugee-related issues, nor do all individual members approach common refugee-related issues identically.*