Annual Funding from Congress Needed to Tackle USCIS Backlogs

In April 2022, the National Immigration Forum posted [Remaking USCIS: Supplementing a Fee-Funded Agency](). That article established that several developments, including the growing humanitarian caseload at U.S. Citizenship and Immigration Services (USCIS), and technological advances, highlighted the limitations and inadequacies of a fee-funded model for USCIS. Instead, the article argued that USCIS needed annual appropriations to minimize backlogs, update antiquated processes, handle its growing humanitarian caseload, and provide quality and efficient services. This article provides updates on recent developments over the past two years.

2024 USCIS Backlog and Funding Update

While USCIS has made some progress in reducing its overall backlog ("net backlog") in FY 2023, its current caseload ("[recent pending]()" cases) continues to grow. Neither the backlog nor the number of pending cases has returned to anywhere near their pre-COVID levels.

[According to USCIS,]() its recent pending caseload through the end of FY 2023 was over nine million and its net backlog was over four million. This is an increase from FY 2019 when there were approximately six million pending cases and a net backlog of around 2.5 million.

As of September 30, 2023, here is a sampling of some of USCIS's ongoing backlogs:

- 763,400 asylum and withholding of removal cases
- 214,000 U-visa petitions
- 391,000 family petitions
- 342,600 adjustment applications
- 387,700 employment authorizations

Consequently, USCIS still has much work to do to reign in its backlog and pending cases.

USCIS's large humanitarian caseload, referenced several times in the 2022 report above, has only grown further. Over the past ten years, many of the humanitarian categories have doubled in size (or grown even more), with the number of asylum applications increasing 10-fold.

- Global displacement:
  - 2013: 51.2 million
  - 2022: 108.4 million
- Global Refugees:
  - 2013: 16.7 million
  - 2022: 35.3 million
- U.S. Temporary Protective Status (TPS)
  - 2014: 340,310
  - 2024 nearly 700,000
- U.S. Asylum Applications Filed (both affirmative and defensive)

- FY2014: 88,470
- FY2023: 928,536

The provision of supplemental appropriations funding to USCIS, as recommended in the original paper, has only been sporadic and inadequate. Over the past four years, efforts at providing appropriations to USCIS have been irregular. Below is a summary of the funding allocated to the agency (and in the case of FY 2025, proposed by the Biden administration or others):

- **FY 2022**: USCIS was allocated a total of approximately 602.5 million: $389.5 million included $275 million for backlog reduction, refugee admissions, and infrastructure improvements. The remaining $114.5 million was for E-verify. Separately, USCIS received $20 million for the Citizenship and Integration Grant program. An additional amount was allocated of $193 million for Operations Allies Welcome (OAW) to assist Afghan allies with resettlement support services.
- **FY 2023**: USCIS was allocated in total $277 million: in part made up of $114 million for E-Verify, $133 million for backlog reduction, and $25 million for the Citizenship and Integration Grant program
- **FY 2024**: USCIS was allocated a total of $271 million: $111 million for E-verify. Another 160 million for application processing: $91.3 million for refugee resettlement including 10 million for the Citizenship and Integration Grant program , $34.4 million for reducing the affirmative asylum backlog, and $34.4 million for reducing the employment authorization backlog.
- **FY 2025**: The FY 2025 appropriations process has just begun, but two noteworthy requests for USCIS funding are worth highlighting. President Biden's FY 2025 budget request includes $145 million for international and U.S. processing of refugees including electronic and remote processing. In addition, in the House, a "Dear Colleague" letter that requests discretionary USCIS appropriations of $500 million for backlog reduction and $100 million to convert to electronic filing and processing is being circulated. As is a similar organizational sign on letter for the exact same amounts.

While the supplemental funding for USCIS has helped fill gaps and ease backlogs, the absence of regular appropriations has continued to be a problem. Congress has yet to create sustainable, ongoing funding for USCIS. Such funding is necessary to address the backlogs and funding deficits in a lasting way. The vulnerability of USCIS has only increased since the original release of this paper in 2022. We are already seeing multiple consequences from these backlogs and revenue shortfalls.

- USCIS's current backlogs make the agency vulnerable to both intended and unintended disruptions, negatively impacting many of its functions.
- Fees required for many immigration benefits are not accompanied by timely and efficient service provision, often frustrating consumers, and lengthening processing times.
- Even with the new USCIS fee schedule (which took effect on April 1, 2024), USCIS has estimated that the additional revenue will be insufficient to cover all USCIS's expenses but will help toward meeting operational costs.
- USCIS backlogs have slowed many legal migration pathways.

- USCIS backlogs and waiting times contribute to the increase in encounters at the southern border. A number of individuals with viable legal pathways may opt to present themselves at the border and take their chances with an asylum claim rather than waiting in backlogged lines.
- USCIS backlogs are disruptive to businesses who are forced to wait for employees and potential employees to secure work authorization, obtain a visa, or acquire other needed immigration benefits or processing.
- USCIS backlogs can undermine the rule of law, encouraging migrants to seek unauthorized work when delays prevent them from earning a living to legally sustain themselves.
- USCIS backlogs place economic costs on not-for profit service providers and state and local governments, who often must step in to provide support or benefits to migrants awaiting immigration processing or adjudications.

In order to address vulnerabilities, prevent detrimental consequences, and assure efficient and timely services Congress should provide USCIS with adequate funding to process its caseload (including humanitarian cases), address backlogs, and modernize the agency's outdated processes. Congress should also enact conditional and triggered funding for spikes in applications or growing backlogs to immediately address these capacity shortfalls. Congress must act now; the past two years have only further validated USCIS's need for annual appropriations.

The new article is titled ***Annual Funding from Congress Needed to Tackle USCIS Backlogs***