

ANDY BARR  
SIXTH DISTRICT, KENTUCKY  
COMMITTEE ON FINANCIAL SERVICES  
SUBCOMMITTEE ON  
NATIONAL SECURITY, INTERNATIONAL  
DEVELOPMENT AND MONETARY POLICY;  
RANKING MEMBER

SUBCOMMITTEE ON CONSUMER PROTECTION  
AND FINANCIAL INSTITUTIONS

COMMITTEE ON FOREIGN AFFAIRS

SUBCOMMITTEE ON ASIA, THE PACIFIC,  
CENTRAL ASIA, AND NON PROLIFERATION



2430 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-4706

2709 OLD ROSEBUD ROAD, SUITE 100  
LEXINGTON, KY 40509  
(859) 219-1366

Congress of the United States  
House of Representatives  
Washington, DC 20515

January 4, 2023

Director Ur Jaddou

United States Citizenship and Immigration Services

20 Massachusetts Avenue, NW

Washington, DC 20529

Dear Director Jaddou,

I write with great concern regarding the backlog of pending asylum cases at United States Citizenship and Immigration Services (USCIS). Based on USCIS data my office has received, it is my understanding that over 500,000 applications for asylum have yet to be processed. My frustration is underscored by the outreach I receive from constituents who request assistance with their asylum cases and the frequent concern they share that their case will not be reviewed in a timely manner.

For example, my office has 16 constituents with pending asylum cases one of which has been waiting for an interview since June 2017. Furthermore in 2018, USCIS informed this constituent that he would not be scheduled in the immediate future due to workload priorities related to border enforcement. Another constituent was interviewed about 5 years ago, but he has yet to receive a decision.

Director Jaddou, I am asking that this backlog be addressed as soon as possible. Delays create uncertainty for these applicants, individuals who are legally coming to the United States to achieve their American Dream after escaping danger in their home country and who deserve far better. Not to mention, I am confident that the shortcomings of the current application process are costing the American taxpayer a considerable amount of money. That said, I ask that you please respond to my letter with answers to the following questions so that my constituents and I might be better informed of the scope of this backlog and the necessary steps that need to be taken to amend the current situation and ensure that it does not arise again.

1. How many applicants are awaiting an asylum interview?
2. How many applicants have had their interview and are still awaiting a decision?
3. What is the longest pending asylum case?
4. How is the border crisis impacting the wait times for asylum cases?
5. What is USCIS doing to fix this issue?

6. What does USCIS need from Congress to reduce the backlog?
7. Does country of origin have any impact on the scheduling of interviews?
8. For those who do not receive an interview within the first 21 days of being in the country, what is the protocol for scheduling asylum interviews after 3 weeks have elapsed without one?

This backlog is causing significant and unnecessary burdens for individuals and families who have not seen progress on their asylum status. The agency must take urgent action to alleviate it. If you have any questions or need further information, please contact McKinzie Todd on my staff at [McKinzie.Todd@mail.house.gov](mailto:McKinzie.Todd@mail.house.gov) or (859) 219-1366. I request that you answer these questions by January 20, 2023.

Sincerely,



Andy Barr  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

February 17, 2023

The Honorable Andy Barr  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Barr:

Thank you for your January 4, 2023 letter regarding the backlog of pending asylum cases. I share your interest in addressing the affirmative asylum backlog and its impact on vulnerable asylum applicants, including those who reside in your district in Kentucky. One of my priorities as U.S. Citizenship and Immigration Services (USCIS) Director is to use all available policy and operational improvements to reduce both the number of pending asylum applications and overall processing times. While these efforts will go a long way to address the backlog, they are not enough. USCIS requires an infusion of resources that are currently unavailable to the agency.

As you have noted in your letter, USCIS continues to have a large backlog of pending applications filed by individuals affirmatively seeking asylum. As of December 31, 2022, USCIS has 667,040 asylum applications pending adjudication. Of these, about seven percent or 48,500 cases are under the jurisdiction of the Chicago Asylum Office, which handles scheduled interviews for asylum applicants residing in Kentucky. Of all pending affirmative asylum applications nationwide, approximately 640,000 are waiting to be scheduled for an interview, 2,600 have been scheduled for an interview and 11,400 have been interviewed and are waiting for a decision. USCIS has approximately 1,100 applications pending adjudication that were filed before Fiscal Year (FY) 2012. A substantial portion of these 1,100 asylum applications relate to a concurrent or subsequent filing of Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (pursuant to Sec. 203 of P.L. 105-100 (NACARA)) and the related asylum applications are generally considered either at the same time or soon after the adjudication of the I-881. Approximately 73 percent of all pending asylum applications were filed in or after FY 2018, while the remaining 27 percent were filed before FY 2018.

USCIS prioritizes scheduling newly filed asylum applications for interview under the “Last In, First Out” (LIFO) policy, which has proven to be effective in slowing the growth of affirmative asylum receipts and the pending caseload.<sup>1</sup> Under this system, the Asylum Division schedules recently filed cases for interview ahead of older cases. Scheduling of interviews is not based on an applicant’s date of entry into the United States but rather the date the applicant files their complete asylum application. Additionally, within LIFO priorities, asylum applications

---

<sup>1</sup> See <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>.

filed by certain Afghan parolees under Operation Allies Welcome (OAW) as described in section 2502(a) of Public Law 117-43, The Extending Government Funding and Delivering Emergency Assistance Act (Sept. 30, 2021), are prioritized for interview within 45 days of filing and, if there are no exceptional circumstances, for completion of the final adjudication within 150 days of filing, as required by section 2502(c) of the Act. Otherwise, country of origin does not have an impact on the scheduling of interviews. The Chicago Asylum Office has received approximately 2,700 applications filed by OAW parolees since the passage of the Act, which is the second highest number of OAW receipts of all asylum offices. Non-OAW asylum filings that are not scheduled for interview within 21 days of filing are placed into the backlog and are scheduled as asylum office resources permit. During FY 2022, USCIS received more than 221,000 asylum applications, a significant increase in new applications over past years, and the backlog has grown as a result. USCIS is now experiencing a substantial surge in applications filed by nationals of Cuba and Venezuela, who comprised approximately 46 percent of receipts in FY 2022 and 60 percent of receipts in FY 2023 through December 31, 2022.

As a matter of policy, USCIS may consider, on a case-by-case basis, an urgent request by an asylum applicant to request expedited processing of their case.<sup>2</sup> USCIS considers requests to expedite for emergency or urgent humanitarian reasons, including but not limited to, applicants whose eligible dependents (spouses, or unmarried children under the age of 21) are at risk of harm in the country of claimed persecution, or urgent medical needs. Applicants should submit any urgent interview scheduling requests in writing to the asylum office with jurisdiction over their case.

In addition to interviewing newly filed cases under LIFO priorities, asylum offices continue to devote resources to processing older asylum applications. During FY 2022, the Asylum Division completed a total of approximately 14,495 of the oldest asylum applications filed on or before January 31, 2018, beginning with the oldest applications and working forward. This translated to completing an average of 1,200 of the longest pending asylum applications each month.

Furthermore, in addition to adjudicating affirmatively filed asylum applications by non-detained individuals, USCIS is also responsible for protection screenings of asylum seekers at the border. USCIS asylum officers conduct credible fear screenings of individuals apprehended at the southwest border and placed in expedited removal proceedings who claim fear of return to their home countries. Such individuals are entitled by statute to a credible fear interview with a USCIS asylum officer to determine if they have a credible fear of persecution or torture.<sup>3</sup> In addition, USCIS asylum officers conduct reasonable fear screenings for noncitizens who are subject to a reinstated order of removal or final administrative removal order and claim a fear of return to their designated country of removal. When credible fear and reasonable fear screenings increase due to an influx of individuals seeking asylum at the border, USCIS assigns more

---

<sup>2</sup> See <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>.

<sup>3</sup> Under the Asylum Processing Interim Final Rule, as of May 31, 2022, USCIS may now retain the asylum and withholding of removal application of individuals found to have a credible fear, rather than placing the individuals into removal proceedings with an immigration judge.<sup>3</sup> A specialized corps of asylum officers was established and hired in order to conduct Asylum Merits Interviews under the rule. See DHS and DOJ, Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers, 87 Fed. Reg. 18078 (March 29, 2022).

asylum officers to these urgent credible fear and reasonable fear caseloads, which decreases the number of asylum officers available to assign to affirmative asylum interviews and adjudications. This shift in resources extends the amount of time applicants must wait for their asylum interview and increases the affirmative asylum backlog. USCIS must prioritize the credible fear workstream as a top priority because noncitizens awaiting credible fear screenings are subject to mandatory detention by statute,<sup>4</sup> and USCIS also must prioritize reasonable fear screenings because Department of Homeland Security regulations require USCIS to complete reasonable fear screenings within 10 days of the individual's referral to an asylum officer for screening.<sup>5</sup> In FY 2023 through December 31, 2022, USCIS completed more than 21,200 credible fear screenings and more than 2,000 reasonable fear screenings.

USCIS has undertaken a number of recent efforts to increase capacity to address the current asylum workload, including hiring additional asylum officers. As of December 30, 2022, the Asylum Division is authorized for 2,082 total positions, including 1,024 asylum officers, with currently an 81 percent asylum officer onboard rate and overall Asylum Division onboard rate of 80 percent. In FY 2022, more than 330 new asylum officers completed mandatory asylum officer basic training requirements and the training of new asylum officers continues throughout FY 2023.

With that said, it is clear that the underlying issue in ensuring the appropriate number asylum officers are assigned to the affirmative asylum backlog is lack of sufficient funding. As you may know, unlike other federal agencies charged with implementing the Immigration and Nationality Act, USCIS is primarily funded—96 percent of the agency budget—by fees paid for by petitioners and applicants seeking adjudication of USCIS benefits. These include U.S. business seeking high- and low-skilled foreign national employees in industries experiencing worker shortages, such as in the agricultural, seasonal, and technology industries, as well as U.S. citizens seeking to reunite with foreign national spouses and children, those seeking to naturalize, and many others. At the same time, USCIS, unlike other agencies, is required to uphold many humanitarian ideals under the Immigration Act but most often without Congressional appropriations, including asylum processing, credible fear determinations at the border, and refugee processing.

USCIS deeply appreciated the unprecedented Congressional support of \$275 million in appropriated funding which was included in the FY 2022 Continuing Resolution. With this funding, USCIS was able to support 154 additional positions to exclusively address the affirmative asylum backlog. With these positions, of which more than 50 asylum officers were onboard at the end of the fiscal year, asylum offices began to devote a consistent level of staffing to the completion of the longest pending affirmative asylum applications, according to the number of positions received by each office. Initially this effort focused on the completion of applications received on or before January 31, 2018, beginning with the oldest applications and working forward. The President's FY 2023 budget request to Congress included \$765 million to reduce USCIS application and petition backlogs, support the increased refugee admissions ceiling, and fund asylum processing. The Consolidated Appropriations Act of 2023 signed into law did not, however, include continued funding for appropriated positions for asylum

---

<sup>4</sup> 8 U.S.C. § 1225(b)(B)(iii)(IV).

<sup>5</sup> 8 C.F.R. § 208.31(b).

processing or addressing USCIS backlogs. This will directly affect our efforts to reduce the affirmative asylum backlog. USCIS cannot emphasize strongly enough its need for continued appropriations from Congress to carry out the agency's humanitarian mission. Nonetheless, USCIS is committed to doing what it can with the resources it has to support our humanitarian mission. We are examining ways to continue to dedicate a similar number of staff to reducing the oldest pending asylum applications, while also addressing time-sensitive border screening cases and the expedited process for reviewing asylum applications filed by Afghan nationals paroled under Operations Allies Welcome, as required by law.

In addition to hiring additional staff and focusing on completing the oldest asylum cases, USCIS is also addressing the asylum backlog by pursuing new facilities and finding ways to make the asylum adjudications process more efficient. I am pleased to share that the Chicago Asylum Office is working to open a new asylum interview location in FY 2023 in the Gene Snyder Federal Building in Louisville, which will serve asylum applicants who reside in Kentucky. Applicants from Kentucky will no longer be required to travel to the Chicago Asylum Office for their asylum interviews. In terms of adjudications efficiencies, we are working to digitize more of the asylum application process, including publicizing online filing for the I-589 and transitioning the receipt of paper applications from USCIS service centers to the Lockbox for ingestion and scanning. The Lockbox will convert paper files to digital files which will lead to enhancements in our case management system and will reduce or eliminate the need for manual data entry and the management of paper files. Additionally, for the Asylum Vetting Center in Atlanta, we are completing construction of that facility and hiring and training additional staff in FY 2023 to support operations and gain additional efficiencies at all asylum offices. With these additional resources, we will continue to pursue the goal of having the Asylum Vetting Center deliver interview-ready files to asylum offices so field resources can better focus on interviewing and completing application adjudications instead of conducting necessary, but time-consuming, pre-interview adjudication processes. The Asylum Division is also examining streamlining pre-interview processes and post-interview decision making and documentation and conducting focused interviews.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director