

Congress of the United States
Washington, DC 20515

November 18, 2020

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 2052

The Honorable Ken Cuccinelli
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Washington, D.C. 2052

Dear Acting Secretary Wolf and Senior Official Cuccinelli,

Late this summer, U.S. Citizenship and Immigration Services (USCIS) modified a contract that significantly reduced the level of support at the National Benefit Center (Center) offices in Missouri and Kansas. USCIS explained that it did so to save money after revenue loss brought on by the response to the COVID-19 pandemic. This decision resulted in the elimination of over 800 positions for contract workers in the Kansas City region.

We write to urge that USCIS strongly consider entering into a contract that returns to the previous level of support as soon as possible. Changes in circumstances warrant a reevaluation of the reasons that USCIS applied at the time of its decision to reduce its contract.

First, Congress has provided USCIS with additional sources of revenue to not only help USCIS' financial situation but to place the agency on better long-term financial footing. To be sure, USCIS' revenue from immigration services hit a low point at the beginning of the pandemic. Since that time, however, amounts in the Immigration Examinations Fee Account, where USCIS stores its revenue, has climbed. This happened even before Congress provided USCIS with additional sources of revenue. The combination of USCIS' increased and newly available sources of revenue puts the agency far past the low point that precipitated the significantly reduced level of support at the Center.

Second, the demand for immigration services warrants a pre-pandemic level of support. USCIS said in a September briefing that since reopening in July, field offices have increased the volume of in-person interviews, the paperwork for which is prepared at the Center. The volume of case work could vary throughout the pandemic. But we have been advised that each and every worker at the Center was fully engaged for 8 hours a day during the summer and that the Center's workload is increasing. The Center should have the staff necessary to provide back-of-the-house work that meets the demand for USCIS' immigration services, which means returning to the previous level of support.

USCIS' contract modification resulted in job losses for our constituents amidst an unprecedented health crisis and a severe economic downturn nationwide. We are concerned that USCIS will allow the Center's contract to remain at a reduced level of support. Congress has taken action to bolster the agency financially, and there is a demand for immigration services, including international adoption. In light of newly enacted additional sources of revenue and the Center's workload, there is little reason to delay returning over 800 positions to the Kansas City region.

Thank you for your attention and understanding.

Sincere Regards,



Roy Blunt
United States Senator



Emanuel Cleaver, II
Member of Congress



Josh Hawley
United States Senator



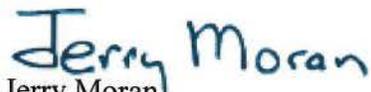
Roger Marshall, M.D.
Member of Congress



Pat Roberts
United States Senator



Sharice L. Davids
Member of Congress



Jerry Moran
United States Senator



Sam Graves
Member of Congress



U.S. Citizenship
and Immigration
Services

January 19, 2021

The Honorable Roy Blunt
United States Senate
Washington, DC 20510

Dear Senator Blunt:

Thank you for your November 18, 2020 letter. Acting Secretary Gaynor asked that I respond on his behalf.

In response to the significantly reduced revenue during the Spring of 2020, U.S. Citizenship and Immigration Services (USCIS) took prudent steps to ensure financial solvency while maintaining operational capacity, including contract reductions, preparations for a potential administrative furlough, and coordination with Congress on various forms of potential support. Ultimately, although the request of a loan to support on-going federal and contract operations did not receive Congressional approval, revenue collections largely recovered to previous levels and Congress did pass the Emergency Stopgap USCIS Stabilization Act. USCIS was able to prevent an administrative furlough of federal staff.

The Emergency Stopgap USCIS Stabilization Act improved the prospective financial position of USCIS by both increasing premium processing fees and expanding the authorized uses of premium processing funds in the future. USCIS projects that Immigration Examinations Fee Account premium collections may increase as much as \$400 million in fiscal year (FY) 2021 because of the fee changes implemented on October 19, 2020, for the forms previously designated for premium processing. USCIS may experience additional revenue increases in FY 2021 as we expand premium processing as authorized under the Emergency Stopgap USCIS Stabilization Act. However, USCIS does not anticipate that those increases will significantly affect the overall FY 2021 revenue forecast.

Despite this potential additional funding, USCIS remains under-resourced to fulfill our mission. As documented in the fee rule published on August 3, 2020, "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," 85 FR 46788, the current USCIS fee structure does not recover the full cost of providing immigration adjudication and naturalization services. In that rule, the Department of Homeland Security estimated that the existing USCIS fee schedule leaves USCIS underfunded by approximately \$1 billion annually and made changes to the fees and other policies to eliminate that funding gap. Unfortunately, the rule was scheduled to go into effect on October 2, 2020 and is now subject to two nationwide injunctions. Given these injunctions on the fee rule, USCIS' total resources are below the level estimated as necessary to fully fund USCIS'

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operational requirements, even with the additional potential revenue generated by the Emergency Stopgap USCIS Stabilization Act.

As a result of the rapid decline in incoming receipts due to the COVID-19 pandemic, the workload capacity of the National Benefits Center (NBC) was directly and adversely affected. USCIS undertook aggressive steps to ensure the agency would continue to operate in an efficient manner to meet operational needs. As such, the level of contract staff at the NBC was decreased. Incoming receipt volumes have improved and USCIS has gradually increased the number of interviews it will conduct on a monthly basis. To meet the operational demand, USCIS has exercised an option on the contract to increase the NBC contract staffing level by 250 positions and will continue to evaluate workload capacity across the agency as needed.

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. 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 blue ink, appearing to read 'J. Edlow', with a long horizontal flourish extending to the right.

Joseph B. Edlow
Deputy Director for Policy