



# Emergency Stopgap USCIS Stabilization Act

## Background

On August 30, 2020, U.S. Citizenship and Immigration Services (USCIS) is scheduled to furlough 13,355 (or 67%) of its 19,881 employees. If such furloughs are implemented, they will have a devastating impact on the agency's ability to provide immigration and naturalization services to American businesses and families for many months, if not years, to come.

USCIS originally announced the possibility of furloughs in May 2020, when the agency was facing a funding shortfall due, in part, to declining revenue resulting from the initial impacts of the COVID-19 pandemic. Since May, however, USCIS's financial situation has improved considerably. USCIS is now projecting to have enough funds to fully fund its operations through the remainder of the fiscal year and into November 2020.

Nevertheless, USCIS may continue with its planned furloughs on August 30. The agency states that such furloughs may be necessary to stabilize the agency's operations given that it is likely to run out of funds at some point in the new fiscal year.

## Bill Description

As an emergency stopgap measure, this bill would temporarily forestall the need for furloughs by immediately increasing the agency's "premium processing" revenues. Premium processing is a special service currently available as an option to entities and individuals seeking employment-based immigration benefits. By paying the optional additional fee (currently set at \$1,440), premium processing customers generally can get expedited, 15-day processing on eligible petitions and applications.

The bill would increase USCIS revenues in two ways. First, for petitions and applications that are already eligible for premium processing, the bill would increase the premium fee from \$1,440 to \$2,500, except that the premium fee for H-2B and religious worker (R) petitions would be set at \$1,500. Second, the bill further increases USCIS revenue by expanding the availability of premium processing to certain new petitions and applications. Any premium revenues collected may only be used by USCIS to improve adjudication and naturalization services, including reducing backlogs.

The bill additionally provides benefits to both premium and non-premium applicants. The bill, for example, provides additional stability to premium processing applicants by ensuring that the premium service is only suspended when necessary. The bill also ensures that such applicants have reliable and appropriate access to the premium processing units in USCIS offices. For non-premium applicants, the bill would for the first time allow premium processing funds to improve adjudication times and reduce backlogs across all form types.

In other words, this is a win-win-win. USCIS gets additional revenue and an improved financial picture, thus allowing them to forestall immediate furloughs. Premium processing applicants get expanded and more reliable service. And the fees collected from premium applicants may be used to address backlogs and adjudication delays for other applicants.