

July 11, 2024

Director Ur Jaddou
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. N.W.
Washington, D.C. 20001

Director Jaddou:

I write today to request a response to the July 27, 2023, letter, that I, along with 60 other Congressional colleagues, sent regarding pending applications for affirmative asylum and to address additional concerns.

As you may recall, letters of concern have been brought forth by the Torture Abolition and Survivors Support Coalition (TASSC), a non-profit organization representing survivors of torture. Comprising a diverse spectrum of professions including doctors, nurses, lawyers, and educators, TASSC has emerged as a critical advocate for refugees who have endured significant delays in their asylum cases, some stretching as long as nine years. These delays have resulted in profound consequences for individuals such as forced family separations and retraumatization.

Since May 2021, over 100 survivors supported by TASSC, alongside other torture treatment centers, have testified before Congress. Through their impassioned advocacy and with the support of members of Congress, Congress allocated \$34 million to alleviate the backlog in affirmative asylum cases, leading to the implementation of a "second track" for interview scheduling.

Despite these efforts, questions remain regarding addressing these longstanding cases. Furthermore, individuals granted asylum interviews under this "second track" are often notified with less than two weeks' notice, providing inadequate time for attorneys to adequately prepare their clients. I request that you provide affirmative asylum applicants at least 30 day's notice before their scheduled interview. This is to ensure applicants and their attorneys are allotted time to prepare for the interview.

Given these concerns, I request a response to the July 2023 letter and a response to the additional follow-up questions.

1. Could you provide further clarification on how the \$34 million allocated from Congress to reduce the affirmative asylum backlog is being used?
2. How many asylum officers are assigned to interview applicants on the "second track"? Applicants on the "second track" are experiencing similar waiting periods as those before the creation of this program. How is USCIS working to address that issue?

3. Is there a situation or process by which cases at the back of the affirmative asylum backlog can be moved to the front (or at least gain clarity on when they will be interviewed)?
4. What is USCIS doing to provide a quicker response time to applicants who have completed their interviews, yet have not been contacted as to the status of their application?

Thank you for your attention to this important matter. USCIS must address these deficiencies promptly and transparently. The lives and well-being of asylum seekers, many of whom have endured unimaginable hardship, depend on our ability to uphold our nation's commitment to humanitarian principles and fundamental human rights. I look forward to your prompt response to our July 2023 letter and the additional questions posed above.

Sincerely,

A handwritten signature in black ink that reads "Raúl M. Grijalva". The signature is written in a cursive, flowing style.

Raúl M. Grijalva
Member of Congress



**U.S. Citizenship
and Immigration
Services**

August 16, 2024

The Honorable Raúl M. Grijalva
U.S. House of Representatives
Washington, DC 20515

Dear Representative Grijalva:

Thank you for your July 11, 2024 letter to U.S. Citizenship and Immigration Services (USCIS).

You have requested further clarification on how the \$34 million allocated from Congress to reduce the affirmative asylum backlog are being used. USCIS appreciates the Congressional funding received for fiscal year (FY) 2024. USCIS is spending the appropriated funding for affirmative asylum application processing in two ways: affirmative asylum backlog adjudications and information technology projects that assist with affirmative asylum application processing and reduce case processing times. USCIS is not hiring additional asylum officers using these appropriated funds because USCIS did not receive the funding until halfway through the fiscal year and it would have taken the remainder of the fiscal year to hire and train new asylum officers before the money could be spent. Without a guarantee of appropriated funds for FY 2025, USCIS would then lack the resources necessary to retain new officers hired in FY 2024 using appropriated funds.

Instead, the half-year FY 2024 appropriated funds are being used in two critical ways. First, this funding enables USCIS to cover expenses related to affirmative asylum adjudications in order to reduce processing times and the backlog, including staff payroll and overtime, interpreter monitor costs, and travel costs associated with in-person interviews of affirmative asylum cases at interview locations that do not have permanent Asylum Division staff.

Second, the appropriated funds are being used for technological improvements for intake, digitization, and case management systems, which will help reduce the affirmative asylum backlog and overall processing times. For example, USCIS is pursuing the digitization of paper affirmative asylum applications and related files in the backlog. Digitizing cases supports streamlining and case completion measures, allows for more flexible assignment of staff for processing, and reduces the time it would otherwise take to request, receive, and process paper-based applications. The uniform use of technology, processes and efficiencies developed for online processing for all asylum applications will promote more consistency and productive decision-making by asylum officers. In addition, USCIS is automating additional case processing steps, improving interview scheduling, automatically identifying multiple asylum

applications filed by one applicant using different A-numbers, and providing direct user support to asylum staff encountering problems with the case management system, all with the intent to reduce processing times and the backlog.

In addition to the measures outlined above, USCIS is actively taking steps to not only reduce the backlog as expeditiously as possible, but also to streamline the processing of affirmative asylum cases. We note that in your previous letter you requested USCIS designate asylum officers to work “back to front” on the backlog, and we adopted your suggestion in part. The two track scheduling system established in March 2024 aims to maximize scheduling of cases at each office to the extent feasible, taking into account local resource constraints. On the first track, also called “Last In, First Out” (LIFO), the Asylum Division generally schedules recently filed cases for interview ahead of older cases. Within LIFO, asylum applications filed by certain Afghan parolees under Operation Allies Welcome (OAW) are prioritized for interview within 45 days of filing, and the final adjudication of their applications is to be completed within 150 days of filing, barring exceptional circumstances, as required under section 2502(c) of the Extending Government Funding and Delivering Emergency Assistance Act, P.L. 117-43. Non-OAW asylum applications not scheduled for interview within 21 days of filing are placed into the backlog and scheduled for interview as asylum office resources permit. On the second track, USCIS assigns some of its asylum officers to complete affirmative asylum applications pending in the backlog, starting with the oldest applications and working forward. This permits some of the oldest pending applications to be completed in chronological order.

We note your concern that second-track applicants are experiencing waiting periods or processing delays similar to applicants prior to the implementation of this approach. During the first three quarters of FY 2024, USCIS received over 319,700 affirmative asylum applications and completed over 100,500. In addition, during this same timeframe, USCIS received over 157,600 referrals for protection screenings, and completed over 174,700, which include referrals received the prior fiscal year. USCIS continues to receive high numbers of affirmative asylum applications and protection screening referrals. For the reasons described in our June 28 response, USCIS must prioritize protection screenings. In periods of peak screening volumes, USCIS assigns a substantial portion of asylum officers to protection screenings, which in turn decreases the number of asylum officers available for affirmative asylum interviews and adjudications on both scheduling tracks. Since second track interviews began in May, each asylum office has dedicated asylum officers to adjudicate cases scheduled on this scheduling track. Interviews are scheduled 45 days in advance for the second track. U.S Postal Service delays may result in the delayed receipt of interview notices. We will consider your suggestion to provide more advance notice to applicants.

We note that in your more recent letter, you asked for clarification on a situation or process by which older cases can be moved forward for interview. USCIS continues to consider on a case-by-case basis urgent requests to expedite interview scheduling for emergency or urgent humanitarian reasons. Visit Affirmative Asylum Interview Scheduling, available online at <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/affirmative-asylum-interview-scheduling>, for more information. Applicants or their attorneys or representatives may request an expedite of their asylum case and submit documents or evidence to justify the request to the asylum office with jurisdiction over their case. Asylum office directors may consider an urgent request to be scheduled for an interview outside of the priority order.

Once applicants have been interviewed, most should receive a decision within 20 days. Some cases remain pending outside of that timeframe due to a variety of factors, including security checks and workload priorities at U.S. borders, as detailed above. Each case is unique and USCIS endeavors to complete all pending cases as soon as possible. USCIS provides multiple options online for applicants to inquire about their asylum case status, such as by checking their case status by receipt number¹ or via a myUSCIS account, submitting a case inquiry,² or emailing the public inquiry inbox of the asylum office with jurisdiction over their case. Applicants may also inquire directly with the asylum office with jurisdiction over their case in writing. To find the appropriate asylum office and contact information, visit USCIS Asylum Offices.³

Enclosed is our June 28, 2024, response to the June 27, 2023, letter signed by you and your Congressional colleagues.

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,



Ur M. Jaddou
Director

Enclosure

¹ See <https://egov.uscis.gov/processing-times/>

² See <https://egov.uscis.gov/e-Request/Intro.do>

³ See <https://egov.uscis.gov/office-locator/#/asy>