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August 21, 2024

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20746

Dear Director Jaddou:

I am writing to you today to share my deep concern for the anticipated layoffs of hundreds of federal contract workers represented by the United Electrical, Radio and Machine Workers of America (UE) at the U.S. Citizenship and Immigration Services (USCIS) Vermont Service Center (VSC).

The workers facing layoffs have dedicated years, even decades, of public service to USCIS. These are highly trained, experienced workers who play a crucial role in our country's immigration system. And importantly, these are good, middle-class, union jobs, something we desperately need in the state of Vermont.

These layoffs are taking place at a time when USCIS is already failing to provide service in a timely manner. For example, the current processing time for I-485 petitions related to T visas for victims of human trafficking is 38 months, and for U visas for victims of crime who will aid law enforcement it is 34 months. These are cases involving vulnerable individuals who should not experience deeper delays. Simply put, further reducing your staff at a time when you need them the most is unacceptable.

In addition, I am not only concerned about the impact these mass layoffs will have on these workers, their families, and our economy, but also by how USCIS has approached the layoffs. Vermont Service Center workers, UE, and my staff have received minimal, vague, and even conflicting, information from USCIS about the layoffs you have planned for months, if not years. Workers have not received any clear indication that they will have the opportunity to continue at USCIS as federal employees, and if they cannot, they are left with few comparable careers in the state.

Moreover, I am deeply troubled by USCIS's trend of shifting work from UE workers to non-union workers in other states who are paid less, with an already insurmountable workload. As a result, these sometimes inexperienced, overworked staff make avoidable errors, further hampering an already backlogged system.

I understand that USCIS has suffered from years of funding shortfalls and hiring freezes that have impacted the agency's ability to provide timely service, and I will continue to fight for

more funding. That said, as a federal employer, you must do better. Mass layoffs are not the solution. Given all these concerns, I ask that you provide a briefing for my staff on this situation no later than August 28, and that you respond to the following questions by September 4.

1. What is your plan to ensure that these contract workers face minimal impacts to their economic wellbeing? Will you commit to offering these workers permanent federal jobs?
2. How will you work with workers and UE to ensure that they have a voice in this process?
3. Will you commit to stop shifting work away from union workers to non-union workers?
4. What are you doing to address ongoing delays at USCIS, and how will you ensure that any staffing changes do not further exacerbate these delays?
5. How can Congress support USCIS to prevent harmful layoffs and ensure we have a qualified, union workforce at the agency?

I look forward to your response, and to working with you to ensure that USCIS is achieving its full potential.

Sincerely,



BERNARD SANDERS
UNITED STATES SENATOR



U.S. Citizenship
and Immigration
Services

October 10, 2024

The Honorable Bernard Sanders
United States Senate
Washington, DC 20510

Dear Senator Sanders:

Thank you for your August 21, 2024 letter to U.S. Citizenship and Immigration Services (USCIS).

I understand and respect your concerns about USCIS' reduction, and soon to be ending, contractor support services at the USCIS Vermont Service Center (VSC). Contractor support services are provided at the VSC and other service centers via the Service Center Operations Support Services (SCOSS) Next Generation (NextGen) contract. The SCOSS NextGen requirements were announced on August 25, 2022, and the contract was awarded to ITC Federal, LLC, on November 18, 2022. The SCOSS NextGen contractor is to primarily perform data entry and paper-based records functions for three years, duties that are being reduced at USCIS with the move to increased electronic filing and processing. The contract is part of the agency's comprehensive plan to move the agency away from paper-based filing and intake at multiple service centers into greater electronic filing and, where paper filing and intake continues, to consolidate for a more uniform and efficient approach through our Lockboxes. This consolidation of paper-based filing and intake to the Lockboxes, which are managed by the USCIS Office of Intake and Document Production (OIDP), will enable USCIS' Service Center Operations Directorate (SCOPS) to focus its limited resources on processing and adjudicating immigration benefits instead of data entry and paper-based records functions that are decreasing.

The Performance Work Statement (PWS) for the SCOSS NextGen contract made it clear that, over the three-year term of the contract, there would be a significant reduction in contractor workforce across all five USCIS Service Centers: Vermont (VSC), California (CSC), Nebraska (NSC), Texas (TSC), and Potomac (PSC). This planned reduction was documented in Section 4.2 of the PWS, which was included in both the solicitation and the awarded contract. It outlined that the contractor's workforce would decrease progressively until the contract ends on November 30, 2025, as paper filings decreased, electronic filings increased, and remaining paper filing transitioned to Lockboxes.

Throughout the contract, the SCOSS NextGen contractor, ITC Federal, LLC, was and continues to be formally notified in writing by the USCIS Contracting Officer of the effective date for each reduction. USCIS acknowledges that ITC Federal, LLC adheres to the Worker

Adjustment and Retraining Notification (WARN) Act by issuing advance notices to employees and maintaining regular communication with union representatives about these reductions.

Additionally, SCOPS is hosting on-site job fairs at all physical service center locations and contractor staff are invited to participate. Hiring fairs at the VSC and the CSC were held on September 19, 2024, in Essex Junction, VT and September 24, 2024, in Tustin, CA, respectively. Subsequent hiring fairs will be held through mid-October at the NSC (October 10), and the TSC (October 16) locations. SCOPS is working closely with local contract management to ensure that contractor staff are able to attend these hiring fairs.

USCIS is committed to reducing processing times and backlogs. In fiscal year (FY) 2023, USCIS received 10.9 million filings and completed more than 10 million pending cases -- both record-breaking numbers in the agency's history. In doing so, USCIS reduced overall backlogs by 15 percent. SCOPS does not anticipate that a reduction in SCOSS NextGen contractor staff will exacerbate processing delays, as SCOPS continues to work with ODP to consolidate remaining paper filing intake channels at USCIS managed Lockboxes across the United States. In fact, the movement from disparate paper-based intake to increased electronic filing and consolidated paper-based intake with Lockboxes should lead to greater efficiencies overall.

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

Enclosure

Attachments:

1. Performance Work Statement section 4.2
2. USCIS' responses to Senator Sanders' five questions

Attachment 1

Performance Work Statement section 4.2 Three (3) Year Contract Term:

This order is required during a transitional point in time for USCIS/SCOPS. As we move to a new way of business and lean further into technology, it is anticipated that the work required and needed during this time will reduce each year.

Our anticipated rate of change is as follows:

1. Year One (1): In year one (1), it is anticipated that tasks will include both intake/outgoing work as well as file operations. The functional requirement is estimated at approximately 1,000 FTE.
2. Year Two (2): In year two (2), intake and outgoing work reduces, as USCIS leans further into digital applications and receipting. Tasks include file operations, as well as a reduced amount of intake and outgoing work. The functional requirement reduces by 40% from year one (1) and is estimated at approximately 600 FTE. Please note that in this year the order support at the PSC is expected to dissolve by August 2024.
3. Year Three (3): In the third and final year, intake and outgoing work will be minimal, and a portion of file operations remains. The functional requirement reduces another 50% from year two (2) and is estimated at approximately 300 FTE.

Attachment 2

1. What is your plan to ensure that these contract workers face minimal impacts to their economic wellbeing? Will you commit to offering these workers permanent federal jobs?

Response: The Service Center Operations Directorate (SCOPS) has utilized contract workers for many years for specific tasks primarily related to data entry, fee collection, and records processing and management. As USCIS continues to transition to end-to-end electronic filing and processing of immigration benefits, the need for paper-based data entry and records' functions is diminishing.

As with prior contracts, the contract that SCOPS most recently awarded specified a contract performance period with a defined end date for the contract. The performance period of the existing contract ends on November 30, 2025. There is no guarantee that a new contract will be awarded at the end of the current contract.

It is important to note that SCOPS' drafting and awarding of the current contract for data entry, file management, and fee receipting was also in response to DHS Directive 4103, "Section 4103 Plan Pursuant to the Emergency Stopgap USCIS Stabilization Act," issued on September 7, 2021. Section 4103 of the Emergency Stopgap USCIS Stabilization Act, Title 1, Div. D of Public Law (P.L.) 116-159 (8 U.S.C. 1103 note) requires that the Secretary of Homeland Security provide a five-year plan to enable electronic filing for all applications and petitions for immigration benefits and improve processing times for all immigration and naturalization benefit requests.

This Directive clearly instructed USCIS to automate and digitize paper-based workloads, and to create efficiencies throughout its processes. This is exactly what SCOPS has done. Every effort is being made to digitize all workloads and to remove paper from all SCOPS processes. This in turn has enabled the shrinking of all physical footprints that SCOPS manages across the nation, while enabling a remote workforce with ready-to-work digital immigration benefit requests. While SCOPS cannot guarantee permanent federal jobs to contract workers, contract workers may apply for any federal job announcements open to the public. Many contract workers often successfully apply for and get hired to federal positions.

2. How will you work with workers and UE to ensure that they have a voice in this process?

Response: SCOPS has been transparent regarding the terms of the contract and the contract performance period since the solicitation of this contract. The Service Center Operations Support Services (SCOSS) Next Generation (Next Generation) task order was solicited on August 25, 2022, solicitation number 70SBUR22R00000030. The solicitation informed industry at time of solicitation release there would be a reduction of workforce across all five (5) Service Centers (SCs) to include the Vermont Service Center (VSC), California Service Center (CSC), Nebraska Service Center (NSC), Texas Service Center (TSC), and lastly, the Potomac Service Center (PSC). This was documented within the solicitation and subsequent task orders, 70SBUR23F00000004, Performance Work Statement (sect. 4.2. attached). The Performance Work Statement was provided to the contractor, ITC Federal, LLC.

The desired end goal of the SCOPS initiative was to reduce the contractor footprint down to zero and capture key contractor employees as federal hires. USCIS' SCOSS NextGen requirement was established and known at the onset in the solicitation and subsequent award. The contractor knew there was a reduction in staff required to support our need as the contract progressed and our requirement evolved. This is not an action USCIS is taking against the contractor post-award or unilaterally. It was always poised to progress in this direction and was known by the contractor since solicitation and beyond.

This contract clearly stated its period of performance and existence since the start of the vetting process. SCOPS will abide by the tenets and timeframes of this contract, continuing to clearly communicate both.

3. Will you commit to stop shifting work away from union workers to non-union workers?

Response: USCIS is making significant progress toward establishing fully electronic filing and digital processing capabilities. Modernizing USCIS processing capabilities inherently involves organizational change management.

Within the context of USCIS' overarching goal to modernize its processing capabilities, SCOPS has been transparent in communicating its goals to fully digitize paper workloads and reduce its physical footprint with respect to brick-and-mortar service centers located in Vermont, Maryland, Texas, Nebraska, and California. The reduction in SCOPS physical footprint necessarily entails a reduction in certain types of work previously performed at brick-and-mortar service center locations. The continued progress towards a fully electronic processing framework will continue to reduce the need for services currently performed by contract workers. The current SCOPS contract performance period is set to end on November 30, 2025. The design of this contract, articulated during its solicitation, vetting, and award, clearly illustrates the continued diminishing need for contract staff at all the service centers. The number of contract staff required, as stated in this contract, will continue to diminish to zero (0) contract employees needed by the stated date of this contract's end, November 30, 2025.

4. What are you doing to address ongoing delays at USCIS, and how will you ensure that any staffing changes do not further exacerbate these delays?

Response: USCIS is committed to reducing processing times and backlogs. In fiscal year 2023, USCIS received 10.9 million filings and completed more than 10 million pending cases-both record breaking numbers in the agency's history. In doing so, USCIS reduced overall backlogs by 15 percent. *See* <https://www.uscis.gov/EOY2023>. The HART Service Center, within SCOPS, was launched in 2023 to improve the quality and efficiency of certain humanitarian caseload processing.

SCOPS does not anticipate that a reduction in contractor staff will exacerbate processing delays, as the functions performed by contractor staff are becoming less needed with the move to electronic filing and processing. Additionally, SCOPS continues to work with the USCIS Office of Intake and Document Production to consolidate remaining paper filing intake channels at

USCIS managed Lockboxes across the United States. This enables SCOPS to focus its limited resources on processing and adjudicating immigration benefits instead of data entry and paper-based records functions. In fact, the movement from disparate paper-based intake to increased electronic filing and consolidated paper-based intake with Lockboxes should lead to greater efficiencies overall.

5. How can Congress support USCIS to prevent harmful layoffs and ensure we have a qualified, union workforce at the agency?

Response: As stated previously, there will no longer be a need for further contractor engagement within SCOPS due to its ever-increasing digitization. SCOPS' drafting and implementation of this latest SCOSS Contract, awarded in 2022, clearly showed its intent to move away from a legacy paper-based process. SCOPS' evolution from paper to digital receipt and adjudication of customer requests for immigration benefits has been long planned for and is now coming to fruition. The benefits of this new process are exponential in time, savings, and efficiency. SCOPS does not plan to return to a paper-based process or to continue with any legacy contracts used previously to manage and complete such processes.

SCOPS has hired several of the current contractors in USCIS federal positions. During the months of October/September 2024, we will be hosting job fairs that are specifically targeted to attract the current contractors at the TSC, Irving, TX; VSC, St. Albans, VT; NSC, Lincoln, NE; and CSC – Tustin, CA. We will be using the Direct Hire Authority (DHA) to make on-the-spot selections for applicants referred and qualified. In preparation for these job fairs, we also will be hosting Information Sessions with the contractors. SCOPS maintains a robust and supportive relationship with our federal employee union, the American Federation of Government Employees (AGFE). We routinely communicate changes at our service centers with union representatives and include them in our communications with staff. The AGFE was briefed on the hiring fairs being hosted across our directorate. In accordance with Federal Acquisition Regulation (FAR) 37.101, USCIS is utilizing a nonpersonal services contract, meaning a contract under which the personnel rendering the services are not subject, either by the contract's terms or by the manner of its administration, to the supervision and control usually prevailing in relationships between the Government and its employees. As a result, the Federal government is prohibited from engaging with the contractor's employees and we do not have direct oversight or management of the contractor workforce or personnel matters. Additionally, all relations with the contractor's Union is reserved for the Union and Contractor. USCIS has an "arm's length" relationship with the contractor employees and its recognized Union.