
U.S. CITIZENSHIP & IMMIGRATION SERVICES

U.S. Citizenship and Immigration Services (USCIS) is the agency responsible for administering the nation's immigration laws as it pertains to immigration benefits. Importantly, and unlike the other DHS components that administer the immigration laws, USCIS is [funded primarily by application fees](#) that it charges applicants and petitioners for immigration and naturalization applications. In Fiscal Year (FY) 2016, these fees represented approximately 95 percent of USCIS's total budget authority, with the remaining budget coming from two other mandatory fee accounts (fraud detection and H-1B related) – and appropriated discretionary funding for the E-Verify program.

Topline Messages

- ***USCIS must retain custom service focus.*** Funded more than 95 percent by customer fees, USCIS has a duty to adhere to the highest levels of service to those paying significant application and petition fees. This includes ensuring reasonable processing times, which is not the case now.
- ***USCIS is not a law enforcement agency.*** USCIS applicants and petitions should not be subsidizing ICE's enforcement operations, as the Trump Administration is proposing. Moreover, absent exigent circumstances, USCIS should not share the confidential information of its applicants and petitioners with ICE or CBP.

What's in the President's FY 2019 Budget?

- ***Transferring Money to ICE from USCIS Customer Funds.*** The President's FY 2019 budget would require USCIS to **transfer money to U.S. Immigration and Customs Enforcement (ICE)** in excess of \$207 million. This would result from fees it collects from immigration benefit applicants and petitioners and would help ICE conduct immigration enforcement "consistent with the Administration's Executive Orders." From the immigrant and Latino community perspective, this is concerning as the Administration's enforcement operations have been draconian, heavy-handed, and overly expansive in scope since these orders were signed.
 - ***DACA Confidentiality Protections at Risk.*** Considering the Administration's decision to terminate DACA on September 5, 2017, impacted communities are understandably concerned that USCIS would share DACA recipient (and their parents) information with ICE. USCIS policy had largely prevented that type of sharing in the past, but this inclusion would set the stage for **USCIS's greater role in immigration enforcement** and contrary to its core mission.
 - ***Proposed New Immigration Surcharge is Offensive.*** The President's FY 2019 budget purports to add a **10 percent surcharge** to immigration filing fees to be used for "deficit reduction" purposes. It is unclear how this would be administered, but according to the White House the proposal would raise \$5 billion over the next ten years. Measures like this are punitive and appear designed to disrupt the legal immigration system.

- ***Making E-Verify Mandatory.*** The President’s FY 2019 budget would designate nearly **\$132 million** to help make E-Verify use mandatory nationwide, which would represent a slight increase over the FY 2018 DHS appropriation level. Of note, between the FY 2017 and FY 2018 DHS appropriations, spending to make E-Verify mandatory [jumped nearly 10 percent](#).
 - What Mandatory E-Verify Looks Like. E-Verify is an Internet-based system that compares information from Employment Eligibility Verification forms (I-9 Forms), to DHS, Social Security Administration, and Department of State records to confirm that an individual is work authorized. USCIS plans to expand access to new data sources, including seeking streamlined access to **all 50 states’ DMV data** (see DHS FY 2019 Budget in Brief, p. 70). Today, participation in E-Verify remains voluntary, with certain states passing legislation compelling its use for certain businesses.
 - Concerns with Expanding E-Verify. Privacy and civil rights organizations have expressed a number of concerns in the past about expanding the use of E-verify, chief among them [rampant data errors](#) that have created false hits. These false positives have caused significant disruptions in the lives of workers and businesses alike.

- ***USCIS ELIS.*** The USCIS Electronic Immigration System (ELIS) is intended to be an online, account-based system that allows applicants to submit and view certain benefit requests, receive electronic notification of decisions, and receive real-time case status updates. The President’s FY 2019 budget would increase funding by \$126 million to this system, which has historically been [marred with implementation concerns](#). Currently, prospective applicants can only use ELIS for only a small number of immigration benefit types.
 - Processing Times have Increased. ELIS was intended to aid in reducing processing time lags, but the implementation has been slow, and, [according to the DHS Inspector General](#), has largely been ineffective for certain application types like those pertaining to naturalization. Today, in a departure from previous years, naturalization **processing times exceed one year** in USCIS field offices including Atlanta, Baltimore, and San Francisco. For an agency whose funding depends almost exclusively on applicant and petitioner fees, Congress should exercise appropriate oversight to safeguard the taxpayer’s money from waste and ensure USCIS expeditiously and securely processes immigration petitions and applications.

USCIS-Related DHS Inspector General Reports (Since January 2017)

- [USCIS Has Been Unsuccessful in Automating Naturalization Benefits Delivery](#) (11-30-17). In yet another example of concerns with the roll-out of USCIS ELIS – particularly as it pertains to naturalization applications – the DHS Inspector General found that ELIS did not have the “critical functionality necessary for end-to-end Form N-400 processing.” It also discovered repeated system outages and underperformance. At a time when ELIS was designed to help expedite naturalization processing times, today naturalization processing times in some USCIS field offices like [Atlanta](#), [Baltimore](#), and [San Francisco](#) exceed one year.