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# U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress

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## U.S. Citizenship and Immigration Services (USCIS): Operations and Issues for Congress

U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security, is responsible for adjudicating applications and petitions for immigration benefits. These include requests for nonimmigrant (temporary) status, lawful permanent resident status, naturalization, humanitarian relief (e.g., asylum, temporary protected status), and employment authorizations, among other benefits and services. USCIS's other responsibilities encompass several national security functions such as immigration fraud detection and prevention; employment and immigration status verification; and background checks. Processing immigration benefits remains USCIS's primary function. In FY2023, it *adjudicated* applications and petitions for more than 10 million immigration-related benefits.

USCIS is relatively distinct among federal agencies because it funds its operations largely from customer user-fee revenue. In addition to its standard fees for immigration benefits, USCIS collects Premium Processing fees for expedited processing. Premium Processing revenue constitutes a growing share of USCIS annual revenue. Appropriations typically make up less than 5% of its budget. Congress annually appropriates a relatively small portion of the agency's budget to fund employment verification and civic integration activities. Congress has occasionally appropriated funds to digitize the agency's operations and reduce processing backlogs. USCIS maintains a carryover balance to help manage fluctuations in revenue and changing demand for application and petition processing.

From FY2013 to FY2023, the number of immigration forms annually *received* by USCIS increased 52%, from 6.9 million to 10.4 million. Over the same period, the cumulative number of pending forms that remained unadjudicated by USCIS at year end increased approximately 200%, from 3.0 million to 9.0 million. USCIS's increased pending caseload has been attributed to additional vetting requirements implemented during the Trump Administration, multiple impacts of the COVID-19 pandemic, temporary restrictions on hiring, and unanticipated international events that forced USCIS to shift personnel to address immediate crises at the expense of more promptly adjudicating conventional applications and petitions.

When USCIS was created in 2002, non-fee humanitarian-related operations represented less than 5% of the agency's operating expenses; in 2022, they represented almost 20%. As historically elevated levels of migrants arrive at the Southwest border and request asylum, USCIS must contend with large numbers of persons seeking asylum and filing requests for employment authorization. Because USCIS does not receive fee revenue for processing most humanitarian benefits provided to asylum seekers and refugees, unexpected events and trends create fiscal pressures on the agency that result in anomalous requests to Congress for supplemental appropriations.

USCIS must regularly assess and revise its fees as necessary through regulation to ensure that revenues meet expenses. In January 2024, USCIS issued a final rule, effective April 1, 2024, that increased many fees over the previous 2016 fee schedule. USCIS also implemented an asylum fee for sponsors of employment-based immigrants to help cover costs of its increased asylum application caseload. USCIS revised its fee schedule in 2002, 2004, 2005, 2007, 2010, and 2016. An attempt to revise the fee schedule in 2020 was halted by a federal court and subsequently withdrawn.

Policy issues that Congress may consider include supplemental appropriations for backlog reduction and other purposes; whether the pace and progress of USCIS's digitization efforts are sufficient given its largely paper-based workflow; USCIS's accountability to Congress, given that much of its funding does not require annual congressional approval; whether some USCIS fees are at levels that inhibit some potential applicants from applying for benefits or discourage lawful permanent residents from becoming citizens; whether the agency's fraud detection efforts are sufficient; and whether USCIS's management of its personnel and resources adequately addresses sudden demands for processing and adjudication of some benefits while maintaining processing times and adequate levels of service for all others.

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## Introduction

U.S. Citizenship and Immigration Services (USCIS), within the Department of Homeland Security (DHS), processes applications and petitions for a broad range of immigration benefits and services.<sup>1</sup> USCIS is relatively distinct among federal agencies because it funds its operations largely from customer user-fee revenue. USCIS regularly assesses and revises its fee schedule, if necessary, through the regulatory process. Appropriations typically make up less than 5% of its budget.

Congress has sometimes provided USCIS with funding for specific projects (see the “Supplementary Appropriations” section), but more recently it appropriated funds to alleviate relatively sudden revenue shortfalls stemming from the COVID-19 pandemic. The shortfalls and events causing them may foreshadow future fiscal challenges for USCIS. When the agency was created in 2002, humanitarian-related operations—typically provided for no fee—represented less than 5% of the agency’s operating expenses. In 2022, such operations represented almost 20% of operating expenses and reflected the impact of international events and the U.S. response, such as the U.S. withdrawal from Afghanistan, the Russian invasion of Ukraine, and the surge of migrants seeking asylum at the Southwest border.

USCIS maintains a carryover balance to help manage revenue and processing fluctuations, and it collects relatively substantial Premium Processing fees for applicants and petitioners who seek expedited processing. Although Premium Processing revenue constitutes a growing share of USCIS annual revenue, and USCIS’s current carryover balance currently exceeds its minimum threshold, the agency continues to face the possibility that unexpected events and unanticipated surges in immigration benefit filings could destabilize its finances.

In January 2024, USCIS issued a final rule for a revised fee schedule, the first revision since December 2016.<sup>2</sup> In the rule, USCIS has implemented a new \$600 Asylum Program Fee for sponsors of employment-based immigrants to help offset the expense of its increased asylum application caseload. The Asylum Program Fee represents not only an attempt to reduce fiscal shortfalls in the future but also to assign agency costs of providing humanitarian relief to the USCIS clients deemed most able to pay for them.

This report briefly reviews USCIS’s organizational structure and responsibilities.<sup>3</sup> It then reviews its budgetary structure including its three primary user fee accounts, congressional appropriations, and carryover balance. The report then turns to policy issues for Congress, which include methods for establishing fee amounts, supplemental appropriations, USCIS’s digitization efforts for a largely paper-based workflow, the agency’s fraud prevention efforts, and its accountability to Congress. The report ends with concluding observations.

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<sup>1</sup> *Petitions* to USCIS are submitted by sponsoring parties on behalf of individuals seeking immigration benefits. *Applications* to USCIS are submitted directly by the individuals seeking immigration benefits.

<sup>2</sup> For the most current fee schedule, see DHS, USCIS, *Fee Schedule*, USCIS Form G-1055, February 26, 2024, <https://www.uscis.gov/g-1055>.

<sup>3</sup> For a legal review of USCIS’s authorities and procedures, see CRS Legal Sidebar LSB10671, *U.S. Citizenship and Immigration Services: Authorities and Procedures*.

## USCIS Structure and Responsibilities

The Homeland Security Act of 2002 (P.L. 107-296),<sup>4</sup> abolished the former Immigration and Naturalization Service (INS) and placed most INS functions under three new agencies as of March 1, 2003: USCIS, Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE).

### Structure

USCIS has about 285 offices around the world and employs roughly 20,000 employees and contractors.<sup>5</sup> USCIS also operates 10 asylum offices and over 100 Application Support Centers that schedule appointments to collect information from immigration benefit petitioners and applicants. Seven USCIS *Directorates* process immigration benefits.<sup>6</sup> Within these directorates, processing petitions and applications, the bulk of USCIS's workload, occurs at six *Service Centers* and 88 *Field Offices* in the United States, Puerto Rico, and Guam.<sup>7</sup> USCIS also operates *Application Support Centers* that collect biometric data; *Asylum Offices* for asylum-related interviews and issues; the *National Benefits Center* for pre-adjudication, staging, and distribution of benefit applications to USCIS field offices; and the *National Records Center* that stores millions of immigration records and processes Freedom of Information Act (FOIA) requests and applications for genealogy information.<sup>8</sup> Six USCIS *Program Offices* handle administrative functions.<sup>9</sup>

### Responsibilities

#### Adjudicating Petitions, Applications, and Requests

In FY2023, USCIS received 10.4 million petitions and applications.<sup>10</sup> This workload included 3.5 million applications for work authorization documents,<sup>11</sup> 2.0 million petitions related to lawful

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<sup>4</sup> Establishment of USCIS is codified at 6 U.S.C. §271.

<sup>5</sup> DHS, USCIS, FYs 2023-2026 Strategic Plan, January 27, 2023. The number of USCIS offices often fluctuates; see DHS Office of Inspector General (OIG), *Continued Reliance on Manual Processing Slowed USCIS' Benefits Delivery during the COVID-19 Pandemic*, OIG-22-12, December 28, 2021, p.1, (hereinafter, "DHS-OIG Report 2021").

<sup>6</sup> The seven directorates include External Affairs; Immigration Records and Identity Services; Field Operations; Fraud Detection and National Security; Management; Refugee, Asylum, and International Operations; and Service Center Operations. See USCIS organizational chart, March 30, 2023, at <https://www.uscis.gov/sites/default/files/document/charts/USCIS-Org-Chart.pdf>.

<sup>7</sup> These include the California, Nebraska, Potomac, Texas, Vermont, and HART (Humanitarian, Adjustment, Removing Conditions and Travel Documents) Service Centers. For information on field offices, see DHS, USCIS, "Field Operations Directorate," <https://www.uscis.gov/about-us/organization/directorates-and-program-offices/field-operations-directorate>. For information on which specific petitions and applications are handled at each Service Center and Field Office, see DHS, USCIS, "Check Case Processing Times."

<sup>8</sup> DHS, USCIS, "USCIS Service and Office Locator."

<sup>9</sup> Ibid. The six program offices include Administrative Appeals, Equal Opportunity and Inclusion, Chief Financial Officer, Privacy, Investigations, and Performance and Quality.

<sup>10</sup> See Appendix **Table B-1** comparing USCIS forms received in FY2023 and FY2013, sorted by FY2023 volume.

<sup>11</sup> For more information, see CRS Report R47483, *Noncitizen Eligibility for Employment Authorization and Work-Authorized Social Security Numbers (SSNs)* and CRS Insight IN12258, *Employment Eligibility for Migrants Released from DHS Custody at the Southwest Border*.

permanent resident (LPR) status (i.e., *green card*),<sup>12</sup> and about 825,000 naturalization (citizenship) applications.<sup>13</sup> USCIS also adjudicates requests for humanitarian-related immigration relief, including applications from crime victims,<sup>14</sup> children seeking status as special immigrant juveniles,<sup>15</sup> beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program,<sup>16</sup> and those eligible for temporary protected status (TPS).<sup>17</sup> Personnel in USCIS's Refugee, Asylum, and International Operations Directorate interview and screen certain asylum applicants,<sup>18</sup> adjudicate refugee applications, and conduct background and record checks for some immigrant petitions abroad.<sup>19</sup>

USCIS interacts with applicants and petitioners in two ways: through its website, *USCIS Contact Center*, and through in-person appointments.<sup>20</sup> USCIS also informs the public of its services via public engagements and stakeholder outreach in multiple languages and settings.<sup>21</sup>

## Fraud Detection and National Security

USCIS's Office of Fraud Detection and National Security (FDNS) works to strengthen the integrity of the immigration system by removing systemic vulnerabilities, expanding partnerships with law enforcement and intelligence organizations, and determining whether individuals filing for immigration benefits pose national security or public safety threats. FDNS manages USCIS screening policy and procedures across all agency directorates and program offices. Adjudicators must confirm that petitioners and applicants are eligible for the benefit they seek or reject them if they do not meet the relevant requirements.<sup>22</sup>

## Employment Eligibility Verification

USCIS administers the Employment Eligibility Verification (E-Verify) program, which is available to employers to ensure their employees are allowed to work lawfully in the United

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<sup>12</sup> An LPR is a foreign national who has been granted authorization to live and work permanently in the United States. In this report, *lawful permanent resident*, *green card holder*, and *immigrant* are synonymous. For more information, see CRS Report R42866, *Permanent Legal Immigration to the United States: Policy Overview*.

<sup>13</sup> For annual data from FY2014 through FY2022, see DHS, USCIS, *FY2014-2018, 2018 USCIS Statistical Annual Report* and USCIS *FY2018-2022, USCIS Statistical Annual Report FY 2022*.

<sup>14</sup> For more information, see CRS Legal Sidebar LSB10207, *Asylum and Related Protections for Aliens Who Fear Gang and Domestic Violence* and CRS In Focus IF11942, *Human Trafficking: Key Federal Criminal Statutes*.

<sup>15</sup> For background information, see archived CRS Report R43703, *Special Immigrant Juveniles: In Brief*.

<sup>16</sup> For more information, see CRS Report R44764, *Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions*.

<sup>17</sup> For more information, see CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*.

<sup>18</sup> A person seeking asylum applies for protection from persecution on the same grounds as a refugee but, unlike a refugee, is present in the United States or at a U.S. port of entry. For more information, see CRS Report R45539, *Immigration: U.S. Asylum Policy*. USCIS asylum officers adjudicate *affirmative* asylum applications for individuals who are not in removal proceedings, while immigration judges in the Department of Justice's (DOJ's) Executive Office for Immigration Review (EOIR) adjudicate *defensive* applications for those who are in removal proceedings.

<sup>19</sup> A *refugee* is a person fleeing his or her country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. For more information, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*.

<sup>20</sup> See DHS, USCIS, "USCIS Contact Center," February 12, 2024.

<sup>21</sup> DHS, USCIS, *Immigration Examinations Fee Account, Fee Review Supporting Documentation*, January 2023 (hereinafter, "USCIS Fee Review 2023").

<sup>22</sup> For more information, see CRS Legal Sidebar LSB10150, *Immigration Laws Regulating the Admission and Exclusion of Aliens at the Border*.

States.<sup>23</sup> The system compares information entered by an employer from an employee's USCIS Form I-9, *Employment Eligibility Verification*, to DHS and Social Security Administration databases.<sup>24</sup> Unlike most other agency functions, the E-Verify program is funded by annual congressional appropriations.

## **Immigration Status Verification**

USCIS operates the Systematic Alien<sup>25</sup> Verification for Entitlements (SAVE) program, which provides online immigration status verification to federal, state, and local benefits-granting agencies and licensing bureaus (e.g., departments of motor vehicles, licensing boards). Such agencies use this information to help determine applicants' eligibility for their benefits and licenses.<sup>26</sup> SAVE is funded by direct user fees, immigrant benefit fee revenue, and Premium Processing fees.

## **Civic Integration**

USCIS's Office of Citizenship has a broad goal of facilitating immigrant civic participation and integration into American society. It operates the Citizenship and Integration Grant program, which funds immigrant-serving organizations that offer citizenship-related education programs (e.g., English, U.S. history, civics) and naturalization application services.<sup>27</sup> Like the E-Verify program, the Citizenship and Integration Grant program is funded by annual congressional appropriations.

## **USCIS Funding**

USCIS funds its operations largely from customer user-fee revenue. The agency (and its predecessor) has had the legal authority to establish and revise user fees and use them for their operations since at least the passage of the Immigration and Nationality Act of 1952 (INA; P.L. 82-414, §281).<sup>28</sup>

The most recent USCIS final budget authority figures (**Table 1**) show that congressional appropriations in FY2024 (\$281 million) comprised 4.5% of the agency's total budget authority (\$6.3 billion). Included in the latter total are authorized collections from four fee accounts that either fund specific USCIS functions or are disbursed to other federal agencies. All four fee accounts are described below.

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<sup>23</sup> For more information, see CRS Report R40446, *Electronic Employment Eligibility Verification*.

<sup>24</sup> For a recent assessment of E-Verify, see DHS Office of Inspector General, *USCIS Needs to Improve Its Electronic Employment Eligibility Verification Process*, OIG-21-56, August 25, 2021.

<sup>25</sup> The term *alien* refers to someone who is not a U.S. citizen or U.S. national. Aliens include foreign nationals who are both legally present and not legally present. Alien is defined in INA §101(a)(3), 8 U.S.C. §1101(a)(3). This report uses the terms *alien* and *foreign national* interchangeably.

<sup>26</sup> In FY2024, USCIS changed its nominal fee structure for SAVE to fully fund the program through its own user fees instead of largely IEFA and Premium Processing user fees. DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, CIS-IEFA-34.

<sup>27</sup> USCIS operates two websites with information on both programs: <http://www.uscis.gov/citizenship> and <https://www.uscis.gov/citizenship-resource-center/civic-integration/learn-about-the-citizenship-and-integration-grant-program/fy-2023-grant-recipients>.

<sup>28</sup> For an overview of USCIS's legal authorities and procedures, see CRS Legal Sidebar LSB10671, *U.S. Citizenship and Immigration Services: Authorities and Procedures*.

**Table I. USCIS FY2024 Budget Authority and Congressional Appropriations**

Description	Amount (dollars)
<b>Immigration Examination Fee Account Revenue</b>	<b>5,901,378,000</b>
Adjudication Operations	2,124,623,000
Field Operations	<i>1,040,649,000</i>
Fraud Detection and National Security	<i>266,092,000</i>
Service Center Operations	<i>622,267,000</i>
Support Services (admin. overhead)	<i>195,615,000</i>
Immigration Policy and Support	1,413,157,000
Refugee and Asylum Operations	424,950,000
Immigration Records and Applicant Services	605,761,000
Premium Processing (Including Transformation)	1,332,887,000
<b>Collections</b>	
Fraud Prevention and Detection Account	<b>56,140,000</b>
H-1B Nonimmigrant Petitioner Account	<b>20,000,000</b>
EB-5 Integrity Fund	<b>8,760,000</b>
<b>Congressional Appropriations</b>	<b>281,140,000</b>
Employment Status Verification	111,085,000
Citizenship and Integration Grants	10,000,000
Application Processing	160,055,000
<b>Total Enacted Budget Authority</b>	<b>6,267,418,000</b>

**Source:** Further Consolidated Appropriations Act, 2024 (H.R. 2882), Explanatory Statement, Department of Homeland Security, U.S. Citizenship and Immigration Services, Final Bill amounts, *Congressional Record*, March 22, 2024, pp. H1873-H1874.

**Notes:** Figures in italics sum to the first nonitalicized figure above to the right, and nonitalicized figures sum to the first bold figure above to the right.

## USCIS Fee Accounts

To fund most of its operations, USCIS relies on four fee accounts established under different legislative authorities:

- the Immigration Examinations Fee Account (IEFA);
- the H-1B Nonimmigrant Petitioner Fee Account;
- the Fraud Prevention and Detection Fee Account; and
- the EB-5 Integrity Fund.

### Immigration Examinations Fee Account (IEFA)

In 1988, Congress created the IEFA, transforming the budgetary structure of the former INS by making most funding for its immigration services functions no longer subject to annual

congressional approval.<sup>29</sup> The INA provides that funds deposited in the IEFA remain available until expended “for expenses in providing immigration adjudication and naturalization services and the collection, safeguarding and accounting for fees deposited in and funds reimbursed from the ‘Immigration Examinations Fee Account.’”<sup>30</sup> This language serves as a permanent appropriation, making IEFA funds available without reliance on the annual appropriations process.

The INA requires user fees to be set at a level ensuring full recovery of adjudication and naturalization service costs, including the costs of services to foreign nationals who are not charged fees (e.g., asylum applicants).<sup>31</sup> User fees can also be set at levels to cover administrative costs. As such, USCIS controls the authority to set user fee levels according to its budgetary needs (see the “Fee Levels and Public Policy” section and “Executive Action and Accountability to Congress” section).<sup>32</sup>

In addition to its standard fees for immigration benefits, USCIS collects Premium Processing fees from applicants and petitioners seeking expedited (within 15 business days) processing. Established by statute in 2000 (P.L. 106-553, Appendix B, Title I, §112)<sup>33</sup> and enacted the following year, Premium Processing was originally limited to certain employment-based petitions and applications.<sup>34</sup> Its revenue was intended solely to support the cost of the premium processing and help pay for backlog reduction.<sup>35</sup> In 2021, Congress expanded USCIS’s authority to accept Premium Processing fees for other immigration benefits and to use the revenue for other purposes (see the “Supplementary Appropriations” section).<sup>36</sup> Premium Processing revenue now supports the cost of Premium Processing requests, information technology and other improvements to adjudication-related infrastructure, lockbox and overhead costs, and other immigration and naturalization processing costs.<sup>37</sup>

In FY2022, USCIS received 490,588 Premium Processing service requests, out of 8,629,636 total requests for immigration benefits and services.<sup>38</sup> Premium Processing requests thus accompanied

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<sup>29</sup> See P.L. 100-459, §209. Initially, only collected fee revenue exceeding \$50 million was allocated to the INS to pay for immigration adjudication and naturalization services. Congress subsequently amended the law that removed the \$50 million condition, effectively funding all immigration adjudication activities with user fees. See P.L. 101-162. These provisions are codified in INA §286(m), 8 U.S.C. §1356(m).

<sup>30</sup> 8 U.S.C. §1356(n).

<sup>31</sup> 8 U.S.C. §1356(m).

<sup>32</sup> Some fees, such as those for TPS, are set in statute and cannot be adjusted by USCIS. See 8 C.F.R. §103.7(b)(1) for a listing of all fees.

<sup>33</sup> As codified in INA §286(u), 8 U.S.C. §1356(u).

<sup>34</sup> By statute, USCIS may increase the Premium Processing fee according to the Consumer Price Index. For the most recent increase, see DHS, USCIS, “Adjustments to Premium Processing Fees,” 88 *Federal Register* 89539-89550, December 28, 2023.

<sup>35</sup> All user fees from applications and petitions are pooled in IEFA to finance USCIS operations, except user fees from Form I-907 *Request for Premium Processing Services*, which are tracked separately within IEFA.

<sup>36</sup> See the Emergency Stopgap USCIS Stabilization Act (P.L. 116-159, §4102). The act requires that the implementation of this provision must not increase processing times for non-Premium Processing immigration benefits, and that Premium Processing can only be made available when USCIS has determined that it can adjudicate the applicable immigration benefits within the timeframe specified by the Premium Processing fee.

<sup>37</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, p. CIS-IEFA-5.

<sup>38</sup> For the total number of USCIS forms received in FY2022, see DHS, USCIS, *Number of Service-wide forms By Quarter, Form Status, and Processing Time, July 1, 2022-September 30, 2022*, October 2022. For the number of Premium Processing forms received in FY2022, see DHS, “Adjustment to Premium Processing Fees,” 88 *Federal Register* 89539-89550, December 28, 2023, p. 89543.

5.7% of all forms submitted to USCIS in FY2022. In the same year, Premium Processing revenue represented 25.7% of total IEFA revenue.<sup>39</sup> Six years earlier, in FY2016, the percentages were 4.0% and 13.6%, respectively.<sup>40</sup> Thus, while Premium Processing requests increased by 43% over this period, Premium Processing revenue increased by 88%.

## H-1B Nonimmigrant Petitioner Fee Account

In 1998, Congress passed the American Competitiveness and Workforce Improvement Act (ACWIA),<sup>41</sup> which, among other provisions, temporarily increased the annual limit of individuals receiving H-1B nonimmigrant status.<sup>42</sup> To compensate for this increase and reduce employer reliance on highly skilled nonimmigrant workers, the act established the H-1B Nonimmigrant Petitioner Fee Account to provide training and education for American workers through programs administered by the Department of Labor (DOL) and the National Science Foundation (NSF). This provision thereby created an affirmative role for U.S. employers to assist U.S. workers in the context of increased authorization of temporary workers. DOL receives 55% of this account's total revenues, NSF receives 40%, and USCIS receives the remaining 5%.<sup>43</sup> In FY2023, USCIS received roughly \$20 million from the account, or 0.4% of its budget.<sup>44</sup>

The statutorily established H-1B Nonimmigrant Petitioner fee is currently \$1,500 for employers participating in the H-1B program with more than 25 full-time equivalent employees and \$750 otherwise.<sup>45</sup> Unless explicitly exempt, employers must pay an ACWIA fee for each H-1B worker sponsored. Because the level of the fee is specifically set in statute, changing it would require enactment of legislation.

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<sup>39</sup> In FY2022, IEFA Premium Processing revenue totaled \$1.2 billion and IEFA non-Premium Processing revenue totaled \$3.6 billion for a total of \$4.8 billion. DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, p. CIS-IEFA-8.

<sup>40</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Years 2022, Congressional Justification*, p. CIS-IEFA-5 and 6. Congressional budget justifications do not present Premium Processing revenue separately from total IEFA revenue for years prior to FY2016.

<sup>41</sup> P.L. 105-277, §414(b), codified at 8 U.S.C. §1356(s), as amended by the Consolidated Appropriations Act, 2005 (P.L. 108-447, Division J, Title IV, §427).

<sup>42</sup> *Nonimmigrants* are foreign nationals who seek temporary entry to the United States for a specific purpose and a delimited amount of time. Nonimmigrant classifications include foreign government officials, visitors, students, and temporary workers, among others. For more information, see CRS Report R45938, *Nonimmigrant and Immigrant Visa Categories: Data Brief*. H-1B visas are for nonimmigrant workers in specialty occupations requiring at least a bachelor's degree. For more information, see CRS Report R43735, *Temporary Professional, Managerial, and Skilled Foreign Workers: Policy and Trends*.

<sup>43</sup> The fee was initially set by the act at \$500. DOL receives 50% of the total H-1B Nonimmigrant Petitioner Fee revenue for demonstration programs and projects described in 29 U.S.C. §3224a, as well as 5% of the revenue to decrease labor certification processing times for H-1B applications; NSF receives 30% of the revenue to fund scholarships for low-income students to study mathematics, engineering, or computer science, as described in 42 U.S.C. §1869c, as well as 10% to support public-private partnerships in K-12 education. USCIS receives the remaining 5% to support H-1B nonimmigrant petition processing.

<sup>44</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, CIS-IEFA-11.

<sup>45</sup> Employers that qualify as institutions of higher learning or nonprofit or government research organizations per INA §212(p)(1) are exempt from this fee.

## Fraud Prevention and Detection Fee Account

In 2004, Congress passed the L-1 Visa and H-1B Visa Reform Act of 2004,<sup>46</sup> which established the Fraud Prevention and Detection Account. This account receives funds for fraud detection and prevention activities from a \$500 fee that must be paid by an employer either submitting an initial H-1B, H-2B, or L nonimmigrant petition or seeking within those classifications to change a worker's employer.<sup>47</sup> By statute, the Fraud Detection and Prevention Account fee revenue is allocated equally among DHS, DOL, and the Department of State (DOS) for fraud detection and prevention activities. As with the H-1B Nonimmigrant Petitioner fee, the Fraud Prevention and Detection fee is established by statute, and USCIS has no authority to adjust it. In FY2023, USCIS's share of fee revenue from this account was about \$54 million, or 1.0% of its total budget.<sup>48</sup>

## EB-5 Integrity Fund

In 1990, Congress created the EB-5 Immigrant Investor program to promote U.S. economic growth through foreign capital investment and domestic job creation.<sup>49</sup> The EB-5 immigrant category is the fifth of five immigrant categories within the employment-based immigrant system.<sup>50</sup> It provides LPR status to up to 10,000 foreign nationals and their family members who invest in a new commercial enterprise in the United States that generates specified employment levels according to the type of investment.<sup>51</sup>

In 2022, Congress passed the EB-5 Reform and Integrity Act of 2022, which established the EB-5 Integrity Fund.<sup>52</sup> Collected revenues from the related fees are used by DHS to conduct investigations to ensure that monies invested in the program were obtained lawfully; detect and investigate fraud and other crimes; determine whether EB-5 investments and investors are complying with U.S. immigration laws; conduct regular audits and site visits; and for other purposes that DHS deems necessary.<sup>53</sup>

## Annual Appropriations

Historically, appropriations have comprised a relatively small share of USCIS's budget (**Figure 1**) and typically fund E-Verify and the Citizenship and Integration Grant program described above. In some years, Congress has supplemented its usual appropriations for USCIS with additional funding to address specific objectives. For example, Congress appropriated \$25.3 million in FY2009 to support a multiyear effort to modernize USCIS business processes and supporting

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<sup>46</sup> The act was contained within the Consolidated Appropriations Act, 2005, (P.L. 108-447, Division J, Title IV, §426) and is codified at 8 U.S.C. §1356(v).

<sup>47</sup> The Fraud Fee does not apply to petitions that extend or amend an alien's stay in the H-1B or L classifications filed by a current employer.

<sup>48</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, CIS-5.

<sup>49</sup> Immigration Act of 1990, P.L. 101-649, §121.

<sup>50</sup> For more information, see CRS Report R47164, *U.S. Employment-Based Immigration Policy*.

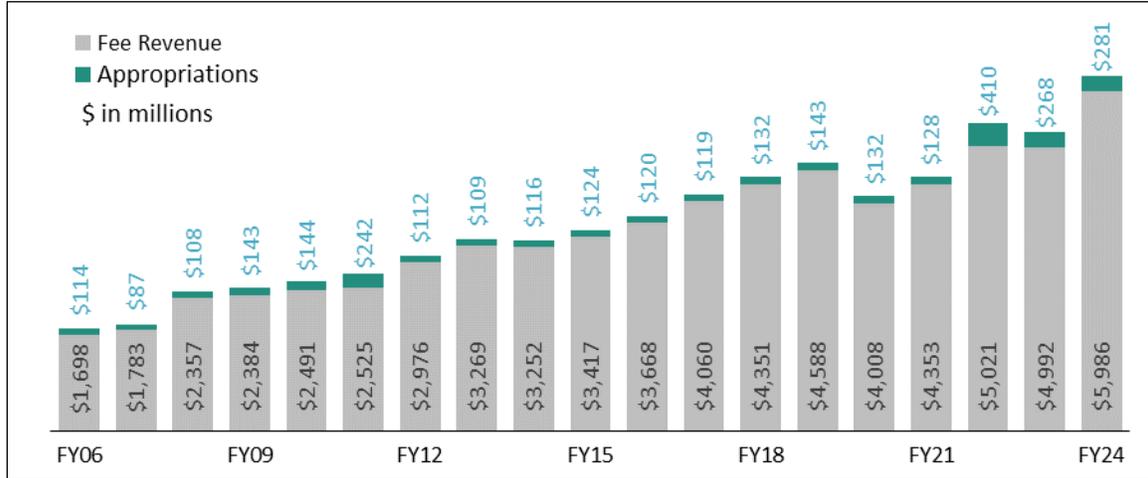
<sup>51</sup> For more information, see CRS Report R44475, *EB-5 Immigrant Investor Program*.

<sup>52</sup> Section 102 of the EB-5 Reform and Integrity Act of 2022, Division BB of the Consolidated Appropriations Act, 2022 (P.L. 117-103), codified in 8 U.S.C. §1153(b)(5)(J). Fund collections include annual fees and petition fees, all in addition to the IEFA fees established for each petition to recover the cost of adjudication. For more information, see DHS, *United States Citizenship and Immigration Services Budget Overview, Fiscal Year 2025, Congressional Justification*, p. CIS-EB5-3.

<sup>53</sup> For more information, see DHS, USCIS, "EB-5 Integrity Fund," September 29, 2023.

systems.<sup>54</sup> More recently, it appropriated money to reduce USCIS processing backlogs that arose due to the COVID-19 pandemic (see the “Supplementary Appropriations” section).

**Figure 1. USCIS Budget by Fee Revenue and Appropriations, FY2006-FY2024**



**Source:** FY2006: Office of Management and Budget, FY2006 Budget Appendix, Department of Homeland Security, p. 448; FY2007-FY2023: DHS Congressional Budget Justification, U.S. Citizenship and Immigration Services, multiple years; FY2024: Further Consolidated Appropriations Act, 2024 (H.R. 2882), Explanatory Statement, Department of Homeland Security, U.S. Citizenship and Immigration Services, Final Bill amounts, *Congressional Record*, March 22, 2024, pp. H1873-H1874.

**Notes:** FY2024 represents final budget authority. Amounts for all other years are actual. Fee revenue includes amounts for the IEFA, the H-1B Nonimmigrant Petitioner Account, the Fraud Prevention and Detection Account, and starting in FY2023, the EB-5 Integrity Fund.

## Year-End Carryover Balance

USCIS maintains a cash reserve or *carryover* balance from one fiscal year to the next that represents accumulated unobligated and unexpended user-fee revenue. According to USCIS, “IEFA requires a positive carryover balance to ensure that sufficient funds are available to maintain operations at the start of each new fiscal year until it collects and deposits current year fee revenue.”<sup>55</sup> The balance helps the agency manage revenue fluctuations and unanticipated demands on its processing operations.<sup>56</sup> Following DHS financial management guidelines, USCIS has established a minimum carryover target balance equal to planned first quarter spending.<sup>57</sup>

<sup>54</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2010, Congressional Justification*, USCIS-41.

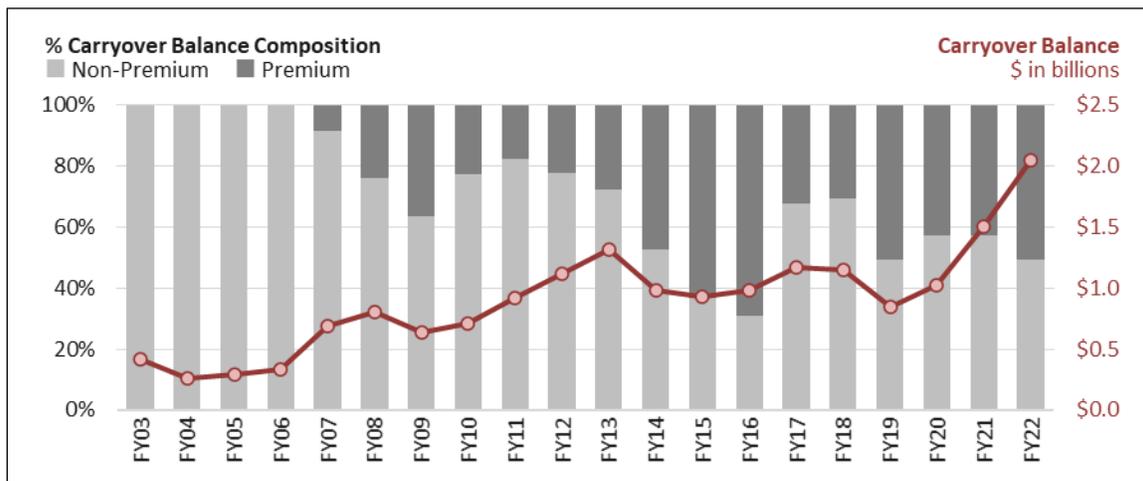
<sup>55</sup> USCIS Fee Review 2023, p. 21.

<sup>56</sup> According to USCIS, “For accounting purposes, USCIS cannot recognize revenue as earned until work is completed. This means that USCIS recognizes revenue when it renders a decision on an immigration benefit request. Consequently, USCIS maintains a carryover balance to cover the cost of processing applications and petitions that are pending adjudication at the end of the fiscal year; serve as contingency funding in the event of an unexpected decline in fee collections; cover the start-up costs of new or expanded programs before sufficient fee revenues from such programs are collected (if a fee is to be collected); and cover other valid contingencies.” *Ibid*, p. 22.

<sup>57</sup> USCIS describes this computed balance as “the planned total first quarter spending plus the annual net sequestration difference.” *Ibid*, pp. 23-24. For more information on sequestration, see CRS Report R42972, *Sequestration as a Budget Enforcement Process: Frequently Asked Questions*.

**Figure 2** shows that the total carryover balance has increased from \$416 million in FY2003 to \$2.04 billion in FY2022. At the start of FY2024, the balance was projected at \$2.2 billion.<sup>58</sup> The carryover balance consists of fees associated with USCIS’s non-Premium Processing workload and its Premium Processing workload. The growing percentage of the latter underscores how Premium Processing revenue increasingly supports USCIS fiscal stability.

**Figure 2. USCIS Carryover Balance, by Type, FY2003-FY2022**



**Source:** Unpublished data provided to CRS by USCIS Office of Legislative Affairs, November 27, 2023.

**Notes:** Prior to FY2007, all Premium Processing revenue was effectively used during the fiscal year it was received. USCIS was authorized to expand the use of Premium Processing revenue in the Emergency Stopgap USCIS Stabilization Act (H.R. 8089, 117<sup>th</sup> Congress). Carryover balances exclude adjustments for sequestration.

Despite the positive and recently increasing carryover balance trendline shown in **Figure 2**, USCIS signaled to Congress in FY2023 that it projected forthcoming negative carryover balances (non-premium) for that fiscal year if its proposed 2023 fee rule could not be enacted (see the “Fee Levels and Public Policy” section).<sup>59</sup>

## Issues for Congress

### Fee Levels and Public Policy

In January 2024, USCIS published a final rule, effective April 1, 2024, that increased many of its fees for the first time since December 2016.<sup>60</sup> USCIS maintains that the increases are required to recover the full cost of providing adjudication and naturalization services at an adequate level, and that absent this revision, the agency would incur a deficit of \$1.1 billion.<sup>61</sup> USCIS similarly

<sup>58</sup> DHS, *United States Citizenship and Immigration Services, Budget Overview, Fiscal Year 2025, Congressional Justification*, p. CIS-7.

<sup>59</sup> USCIS Fee Review 2023, p. 22.

<sup>60</sup> DHS, “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” 89 *Federal Register* 6194-6400, January 31, 2024 (hereinafter, “USCIS 2024 Final Fee Rule”). See also, DHS, USCIS, “Frequently Asked Questions on the USCIS Fee Rule,” February 14, 2024.

<sup>61</sup> The estimated deficit avoided was based on evaluated revenues and costs for FY2022 and FY2023. See USCIS 2024 Final Fee Rule, p. 6207.

had revised its fee schedule in 2002,<sup>62</sup> 2004,<sup>63</sup> 2005,<sup>64</sup> 2007,<sup>65</sup> 2010,<sup>66</sup> and 2016.<sup>67</sup> (See **Table A-1** for a comparison of most USCIS fees in 2005, 2007, 2010, 2016, and 2024). Although not enacted, the Trump Administration issued a final rule adjusting the fee schedule in 2020 that was later enjoined by a federal court.<sup>68</sup> The rule was subsequently withdrawn by the Biden Administration in 2021.<sup>69</sup> In March 2023, DHS published another proposed rule to revise its fee schedule that became the 2024 final rule.<sup>70</sup>

USCIS revises most fees through regulation. Like other federal agencies that charge user fees, USCIS must regularly assess and revise its fee schedule.<sup>71</sup> Proposed rules to do so typically elicit many public concerns about the increasing cost of immigration benefits. USCIS has sometimes quantified the overall change in the fee schedule using an overall weighted average percentage.<sup>72</sup> In the 2007 final rule, USCIS reported that fees had increased by 66% compared to the 2005 fee schedule.<sup>73</sup> In its 2010 final rule, the agency reported an increase of 10% over its 2007 schedule.<sup>74</sup> In 2016, USCIS reported an increase of 21% over the 2010 fee schedule,<sup>75</sup> and the 2020 final rule reported a 20% increase over 2016.<sup>76</sup> Although the 2023 proposed rule notice for the most recent revision specified an overall weighted average increase of 40% over the 2016 schedule, the 2024 final rule notice, which reflected fee reductions from the 2023 proposed rule, did not quantify the

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<sup>62</sup> DOJ, Immigration and Naturalization Service, “Adjustment of Certain Fees of the Immigration Examinations Fee Account,” 66 *Federal Register* 65811-65816, December 21, 2001.

<sup>63</sup> DHS, “Adjustment of the Immigration Benefit Application Fee Schedule,” 69 *Federal Register* 20528-20536, April 15, 2004.

<sup>64</sup> The 2005 revision was implemented solely to account for inflation and increased fees by an average of \$10. DHS, “Adjustment of the Immigration Benefit Application Fee Schedule,” 70 *Federal Register* 56182-56184, September 26, 2005.

<sup>65</sup> DHS, “Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule,” 72 *Federal Register* 29851-29874, May 30, 2007.

<sup>66</sup> DHS, “U.S. Citizenship and Immigration Services Fee Schedule,” 75 *Federal Register* 58962-58991, September 24, 2010 (hereinafter, “USCIS 2010 Final Fee Rule”).

<sup>67</sup> DHS, “U.S. Citizenship and Immigration Services Fee Schedule,” 81 *Federal Register* 73292-73332, October 24, 2016 (hereinafter, “USCIS 2016 Final Fee Rule”).

<sup>68</sup> DHS, “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” 85 *Federal Register* 46788-46929, August 3, 2020 (hereinafter, “USCIS 2020 Final Fee Rule”).

<sup>69</sup> DHS, “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” 86 *Federal Register* 7493, January 29, 2021.

<sup>70</sup> See DHS, “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” 88 *Federal Register* 402-602, January 4, 2023 (hereinafter, “USCIS 2023 Fee Schedule Proposal”).

<sup>71</sup> USCIS’s authority to set user fees comes from Office of Management and Budget’s (OMB’s) Circular A-25 and the Chief Financial Officers Act of 1990 (P.L. 101-576, §902(a)(8)) which states that each federal agency’s Chief Financial Officer must “review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the agency for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.” The Government Accountability Office (GAO) has assessed how USCIS fees correspond to its processing costs; see GAO, *Federal User Fees: Fee Design Characteristics and Trade-Offs Illustrated by USCIS’s Immigration and Naturalization Fees*, GAO-10-560T, March 23, 2010.

<sup>72</sup> In its various proposed and final rules, USCIS did not include a description of its methodology for computing the cited overall weighted average percentage changes in fees.

<sup>73</sup> DHS, “Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule,” 72 *Federal Register* 4888-4915, p. 4910. The fee schedules in the proposed and final rules were essentially identical.

<sup>74</sup> USCIS 2010 Final Fee Rule, p. 58962.

<sup>75</sup> USCIS 2016 Final Fee Rule, p. 73292.

<sup>76</sup> USCIS 2020 Final Fee Rule, p. 46788.

ultimate overall change. According to USCIS, fee increases in the final rule generally reflect an upper limit of 26%, equivalent to the increase in the Consumer Price Index since 2016, the year of the previous fee schedule. The fee increases for many benefits fall below 26%.<sup>77</sup>

Considerations for setting fees can be broad. In a 2010 assessment, the U.S. Government Accountability Office (GAO) outlined four policy considerations for setting fee levels: *equity* (everyone pays their fair share), *efficiency* (the economic value that beneficiaries place on the service), *revenue adequacy* (the extent to which fee collections cover the intended share of costs), and *administrative burden* (the full cost of fee administration).<sup>78</sup>

By contrast, in its 2024 proposed rule issuance, USCIS distinguished between two primary policy considerations: a *beneficiary pays* principle (the beneficiaries of a service pay for its cost) and an *ability-to-pay* principle (those more capable of bearing the burden of fees pay more for the service than those with less ability to pay).<sup>79</sup> These two perspectives reflect a debate over who should pay for immigration services received by fee-exempt beneficiaries. For example, the decision to exempt asylum seekers from paying an application fee means that USCIS must then recover the cost of processing those applications through higher fees for other immigration benefits. Similarly, USCIS's \$50 fee for registrants of TPS, established by statute in 1990, cannot be revised through regulation to reflect decades of increasing processing costs. Those costs must then be recovered from other user fees.<sup>80</sup>

In its 2023 proposed rule, USCIS estimated that 1 million of the 8 million forms it received in FY2022 (about 12.5% of total processing volume) had no fee, were fee-exempt, or were fee-waived.<sup>81</sup> According to USCIS, humanitarian-related processing costs, which are not fully covered by related user fees, represented roughly 5% of USCIS's budget when the agency was created in 2002. In 2022, it represented almost 20% of USCIS's budget.<sup>82</sup> Consequently, while some of USCIS's recent financial shortfall can be attributed to temporary disruptions caused by COVID, financial challenges for the agency increasingly stem from growing numbers of asylum seekers and others seeking humanitarian relief.<sup>83</sup>

The Asylum Program fee demonstrates how USCIS applied the ability-to-pay principle in its 2024 final fee schedule. The fee—\$600 for businesses with more than 25 employees, \$300 for all other businesses, and no fee for nonprofit organizations—is incurred by employers filing the I-129 *Petition for Nonimmigrant Worker* and I-140 *Immigrant Petition for Alien Worker*. USCIS notes that this fee allows fees for other immigration benefits to be lower than if the asylum program costs were spread evenly among all fee payers.<sup>84</sup>

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<sup>77</sup> DHS, USCIS, "Frequently Asked Questions on the USCIS Fee Rule," February 14, 2024.

<sup>78</sup> GAO, *Fee Design Characteristics and Trade-Offs Illustrated by USCIS's Immigration and Naturalization Fees*, GAO-10-560T, March 23, 2010.

<sup>79</sup> USCIS 2024 Final Fee Rule, p. 6246.

<sup>80</sup> INA §244(c)(1)(B), 8 U.S.C. §1254a(c)(1)(B). The fee was established in 1990; to have the same purchasing power in 2023, it would need to be \$112. See DHS, *Annual Report 2023 Citizenship and Immigration Services Ombudsman*, June 30, 2023 (hereinafter, "2023 USCIS Ombudsman Report"), p. 49. Other fees also established in statute include the Fraud Prevention and Detection and H-1B Nonimmigrant Petitioner Accounts, described previously.

<sup>81</sup> USCIS 2023 Fee Schedule Proposal, p. 405.

<sup>82</sup> Testimony of USCIS Director Ur Jaddou, U.S. Congress, House Committee on Appropriations, *United States Citizenship and Immigration Services FY23 Budget Request*, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., April 6, 2022.

<sup>83</sup> See also 2023 USCIS Ombudsman Report, p. v; and National Immigration Forum, *Remaking USCIS: Supplementing a Fee-Funded Agency*, April 8, 2022.

<sup>84</sup> USCIS 2023 Fee Schedule Proposal, p. 452.

USCIS may also revise eligibility criteria for fee waivers.<sup>85</sup> USCIS recently estimated that for FY2020, \$229.4 million in fee waivers were granted, which represented 5.9% of actual FY2020 IEFA revenue.<sup>86</sup> Under current regulations, applicants may receive a fee waiver if they can clearly demonstrate an inability to pay.<sup>87</sup> While USCIS accepts fee waiver applications for about 25 different applications and petitions,<sup>88</sup> it will not authorize fee waivers in cases where “a waiver is inconsistent with the benefit requested, which may require establishing financial stability.”<sup>89</sup>

Advocates for lower USCIS fees argue that higher fees impose hardship disproportionately on those seeking immigration services and benefits, including small businesses.<sup>90</sup> Some have argued, for example, that higher fees may force some families to seek services and benefits incrementally rather than as a family unit, causing some members to forgo the application process entirely.<sup>91</sup> Others have asserted that current fees required to submit a naturalization application discourage eligible low-income immigrants from naturalizing.<sup>92</sup> Similar arguments have been made in response to the 2023 proposed and 2024 final fee schedule rules.<sup>93</sup>

Proponents of fee increases have argued that immigration fees must reflect the full cost of delivering immigration services. Such arguments form the core of USCIS’s response to comments opposing fee increases in the 2023 proposed and 2024 final fee schedule rules. Some have objected to any fee structure that would require “overtaxed and overstretched Americans” to support through their tax dollars an agency they view as primarily benefiting immigrants.<sup>94</sup>

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<sup>85</sup> For example, on October 25, 2019, USCIS announced that it was revising its fee waiver policies by both requiring applicants to submit tax transcripts to demonstrate income, and no longer accepting evidence of having received a means-tested public benefit as evidence of the inability to pay USCIS fees. See DHS, USCIS, “USCIS Updates Fee Waiver Requirements,” October 25, 2019. See also DHS, USCIS, “Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Fee Waiver; Exemptions,” 84 *Federal Register* 26137-26140, June 5, 2019. These policies were implemented in December 2019 and subsequently enjoined by a federal court. See *City of Seattle v. Dep’t of Homeland Sec.*, No. 3:19–CV–07151–MMC (N.D. Cal. Dec.).

<sup>86</sup> See USCIS Fee Review 2023, p. 33.

<sup>87</sup> See 8 C.F.R. §106.3 for regulations on fee waivers and exemptions.

<sup>88</sup> DHS, USCIS, “Instructions for Request for Fee Waiver,” OMB No. 1615-0116, September 3, 2021.

<sup>89</sup> USCIS 2023 Fee Schedule Proposal. For information on fee waivers, see USCIS Policy Memorandum, *Fee Waiver Guidelines as Established by the Final Rule of the USCIS Fee Schedule; Revisions to Adjudicator’s Field Manual (AFM) Chapter 10.9, AFM Update AD11-26, PM-602-0011.1*, March 13, 2011.

<sup>90</sup> See, for example, U.S. Congress, Senate Committee on Appropriations, Subcommittee on Homeland Security, *Department of Homeland Security Appropriations Bill*, report to accompany S. 2625, 118<sup>th</sup> Cong., 1<sup>st</sup> sess., July 27, 2023, p. 102; and Adriel Orozco, “USCIS Finalizes Increase in Fees for Immigration-Related Applications,” *Immigration Impact*, American Immigration Council, February 9, 2024.

<sup>91</sup> See, for example, USCIS 2024 Final Fee Rule, p. 6317.

<sup>92</sup> Madeleine Sumption and Sarah Flamm, *The Economic Value of Citizenship for Immigrants in the United States*, Migration Policy Institute, Washington, DC, September 2012; and National Foundation for American Policy, *Reforming the Naturalization Process*, NFAP Policy Brief, August 2011. In its 2010 revised fee schedule, USCIS exempted the N-400 *Application for Naturalization* from a fee increase.

<sup>93</sup> See, for example, Britain Eakin, “Proposed Visa Fee Hikes Draw Widespread Criticism,” *Law360*, March 15, 2023.

<sup>94</sup> Statement by Representative Steven King in U.S. Congress, House Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, *Hearing on the United States Citizenship and Immigration Services*, 111<sup>th</sup> Cong., 2<sup>nd</sup> session, March 23, 2010.

## Humanitarian Processing

In the past three years, historically high numbers of migrants have arrived at the Southwest border.<sup>95</sup> Many seek humanitarian relief and can potentially benefit from major immigration programs such as asylum, humanitarian parole, and TPS.

Although USCIS is not directly responsible for border security, it is involved with the asylum screening process for certain migrant arrivals at the border. Most migrants who request asylum are placed into formal removal proceedings and scheduled for a hearing with an immigration judge in the Department of Justice's (DOJ's) Executive Office for Immigration Review (EOIR).<sup>96</sup> Until recently, only immigration judges could adjudicate claims for humanitarian relief for individuals in removal proceedings. As a result, the recent increase of migrant arrivals at the Southwest border has contributed substantially to a sizable preexisting immigration courts backlog, which at the end of 2023 exceeded three million cases.<sup>97</sup>

In May 2022, in response to the growing EOIR backlog, the Biden Administration initiated an Asylum Officer Rule intended to reduce long waiting periods for asylum claims adjudication through EOIR immigration courts. The rule authorized USCIS asylum officers to not only provide the initial credible fear interviews but also adjudicate asylum cases through a new Asylum Merits Interview (AMI).<sup>98</sup> The rule also reduced asylum seekers' waiting time before being allowed to apply for work authorization.<sup>99</sup> The rule applies prospectively and only to adults and families in expedited removal proceedings who indicate an intent to apply for asylum or express a fear of persecution, torture, or other harm if they return to their home country.<sup>100</sup> Nevertheless, the rule is expected to be implemented gradually, and most individuals who receive positive credible fear determinations will continue to be referred to EOIR for formal removal proceedings.<sup>101</sup>

In October 2022, the Biden Administration established a humanitarian parole process for nationals from Venezuela, a country facing considerable political turmoil and mass out-migration.<sup>102</sup> In January 2023, DHS expanded the process to nationals of Cuba, Haiti, and Nicaragua.<sup>103</sup> The *CHNV processes* (for nationals of Cuba, Haiti, Nicaragua, and Venezuela)

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<sup>95</sup> For background information, see archived CRS Report R47556, *U.S. Border Patrol Encounters at the Southwest Border: Fact Sheet*.

<sup>96</sup> For more information, see CRS Legal Sidebar LSB10150, *Immigration Laws Regulating the Admission and Exclusion of Aliens at the Border* and CRS Report R47504, *Asylum Process in Immigration Courts and Selected Trends*.

<sup>97</sup> "Immigration Court Backlog Tops 3 Million; Each Judge Assigned 4,500 Cases," *TRAC Immigration*, December 18, 2023.

<sup>98</sup> USCIS asylum officers also have the option to refer asylum seekers to EOIR immigration judges for formal hearings. DHS and DOJ, EOIR, "Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers," Interim Final Rule, 87 *Federal Register* 18078-18226, March 29, 2022 (hereinafter, "Asylum Officer Rule 2022").

<sup>99</sup> Some critics of the rule contend that its reduced work authorization waiting period will increase labor market competition with U.S. workers and subverts Congress's intention to discourage foreign nationals from applying for asylum solely to work in the United States. See, for example, Arthur R. Arthur, "Biden Admin. Admits Its 'Asylum Officer Rule' Will Further Impoverish Struggling U.S. Workers," Center for Immigration Studies, November 16, 2023.

<sup>100</sup> For more information, see DHS, USCIS, "Fact Sheet: Implementation of the Credible Fear and Asylum Processing Interim Final Rule," October 17, 2023.

<sup>101</sup> Asylum Officer Rule, p. 18185.

<sup>102</sup> For more information, see CRS In Focus IF10230, *Venezuela: Political Crisis and U.S. Policy*.

<sup>103</sup> DHS, USCIS, "USCIS, Processes for Cubans, Haitians, Nicaraguans, and Venezuelans," September 20, 2023. For more information on humanitarian parole, see CRS Report R46570, *Immigration Parole*.

allow qualifying nationals and their immediate family members to come to the United States temporarily for up to two years and apply for employment authorization upon arrival. As of November 2023, USCIS had processed 312,430 CHNV beneficiaries.<sup>104</sup>

DHS has also designated more countries for TPS in recent years. In November 2018, for example, 417,341 individuals from 10 countries were TPS beneficiaries.<sup>105</sup> Five years later, as of September 2023, those figures had increased to 697,530 individuals from 16 countries.<sup>106</sup> The 2023 figure included 239,175 nationals just from Venezuela.<sup>107</sup> In September 2023, DHS extended and redesignated Venezuela for TPS, thereby increasing the number of TPS-eligible Venezuelan nationals to an estimated 472,000 individuals.<sup>108</sup>

As discussed above, applications for most humanitarian immigration benefits such as asylum, humanitarian parole, and TPS generate either no fee revenue or revenue insufficient to cover current processing costs. The sizable increase in the number of persons seeking humanitarian benefits requires that USCIS devote more personnel to process these benefit applications, along with related employment and travel authorization applications.

## Supplementary Appropriations

Prior to the COVID-19 pandemic, USCIS had not received supplementary appropriations from Congress apart from those described in the “Annual Appropriations” section.<sup>109</sup> The agency had managed to operate with a sufficiently large carryover balance to cover fluctuations in its ongoing expenses.<sup>110</sup>

The COVID-19 pandemic depressed international travel, which reduced the demand for U.S. visas and lowered USCIS fee revenue.<sup>111</sup> In March 2020, the Trump Administration imposed immigration restrictions that also reduced USCIS fee revenue.<sup>112</sup> The decreased demand for U.S. visas as a result of the pandemic led USCIS to consume much of its carryover reserve.

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<sup>104</sup> Office of Homeland Security Statistics, “Immigration Enforcement and Legal Processes Monthly Tables,” November 2023, data current as of January 24, 2024.

<sup>105</sup> See CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure* (version from March 29, 2019).

<sup>106</sup> See CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure* (version from December 11, 2023).

<sup>107</sup> Ibid. See also CRS In Focus IF10230, *Venezuela: Political Crisis and U.S. Policy*; and archived CRS Insight IN12040, *New Immigration Policies Related to Venezuelan Migrants*.

<sup>108</sup> See DHS, “Secretary Mayorkas Announces Extension and Redesignation of Venezuela for Temporary Protected Status,” press release, September 20, 2023.

<sup>109</sup> Unlike “supplemental appropriations,” which are provided outside the annual appropriations process, “supplementary appropriations” in this discussion are any discretionary appropriations provided to USCIS for unmet needs outside of the agency’s usual funding pattern. They may be provided through annual or supplemental appropriations measures.

<sup>110</sup> DHS, USCIS, *Fiscal Year 2022 Progress Report*, December 2022, p. 11.

<sup>111</sup> Walter Ewing, “The COVID-19 Pandemic Made USCIS Backlogs Go from Bad to Worse,” *Immigration Impact*, July 6, 2021. Processing and interview backlogs overseas were compounded because of the agency’s decision in 2019 to close many of its international field and district offices and transfer their functions to DOS consular and USCIS domestically based staff. USCIS stated that the closures would allow the agency to direct its resources toward clearing immigration backlogs in the United States. For more information, see DHS, USCIS, “USCIS Will Adjust International Footprint to Seven Locations,” August 9, 2019. For more information, see American Immigration Lawyers Association (AILA), *USCIS Closure of Some International Offices Impacts Applications, Petitions, and Forms Typically Processed by Field Offices Overseas*, AILA Practice Alert 19070237, updated February 17, 2020.

<sup>112</sup> For background information, see CRS Insight IN11435, *COVID-19-Related Suspension of Nonimmigrant Entry* and CRS Insight IN11362, *COVID-19-Related Suspension of Immigrant Entry*.

In May 2020, USCIS notified Congress of an anticipated decline in petition and application receipts and an expected budget shortfall. The agency requested \$1.2 billion to support operations until the end of FY2020 and initiated a hiring freeze and issued furlough notices to 70% of its employees.<sup>113</sup> The hiring freeze lasted from May 2020 through April 2021 and precipitated a decline in the number of USCIS adjudicators and contract support staff who could not be replaced when they left the agency. When revised budget estimates indicated that the agency had sufficient funding, USCIS rescinded the furlough notices.<sup>114</sup> The agency ended the fiscal year with a \$582 million surplus.<sup>115</sup>

In response to the threat to USCIS's fiscal condition, Congress passed the Emergency Stopgap USCIS Stabilization Act,<sup>116</sup> which gave USCIS authority to bolster its finances by expanding Premium Processing. Previously, Premium Processing had been limited to USCIS Form I-129 for nonimmigrant workers and USCIS Form I-140 for immigrant workers. The act allowed USCIS to make it available for any immigration benefit considered appropriate. The act also expanded the agency's authority to use Premium Processing funds not only for infrastructure improvements but also to cover operating expenses.

USCIS's financial position subsequently improved. By the start of FY2022, the agency had \$1.5 billion in cash reserves, and by the start of FY2023, over \$2 billion (**Figure 2**). For FY2022, DHS requested \$345 million to address USCIS's processing backlog and to support refugee processing, which had expanded under the Biden Administration. Congress appropriated \$275 million for these purposes.<sup>117</sup> Congress also appropriated \$193 million to support the agency's efforts with Operation Allies Welcome.<sup>118</sup> For FY2023, the Biden Administration requested an additional \$375 million for USCIS to operationalize Executive Order 14010 related to migration management and orderly asylum processing.<sup>119</sup> Congress responded by appropriating \$133.4 million to the agency.<sup>120</sup>

In its 2025 budget request, USCIS asked Congress for a total appropriation of \$265.2 million, comprised of \$110.2 million to fund the E-Verify program, \$10 million for citizenship and integration grants, and an additional \$145 million for application processing for its refugee, asylum, and international operations.<sup>121</sup>

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<sup>113</sup> DHS, USCIS, "Deputy Director for Policy Statement on USCIS' Fiscal Outlook," June 25, 2020. See also National Immigration Forum, *Remaking USCIS: Supplementing a Fee-Funded Agency*, April 8, 2022.

<sup>114</sup> Doris Meissner and Ruth Ellen Wasem, *Toward a Better Immigration System: Fixing Immigration Governance at the U.S. Department of Homeland Security*, Migration Policy Institute, October 2021, p. 29.

<sup>115</sup> DHS, USCIS, *Fiscal Year 2022 Progress Report*, December 2022, p. 11.

<sup>116</sup> Originally introduced in the 116<sup>th</sup> Congress as H.R. 8089, the act was included in the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159, Division D, Title I). DHS subsequently published a final rule that amended existing Premium Processing regulations codifying these statutory changes. See DHS, USCIS, "Implementation of the Emergency Stopgap USCIS Stabilization Act," 87 *Federal Register* 18227-18261, March 30, 2022.

<sup>117</sup> Consolidated Appropriations Act, 2022 (P.L. 117-103, Division F, Title IV). Of the \$275 million, \$87.6 million was designated for application processing. See the accompanying Joint Explanatory Statement – Division F, page 75, for specific amounts. In its FY2023 Congressional Budget Justification, USCIS credits this funding with reducing USCIS's processing backlog from 5.3 million to 5.0 million forms between January 2022 and December 2022.

<sup>118</sup> See Afghanistan Supplemental Appropriations Act, 2022, within the Extending Government Funding and Delivering Emergency Assistance Act (P.L. 117-43, §2501).

<sup>119</sup> DHS, USCIS, *Budget Overview, Fiscal Year 2023 Congressional Justification*, CIS-O&S-9.

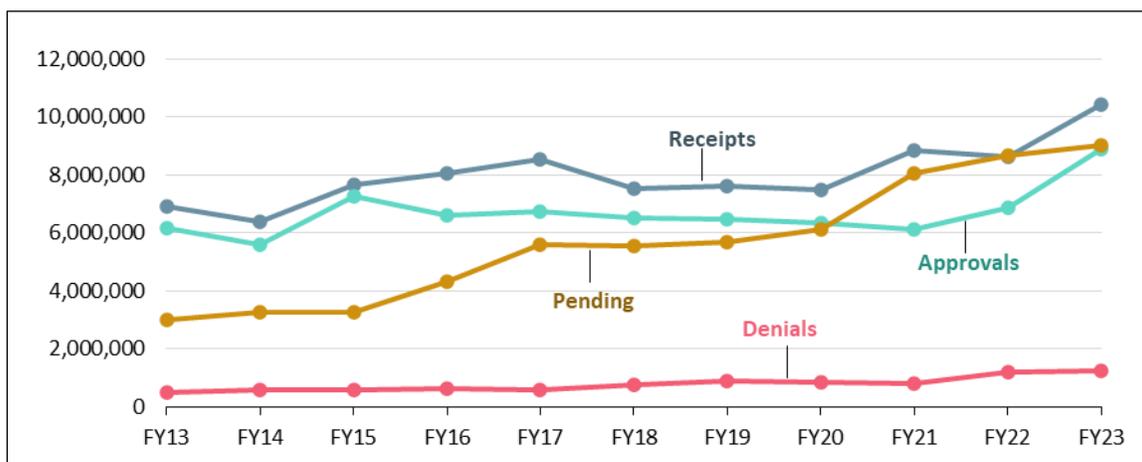
<sup>120</sup> DHS, USCIS, *Budget Overview, Fiscal Year 2025 Congressional Justification*, CIS-4.

<sup>121</sup> *Ibid.*

## Recent Processing Backlogs

From FY2013 to FY2023, the volume of immigration forms received by USCIS increased 52%, from 6.9 million to 10.5 million (**Table B-1**). During the same period, the number of pending forms that USCIS had not yet adjudicated tripled, from 3.0 million to 9.0 million (**Figure 3**). In February 2024, USCIS reported that it had reduced its overall backlogs (which it describes as “cases outside of processing times”) during FY2023 by 15%. The agency reported a record 10.9 million received filings, and 10.0 million filing completions in FY2023, among other accomplishments.<sup>122</sup>

**Figure 3. USCIS Forms Received, Approved, Denied, and Pending at Year End, FY2013-FY2023**



**Source:** USCIS, *Number of Service-Wide Forms by Fiscal Year to Date, Quarter, and Form Status*, multiple years.

To facilitate planning for its continually fluctuating annual workload, USCIS regularly projects total application workload volume, along with associated user fees to be collected (based on which applicants pay fees).<sup>123</sup> USCIS makes such projections by using modeling techniques and anticipating filing trends and events that may influence the volume of applications. Nevertheless, the agency’s workload is influenced by factors such as shifts in U.S. immigration policy, the economy, and international political events, all of which affect the extent to which foreign nationals apply for immigration benefits.<sup>124</sup>

Increases in USCIS’s pending caseload over the past five years have been attributed largely to five major factors:

1. In 2018, the Trump Administration instituted policies intended to provide greater security and reduce the incidence of immigration fraud. These requirements included additional questions on applications and petitions that sometimes significantly exceeded those found on the original forms; expanded interview

<sup>122</sup> USCIS, “Completing an Unprecedented 10 Million Immigration Cases in Fiscal Year 2023, USCIS Reduced Its Backlog for the First Time in Over a Decade,” February 9, 2024.

<sup>123</sup> See DHS, Office of the Inspector General, *U.S. Citizenship and Immigration Services Information Technology Management Progress and Challenges*, OIG-14-112, July 2014.

<sup>124</sup> For example, USCIS struggled for several years to reduce a processing backlog caused by the surge in petition volume from its relatively large FY2007 fee adjustments. For background information, see CRS Report RL34040, *U.S. Citizenship and Immigration Services’ Immigration Fees and Adjudication Costs: The FY2008 Adjustments and Historical Context* (available upon request to Members of Congress and their staff).

- requirements in response to security-related executive orders; and increasing the number of Requests for Evidence in response to insufficient information obtained initially from forms and interviews.<sup>125</sup> These policies extended the time USCIS required to adjudicate certain petitions.<sup>126</sup>
2. In May 2020, USCIS implemented a hiring freeze that created sizable staffing shortages and hindered its adjudicatory capacity following employee departures and retirements.<sup>127</sup>
  3. The COVID-19 pandemic hindered immigration benefit processing. USCIS and DOS both took public health precautions on behalf of their employees that restricted how many petitioners and applicants could acquire visas abroad or be processed for immigration benefits in the United States. These precautions included closing all in-person work for three months, and then limiting in-person visa interviews to maintain health protocols.<sup>128</sup>
  4. USCIS was unable to process all of the statutorily permitted family-based immigrant petitions in FY2021 and FY2022, resulting in hundreds of thousands of unused family-sponsored preference immigrant visas. By statute, these immigrant visa numbers “fall across” to employment-based immigrants in the following fiscal year. Capitalizing on the opportunity, created by the additional employment-based visas, to reduce the employment-based immigrant backlog, USCIS devoted a portion of its limited resources to process 135,000 backlogged employment-based immigrant petitions and ensure that such visas were not wasted before the end of the fiscal year.<sup>129</sup> This delayed the processing of other immigration benefits.
  5. Unanticipated international events forced USCIS to shift some personnel away from conventional applications and petitions. These events included unprecedented numbers of asylum seekers arriving at the Southwest border, which created a corresponding high demand for humanitarian relief. The U.S. withdrawal from Afghanistan and the Russian invasion of Ukraine required USCIS to prioritize humanitarian parole, asylum applications, and work authorization applications through the Operation Allies Welcome and Uniting for Ukraine initiatives, respectively. The Biden Administration also created a special parole process for nationals from Venezuela that it subsequently expanded to nationals from Cuba, Haiti, and Nicaragua.<sup>130</sup> Finally, as noted earlier, DHS designated more countries for TPS, thereby increasing the number of personnel that USCIS had to devote to process initial and renewal TPS applications along with related work and travel authorization applications.<sup>131</sup>

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<sup>125</sup> GAO, *U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload*, GAO-21-529, August 18, 2021, pp. 17-20.

<sup>126</sup> Some argued that these requirements were intended to discourage certain forms of immigration. See, for example, Muzaffar Chishti and Jessica Bolter, “The ‘Trump Effect’ on Legal Immigration Levels: More Perception than Reality?,” *Migration Information Source, Policy Beat*, November 20, 2020.

<sup>127</sup> DHS, USCIS, *Fiscal Year 2022 Progress Report*, December 2022, pp. 11-13.

<sup>128</sup> Walter Ewing, “The COVID-19 Pandemic Made USCIS Backlogs Go from Bad to Worse,” *Immigration Impact*, July 6, 2021.

<sup>129</sup> 2023 USCIS Ombudsman Report, pp. 58-73.

<sup>130</sup> DHS, USCIS, “Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,” September 20, 2023.

<sup>131</sup> In November 2018, for example, 417,341 individuals from 10 countries had TPS. Five years later, in September (continued...)

To ease backlogs and processing burdens, USCIS has recently taken a number of actions. It has extended the validity periods for some of its applications, such as for Employment Authorization Documents (EADs) to reduce the need to process renewals.<sup>132</sup> For other applications, it has expedited renewals. In addition, the agency has established new internal metrics for certain petitions and applications in order to guide backlog reduction efforts and gauge agency progress on reducing case processing times.<sup>133</sup>

USCIS has also introduced new procedures, such as video interviews for certain naturalization, asylum, and refugee cases. The agency has introduced greater flexibility for naturalization oath ceremonies to accommodate COVID-related health concerns related to large group events and the need for social distancing; reused certain biometrics data in cases involving the same individual; and expanded remote work for its personnel, particularly during office closures.<sup>134</sup> To reduce collecting and verifying unnecessary information, USCIS has simplified several common forms, including the applications for employment authorization (Form I-765), adjustment of status (Form I-485), and naturalization (Form N-400).<sup>135</sup>

Legislative proposals addressing USCIS processing backlogs typically involve supplemental appropriations. For example, the Assisting Seekers in Pursuit of Integration and Rapid Employment (ASPIRE) Act (H.R. 4309/ S. 2175) in the 118<sup>th</sup> Congress would appropriate \$2 billion to the agency, of which at least 75% would need to be spent to hire personnel.

## Digitization and Customer Service

USCIS continues to process many benefits using paper-based forms, an operating system long considered outmoded, inefficient, and costly.<sup>136</sup> As of August 2022, paper filings accounted for four-fifths (81%) of all application and petition receipt volume.<sup>137</sup> According to DHS's Inspector General, the lack of progress in digitizing USCIS forms has impeded USCIS from operating more cost-effectively, particularly during the COVID-19 pandemic.<sup>138</sup>

Paper files impose a considerable storage burden to USCIS. The agency was storing roughly 80 million paper *A-Files* (case files for each immigration benefit request) in more than 150 locations as of August 2022.<sup>139</sup> USCIS also held 2.6 million paper files that were pending adjudication.<sup>140</sup> Although inefficient to store and move, USCIS maintains that DOJ continues to mandate them over concerns that any litigation in EOIR's immigration courts may require original documents.<sup>141</sup>

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2023, those figures had increased to 697,530 individuals from 16 countries. See CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure* (version from March 29, 2019) and CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure* (version from December 11, 2023).

<sup>132</sup> USCIS Ombudsman, "USCIS Is Now Issuing Certain EADs With Longer Validity Periods," February 11, 2022.

<sup>133</sup> DHS, USCIS, "USCIS Announces New Actions to Reduce Backlogs, Expand Premium Processing, and Provide Relief to Work Permit Holders," March 29, 2022.

<sup>134</sup> DHS-OIG Report 2021, p. 5.

<sup>135</sup> DHS, USCIS, *Fiscal Year 2022 Progress Report*, December 2022, p. 8.

<sup>136</sup> USCIS was electronically processing 17 of the 102 types of benefits it processes as of May 2021. See DHS-OIG, *Continued Reliance on Manual Processing Slowed USCIS' Benefits Delivery during the COVID-19 Pandemic*, OIG-22-12, December 28, 2021.

<sup>137</sup> DHS, USCIS, Tammy M. Meckley, Associate Director, and Brian J. Broderick, Acting Chief, IIMD, "USCIS Enterprise Digitization Strategy," briefing to congressional staff, August 15, 2022.

<sup>138</sup> DHS-OIG Report 2021.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

In addition, key administrative functions related to petitions and applications, such as requests for evidence, form receipt notices, and form approval notices, are still sent by USCIS through U.S. Postal Service mail. This imposes personnel and mailing costs on the agency, additional waiting times for petitioners and applicants, and uncertainty over lost mail. Some observers propose incorporating these three basic administrative functions into applicants' and petitioners' online accounts that are already used to monitor cases.<sup>142</sup>

USCIS's efforts to transition from a paper-based system to an online customer account system began in 2007,<sup>143</sup> although concerted efforts to improve the agency's efficiency through greater IT use had occurred earlier.<sup>144</sup> In 2012, USCIS launched its Electric Immigration System (ELIS) to serve as a public-facing platform allowing customers to submit forms online and agency personnel to adjudicate benefits electronically.<sup>145</sup> By 2017, the agency had changed its strategy, using ELIS solely for internal use as a platform to access different legacy IT systems for information and adjudication.<sup>146</sup>

In FY2018, USCIS began accepting large numbers of benefit filings online through *myUSCIS*, the agency's current online customer platform.<sup>147</sup> As of the start of FY2022, USCIS reported more than 8 million persons had created unique myUSCIS accounts.<sup>148</sup> USCIS recently reported that it processed roughly 1.2 million online filings in FY2020, nearly double the figure for FY2018.<sup>149</sup> USCIS can now accept electronic filing for 17 of its forms, including the following:

- N-400, Application for Naturalization
- I-90, Application to Replace Permanent Resident Card
- I-130, Petition for Alien Relative
- I-539, Application to Extend/Change Nonimmigrant Status
- I-589 Application for Asylum and Withholding of Removal
- I-765 Application for Employment Authorization
- I-821 Application for Temporary Protected Status
- I-821D Consideration of Deferred Action for Childhood Arrivals (DACA)<sup>150</sup>

In FY2021, USCIS reported that it possessed the capacity to process over half of its workload via "end-to-end electronic processing," the desired end state for operational efficiency (**Table 2**).<sup>151</sup>

<sup>142</sup> See, for example, Daniel Di Martino, *Reducing the Immigration Backlog*, Manhattan Institute, December 2022.

<sup>143</sup> DHS, USCIS, *USCIS Transformation Program: Concept of Operations*, Version 1.5, March 28, 2007.

<sup>144</sup> See, for example, DHS Office of Inspector General, *U.S. Citizenship and Immigration Services' Progress in Modernizing Information Technology*, OIG-07-11, November 2006.

<sup>145</sup> DHS, USCIS, "USCIS Launches Online Immigration System, USCIS ELIS," May 22, 2012.

<sup>146</sup> DHS, "Privacy Impact Assessment for the USCIS Electronic Immigration System (USCIS ELIS), December 3, 2018.

<sup>147</sup> DHS-OIG Report 2021, p. 15. This platform allows individuals and employers to file applications and petitions, submit filing fees, monitor their cases, view notices, upload documents in response to requests for evidence (RFEs), and correspond with the agency. DHS, USCIS, "Benefits of a USCIS Online Account," December 10, 2020.

<sup>148</sup> DHS, *Annual Report 2022 Citizenship and Immigration Services Ombudsman*, June 30, 2022 (hereinafter, "2022 USCIS Ombudsman Report"), p. 65.

<sup>149</sup> DHS, USCIS, *Section 4103 Plan Pursuant to the Emergency Stopgap USCIS Stabilization Act—Fiscal Year 2021 Report to Congress*, September 7, 2021.

<sup>150</sup> USCIS, "Forms Available to File Online," January 16, 2024.

<sup>151</sup> According to USCIS, "End-to-end electronic processing means USCIS can electronically intake submitted applications, petitions and requests for benefits, accept payments electronically, complete the adjudication process from (continued...)"

USCIS maintains a goal of offering end-to-end online filing and processing for all immigration forms.<sup>152</sup> The agency also seeks to selectively digitize a portion of its collection of 80 million paper A-files representing completed cases that can be largely archived. According to USCIS, meeting these goals will require a continued effort towards digitization, including dedicated funding.<sup>153</sup> Pressures to fulfill other mandates could jeopardize these plans.<sup>154</sup>

**Table 2. Status of End-to-End Electronic Processing by USCIS Line of Business**

As of September 2021

Line of Business	Percentage of Total Case Workload	Percentage Processed Electronically	Percentage of Total Case Workload Processed Electronically
<b>Citizenship:</b> naturalization	8%	100%	8%
<b>Humanitarian:</b> refugee, asylum, parole, TPS, deferred action	24%	67%	16%
<b>Immigrant:</b> LPRs, adjustments of status, immigrant investors	47%	62%	29%
<b>Nonimmigrant:</b> visitor, student, and nonimmigrant workers	21%	17%	4%
TOTAL	100%	—	57%

**Source:** DHS, USCIS, *Section 4103 Plan Pursuant to the Emergency Stopgap USCIS Stabilization Act—Fiscal Year 2021 Report to Congress*, September 7, 2021, p. 4.

**Notes:** “Percentage of Total Case Workload Processed Electronically” is computed by multiplying the “Percentage of Total Case Workload” by the “Percentage Processed Electronically.” TPS is temporary protected status.

In March 2023, USCIS established its first virtual service center to handle applications with some of the longest processing backlogs.<sup>155</sup> These include U visa applications (Form I-918); petitions for status under the Violence Against Women Act (Form I-360); provisional waivers of the “unlawful presence” bar for green card petitioners (Form I-601A); and family reunification petitions for the families of asylum grantees (Form I-730). With an initial staffing of 150 personnel, USCIS expects the center to be fully operational by the fall of 2024.<sup>156</sup>

## USCIS Fraud Detection and Admissibility

When adjudicating petitions and applications, USCIS must not only confirm that foreign nationals are eligible for the immigration benefits sought but also prevent immigration fraud and

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start to finish electronically, and correspond with customers electronically.” DHS, USCIS, *Section 4103 Plan Pursuant to the Emergency Stopgap USCIS Stabilization Act—Fiscal Year 2021 Report to Congress*, September 7, 2021, p. 3.

<sup>152</sup> In September 2021, USCIS reportedly submitted a \$371 million plan to Congress for achieving this goal by the end of FY2026. See DHS, *Annual Report 2022 Citizenship and Immigration Services Ombudsman*, June 30, 2022, p. 62. Congress has not funded this plan.

<sup>153</sup> USCIS, Tammy M. Meckley, Associate Director and Brian J. Broderick, Acting Chief, IIMD, “USCIS Enterprise Digitization Strategy,” briefing to congressional staff, August 15, 2022.

<sup>154</sup> In FY2020, for example, USCIS cut its Office of Information Technology’s budget by one-third (\$118 million) in response to declining revenues during the COVID-19 pandemic. DHS-OIG report, p. 14.

<sup>155</sup> DHS, USCIS, “Overview of the New Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center,” March 30, 2023.

<sup>156</sup> Dara Lind, “New USCIS Center Is Good News For Some Of Its Worst Backlog Victims,” *Immigration Impact*, April 5, 2023.

public safety threats.<sup>157</sup> USCIS has broad authority to conduct background, identity, and security checks on individuals seeking immigration benefits.<sup>158</sup> Although its Office of Fraud Detection and National Security (FDNS) staff work with all USCIS components, most of their work centers on the adjudicative directorates of Field Operations; Service Center Operations; and Refugee, Asylum and International Operations.<sup>159</sup>

Immigration fraud has two facets. *Document fraud* involves counterfeiting, selling, and/or using identity documents, alien registration documents and stamps, employment authorizations, passports, visas, and other documents for the purpose of evading immigration laws.<sup>160</sup> *Benefit and qualification fraud* encompasses the willful misrepresentation of material facts to qualify for immigration benefits in the absence of lawful eligibility for those benefits. Examples of benefit fraud include entering into a sham marriage in order to claim to be the spouse of a U.S. citizen, omitting a disqualifying criminal conviction from a petition in order to become an LPR, or falsely claiming to have been living in the United States continuously in order to meet naturalization residence requirements. Immigration fraud can be seen as a continuum of overlapping events or offenses, because people may commit document fraud in order to commit benefit fraud.

In 2004, USCIS established the FDNS Directorate in order to identify systemic fraud in the immigration process, detect national security and public safety threats from foreign nationals, and form partnerships with law enforcement entities.<sup>161</sup> The FDNS Directorate operates the FDNS Data System (FDNS-DS), which records and tracks its investigative activity. FDNS-DS also “manages immigration inquiries, investigative referrals, law enforcement requests, and case determinations involving benefit fraud, criminal activity, public safety, and national security concerns.”<sup>162</sup>

In FY2023, the FDNS budget of \$264 million represented 4.7% of the IEFA enacted budget of \$5.6 billion.<sup>163</sup> In that year, USCIS processed 160,400 fraud detection referrals, or 1.6% of USCIS’s form volume (10.0 million) processed that year.<sup>164</sup> Of those referrals, 8.5% involved alleged national security or public safety cases, and 22.2% involved alleged fraud leads or cases.<sup>165</sup>

USCIS refers suspected benefit fraud cases to ICE as *requests for investigations* and suspends the adjudication of benefits for those cases while they are with ICE. USCIS allows ICE up to 60 days

<sup>157</sup> For background information, see CRS In Focus IF11410, *Immigration-Related Criminal Offenses*.

<sup>158</sup> DHS has stated: “DHS may control alien entry and departure and inspect aliens under sections 215(a) and 235 of the INA (8 U.S.C. §1185, §1225). Aliens may be required to provide fingerprints, photographs, or other biometrics upon arrival in, or departure from, the United States, and select classes of aliens may be required to provide information at any time. See, e.g., INA §214, §215(a), §235(a), §262(a), §263(a), §264(c), (8 U.S.C. §1184, §1185(a), §1225(a), §1302(a), §1303(a), §1304(c)); 8 U.S.C. §1365b.” See DHS, “Collection of Biometric Data From Aliens Upon Entry to and Departure From the United States,” 85 *Federal Register*, 74162-74194, November 19, 2020.

<sup>159</sup> GAO, *U.S. Citizenship and Immigration Services: Additional Actions Needed to Manage Fraud Risks*, GAO-22-105328, September 19, 2022, p. 6.

<sup>160</sup> INA §274C, 8 U.S.C. §1324c allows for civil penalties for persons who commit fraud to meet an INA requirement or acquire an immigration benefit. Additionally, a civil penalty under Section 274C is a separate ground for inadmissibility and deportation.

<sup>161</sup> DHS, *Privacy Impact Assessment for the Fraud Detection and National Security Directorate*, DHS/USCIS/PIA-013-01, December 16, 2014.

<sup>162</sup> DHS, “Privacy Act of 1974; United States Citizenship and Immigration Services; Fraud Detection and National Security Data System (FDNS-DS) System of Records,” 73 *Federal Register* 48231-48234, August 18, 2008.

<sup>163</sup> DHS, USCIS, *Budget Overview Fiscal Year 2025 Congressional Justification*, p. CIS-IEFA-9.

<sup>164</sup> *Ibid*, p. CIS-IEFA-31; and DHS, USCIS, *Number of Service-wide Forms By Quarter, Form Status, and Processing Time July 1, 2023 - September 30, 2023*, November 2023.

<sup>165</sup> DHS, USCIS, *Budget Overview Fiscal Year 2025 Congressional Justification*, p. CIS-IEFA-31.

to decide if a criminal investigation is warranted. If ICE does not pursue a criminal investigation within 60 days, USCIS initiates an administrative review process to determine if the benefit should be denied and the alien should be placed in removal proceedings.

In 2009, USCIS initiated the Administrative Site Visit and Verification Program as an additional way to verify information from certain visa petitions, including special immigrant religious workers petitions, H-1B nonimmigrant temporary visas, L-1 nonimmigrant intracompany transferee executive or manager visas, and EB-5 immigrant investor program visas.<sup>166</sup> As part of this effort, FDNS officials conduct *compliance reviews*, which can involve unannounced site visits, information collection, and interviews at places of employment.<sup>167</sup> USCIS notes that participation by petitioners and beneficiaries is voluntary but strongly encouraged. Some observers have criticized this program, arguing that the Homeland Security Act of 2002 that created USCIS expressly prohibits the agency from engaging in immigration-related investigation and enforcement activities.<sup>168</sup>

During the Trump Administration, USCIS increased its vetting of immigration benefits to detect fraud. Critics of this policy contended that the increased vetting substantially increased FDNS spending and contributed to the agency's caseload backlog but did not alter approval rates for the scrutinized benefits.<sup>169</sup> Proponents contend that such increased vetting is worth the administrative slowdown because it reduces the likelihood of significant public safety threats.<sup>170</sup>

USCIS fraud prevention activities have received attention from GAO. In 2019, it suggested improvements to detecting fraud in the Violence Against Women Act (VAWA) self-petitioner program.<sup>171</sup> In 2022, GAO issued an assessment of FDNS activities from FY2016 through FY2021.<sup>172</sup> It noted that COVID-19 pandemic-related budget constraints and personnel challenges (see the "Recent Processing Backlogs" section) resulted in declining numbers of immigration benefit fraud cases (where fraud is detected and referred internally for further investigation) and reduced agency capacity to conduct residential site visits, a critical element for collecting fraud-related evidence. Case completion times doubled over this period for similar reasons. GAO recommendations emphasized staff planning, data entry guidance, regular assessments, and the need for risk-based evaluations of FDNS effectiveness.

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<sup>166</sup> DHS, USCIS, "Administrative Site Visit and Verification Program," March 6, 2023.

<sup>167</sup> Similarly, the Targeted Site Visit and Verification Program implemented in 2017 conducted site visits based on fraud risk within family-based and employment-based immigration classifications but was discontinued in 2020.

<sup>168</sup> See, for example, Angelo A. Paparelli, "USCIS's Fraud Detection and National Security Directorate: Less Legitimate Than Inspector Clouseau, But Without the *Savoir Faire*," *AILA Law Journal*, vol. 1 (2019), pp. 57 et seq. According to the author, in 2003 then-DHS Secretary Tom Ridge delegated authority to USCIS to engage in investigative activities, even though the Homeland Security Act of 2002 expressly prohibits such a reallocation of immigration duties.

<sup>169</sup> See, for example, Sarah Pierce and Doris Meissner, "USCIS Budget Implosion Owes to Far More than the Pandemic," Migration Policy Institute, June 2020; and Randy Capps and Carlos Echeverría-Estrada, *A Rockier Road to U.S. Citizenship? Findings of a Survey on Changing Naturalization Procedures*, Migration Policy Institute, July 2020.

<sup>170</sup> See, for example, Mark Krikorian, Todd Bensman, Robert Law, and Phillip Linderman, "Panel Transcript: A New Database of Vetting Failures," Center for Immigration Studies, March 11, 2023.

<sup>171</sup> GAO, *Immigration Benefits: Additional Actions Needed to Address Fraud Risks in Program for Foreign National Victims of Domestic Abuse*, GAO-19-676, September 30, 2019.

<sup>172</sup> GAO, *U.S. Citizenship and Immigration Services: Additional Actions Needed to Manage Fraud Risks*, GAO-22-105328, September 19, 2022.

## Executive Action and Accountability to Congress

USCIS's budgetary structure and its relative independence from congressional control has received congressional attention within the past decade. In November 2014, President Obama issued an executive action<sup>173</sup> that, among other provisions, expanded the 2012 DACA program.<sup>174</sup> Some in Congress opposed these deferred action programs; however, they possessed few options for halting them using the annual appropriations process. The executive action highlighted challenges Congress faces if it wishes to exert control over an agency whose funding is mostly independent of the annual appropriations process. If Congress wanted to alter existing statutory provisions governing the collection of user fees in the Immigration Examinations Fee Account, the availability of user fees for expenditure, or the prohibition of user fees for certain purposes, it would need to enact legislation.<sup>175</sup>

## Concluding Observations

Since its creation in 2002, USCIS has relied almost entirely on user fee revenue for its operations. In most years, Congress has appropriated funds only for USCIS's E-Verify and Citizenship Grants programs, and provided additional funding in some years for special projects and, more recently, alleviating processing backlogs.

As noted above, while some observers laud the application of user fees that effectively transfer the cost of running USCIS from U.S. taxpayers to recipients of immigration benefits, others have voiced concerns over the limitations on congressional oversight it reflects. Some contend that such budget independence also makes the agency less responsive to the need for affordable user fees and timely and effective customer service.

While user fees provide steady revenue funding for ongoing operations, USCIS's financial structure faces more challenges when confronted with surges in the demand for non-fee immigration benefits or costs of new initiatives that may not have been anticipated when fees were set. Similar challenges occur during periods of prolonged decreases in petition and application filings, as occurred during the COVID-19 Public Health Emergency. Adjusting fees is time-consuming and often contentious, limiting USCIS's ability to adjust quickly to changing circumstances. Similarly, the COVID-19 pandemic revealed the existing system's inability to provide the same level of service for fee paying applicants during periods of declining applications and fee revenue.<sup>176</sup> USCIS responses to declining applications and fee revenue

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<sup>173</sup> For background information, see CRS Report R43852, *The President's Immigration Accountability Executive Action of November 20, 2014: Overview and Issues*.

<sup>174</sup> The executive action also created a new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program that would have granted protection from removal, and work authorization, for three years to certain unauthorized aliens. Had the expansion of DACA and creation of DAPA been implemented, applicants would have been required to submit petitions and pay user fees that purportedly would have paid for the cost of administering the programs. However, both programs were halted in federal courts. For background information, see archived CRS Insight IN10233, *USCIS Funding and Accountability to Congress* (available upon request to Members of Congress and their staff); archived CRS Report R43852, *The President's Immigration Accountability Executive Action of November 20, 2014: Overview and Issues*; and Muzaffar Chishti and Faye Hipsman, "Supreme Court DAPA Ruling a Blow to Obama Administration, Moves Immigration Back to Political Realm," Migration Policy Institute, June 29, 2016.

<sup>175</sup> See, for example, the Use Spending for Congressional Immigration Supervision (USCIS) Act (H.R. 591) from the 115<sup>th</sup> Congress; and the Immigration Slush Fund Elimination Act of 2015 (H.R. 2825) and Ensuring Congressional Oversight of Immigration Act (H.R. 3302), both from the 114<sup>th</sup> Congress.

<sup>176</sup> Doris Meissner and Ruth Ellen Wasem, *Toward a Better Immigration System: Fixing Immigration Governance at the U.S. Department of Homeland Security*, Migration Policy Institute, October 2021, p. 28.

included shifting personnel among different responsibilities and relying on a substantial carryover balance.

USCIS can face significant fiscal challenges during times of international crisis and other situations that suddenly cause many individuals to seek humanitarian-related immigration benefits. Unlike other services, processing such benefits generate little or no fee revenue for USCIS. In past fee schedules, processing costs for humanitarian-related immigration benefits were implicitly recouped through the fees established for other immigration benefits.<sup>177</sup> In its 2024 final rule, USCIS addressed this issue explicitly by assessing sponsors of employment-based immigrants—considered more able to pay among those seeking immigration benefits—an Asylum Program Fee in addition to their regular petition-related fees. While some commentators have questioned the fairness of this approach,<sup>178</sup> the fees reflect the challenge that USCIS faces when distributing the cost of unreimbursed humanitarian services across its fee-paying petitioners and applicants.<sup>179</sup>

Humanitarian-related benefits often represent the beginning of ongoing service demand from foreign nationals seeking both additional benefits (e.g., re-parole, employment authorization) and more permanent immigration status. Some assert that persons receiving humanitarian parole will submit multiple applications and petitions to USCIS in a concerted effort to obtain more stable status to remain in the United States.<sup>180</sup> Groups initially seeking benefits may seem relatively manageable in light of USCIS's overall annual processing volume, but related and ancillary immigration benefits, as well as customer service inquiries and other non-adjudicative tasks, amplify the impact for USCIS. The recent increase of migrant arrivals at the Southwest border, for example, represents individuals at the early stages of seeking some form of permanent status, and some could be expected to submit additional applications to stabilize their status and provide them with an opportunity to remain in the United States.

Some proposed solutions address agency funding. For example, to address the structural issue of relying mostly on fee revenue, some observers have proposed establishing a line of credit with the U.S. Treasury for funding the hiring of agency personnel to address specific issues such as processing backlogs.<sup>181</sup> Others argue that market-based approaches such as expanding Premium Processing are the most effective way to reduce the processing backlog and make immigration benefit waiting times comparable to those of other advanced economies.<sup>182</sup> Other proposals address adjudication procedures. Some contend, for example, that the adjudication of renewals of certain petitions or applications with especially high approval rates are unnecessary and merit

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<sup>177</sup> USCIS's 2010 final fee rule was not intended to recover the cost of adjudicating asylum, refugee, and military naturalization benefits, which the agency assumed would be covered by appropriations. That budget request was not fulfilled, and USCIS was then required to fund these program costs itself. USCIS 2016 Final Fee Rule, p. 73293.

<sup>178</sup> USCIS 2024 Final Fee Rule, p. 6282.

<sup>179</sup> For alternative perspectives on allocating the burden of USCIS's costs, see Elizabeth Jacobs, "The Policy Decisions Embedded in the New USCIS Fee Schedule: Subsidizing certain benefits rather than fairly recouping costs," Center for Immigration Studies, March 26, 2024; Dara Lind, "USCIS' Funding Crisis Might Be Too Big for the Agency to Fix by Itself," *Immigration Impact*, American Immigration Council, January 17, 2023; and Andrew Kreighbaum, "Immigration Fee Hikes Have Companies Questioning System Fairness," *Bloomberg Law*, February 7, 2024.

<sup>180</sup> 2023 USCIS Ombudsman Report, p. 13.

<sup>181</sup> 2022 USCIS Ombudsman Report, p. 80.

<sup>182</sup> See, for example, Daniel Di Martino, *Reducing the Immigration Backlog*, Manhattan Institute, December 2022.

automatic approval.<sup>183</sup> Others have proposed expanding validity periods of certain immigration benefits to reduce the frequency of renewals.<sup>184</sup>

Some observers argue that implementing different immigration policies would free up agency resources to address the current processing backlogs.<sup>185</sup> They contend, for example, that revising current asylum policies to screen applicants more stringently would reduce the number of claims whose applicants have little chance of receiving asylum. Likewise, they contend that immigration benefits such as parole and deferred action were intended by Congress, and are so stated in the INA, to be conferred on a case-by-case basis and not to large classes of individuals based on meeting certain eligibility criteria. They argue that using agency resources to process such applications increases costs and extends waiting times for other petitioners and applicants.<sup>186</sup>

USCIS processes impact a sizable population of stakeholders that includes asylum seekers, temporary visitors, prospective permanent immigrants, and applicants for naturalization, among others. Its ability to efficiently and expeditiously process millions of applications and petitions for immigration benefits every year affects applicants and petitioners seeking to advance their careers and personal lives, as well as related U.S. citizen family members, U.S. employers, and broader communities.<sup>187</sup> Many observers argue that expeditious processing of immigrant benefits is critical for attracting skilled immigrants and maintaining U.S. economic competitiveness,<sup>188</sup> an argument that some in Congress have reiterated.<sup>189</sup>

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<sup>183</sup> Ibid, p. 19. Examples illustrating this excess workload include the high (97%) I-765 approval rate for recently arrived refugees who can apply for LPR status after one year, and DACA recipients who must renew their DACA status every two years.

<sup>184</sup> 2023 USCIS Ombudsman Report p. 20.

<sup>185</sup> See, for example, Elizabeth Jacobs, “USCIS Publishes its Strategy for FY 2023-2026: Some suggestions to improve an inadequate plan,” Center for Immigration Studies, February 6, 2023.

<sup>186</sup> Ibid.

<sup>187</sup> 2022 USCIS Ombudsman Report, p. 4.

<sup>188</sup> See, for example, Julia Gelatt, “Unblocking the U.S. Immigration System: Executive Actions to Facilitate the Migration of Needed Workers,” Migration Policy Institute, February 2023; Jack Malde, “Beyond the AI Executive Order: The Imperative for Congressional Action on Immigration Policy,” Bipartisan Policy Center, November 16, 2023; Federico Mandelman, Mishita Mehra, and Hwei Shen, “Skilled Immigration Frictions as a Barrier for Young Firms,” working paper, Center for Growth and Opportunity, Utah State University, January 2024; and Daniel Di Martino, *Reducing the Immigration Backlog*, Manhattan Institute, December 2022.

<sup>189</sup> See, for example, Britain Eakin, “Lawmakers Urge DHS to Ease Employment Visa Backlog,” *Law360*, July 31, 2023.

# Appendix A. Fee and Processing Statistics

**Table A-1. Fees for Selected USCIS Forms, 2005, 2007, 2010, 2016, and 2024**

USCIS Form	Description	2005	2007	2010	2016	2024	Change 2016-2024	Percent Change 2016-2024
G-1041	Genealogy Index Search Request	N/A	N/A	\$20	\$65	\$30	-\$35	-54%
G-1041A	Genealogy Records Request (Microfilm Copy)	N/A	N/A	\$20	\$65	\$30	-\$35	-54%
G-1041A	Genealogy Records Request (Textual Record Copy)	N/A	N/A	\$35	\$65	\$80	\$15	23%
I-90	Application to Replace Permanent Resident Card	\$190	\$290	\$365	\$455	\$415	-\$40	-9%
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	\$160	\$320	\$330	\$445	\$560	\$115	26%
I-129/ I-129CW	Petition for a Nonimmigrant Worker	\$190	\$320	\$325	\$460	\$780	\$320	70%
I-129F	Petition for Alien Fiancé(e)	\$170	\$455	\$340	\$535	\$675	\$140	26%
I-130	Petition for Alien Relative (online filing)	\$190	\$355	\$420	\$535	\$625	\$90	17%
I-130	Petition for Alien Relative (paper filing)	\$190	\$355	\$420	\$535	\$675	\$140	26%
I-131	Application for Travel Document	\$170	\$305	\$360	\$575	\$630	\$55	10%
I-131	Application for Refugee Travel Document (16 or older)	N/A	N/A	\$135	\$135	\$165	\$30	22%
I-131	Application for Refugee Travel Document (under 16)	N/A	N/A	\$105	\$105	\$135	\$30	29%
I-131A	Application for Travel Document (Carrier Documentation)	N/A	N/A	N/A	\$575	\$575	\$0	0%
I-140	Immigrant Petition for Alien Worker	\$195	\$475	\$580	\$700	\$715	\$15	2%
I-191	Application for Relief Under Former INA Section 212(c)	\$265	\$545	\$585	\$930	\$930	\$0	0%
I-192	Application for Advance Permission to Enter as a Nonimmigrant (CBP)	N/A	N/A	N/A	\$585	\$1,100	\$515	88%
I-192	Application for Advance Permission to Enter as Nonimmigrant (USCIS)	\$265	\$545	\$585	\$930	\$1,100	\$170	18%
I-193	Application for Waiver of Passport and/or Visa	\$265	\$545	\$585	\$585	\$695	\$110	19%
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	\$265	\$545	\$585	\$930	\$1,175	\$245	26%
I-290B	Notice of Appeal or Motion	\$385	\$585	\$630	\$675	\$800	\$125	19%

<b>USCIS Form</b>	<b>Description</b>	<b>2005</b>	<b>2007</b>	<b>2010</b>	<b>2016</b>	<b>2024</b>	<b>Change 2016-2024</b>	<b>Percent Change 2016-2024</b>
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	\$190	\$375	\$405	\$435	\$515	\$80	18%
I-485	Application to Register Permanent Residence or Adjust Status	\$325	\$930	\$985	\$1,140	\$1,440	\$300	26%
I-485 (Child)	Application to Register Permanent Residence or Adjust Status (under the age of 14 years)	\$225	\$600	\$635	\$750	\$950	\$200	27%
I-526/I-526E	Immigrant Petition by Standalone/Regional Center Investor	\$480	\$1,435	\$1,500	\$3,675	\$11,160	\$7485	204%
I-539	Application to Extend/Change Nonimmigrant Status	\$200	\$300	\$290	\$370	\$420	\$50	14%
I-600/I-800	Petition to Classify Orphan as an Immediate Relative/ Petition to Classify Convention Adoptee as an Immediate Relative	\$545	\$670	\$720	\$775	\$920	\$145	19%
I-600A/ I-800A	Application for Advance Processing of an Orphan Petition/ Application for Determination of Suitability to Adopt a Child from a Convention Country	\$545	\$670	\$720	\$775	\$920	\$145	19%
I-601	Application for Waiver of Grounds of Inadmissibility	\$265	\$545	\$585	\$930	\$1,050	\$120	13%
I-601A	Application for Provisional Unlawful Presence Waiver			\$585	\$630	\$795	\$165	26%
I-612	Application for Waiver of the Foreign Residence Requirement	\$265	\$545	\$585	\$930	\$1,100	\$170	18%
I-687	Application for Status as a Temporary Resident under INA §245A	\$255	\$710	\$1,130	\$1,130	\$1,240	\$110	10%
I-690	Application for Waiver of Grounds of Inadmissibility	\$95	\$185	\$200	\$715	\$905	\$190	27%
I-694	Notice of Appeal of Decision under INA §210 or §245A	\$110	\$545	\$755	\$890	\$1,125	\$235	26%
I-698	Application to Adjust Status From Temporary to Permanent Resident under INA §245A	\$180	\$1,370	\$1,020	\$1,670	\$1,670	\$0	0%
I-751	Petition to Remove the Conditions on Residence	\$205	\$465	\$505	\$595	\$750	\$155	26%
I-765	Application for Employment Authorization	\$180	\$340	\$380	\$410	\$470	\$60	15%
I-800A	Supplement 3, Request for Action on Approved Form I-800A	N/A	N/A	\$360	\$385	\$455	\$70	18%
I-817	Application for Family Unity Benefits	\$200	\$440	\$435	\$600	\$760	\$160	27%
I-821	Application for Temporary Protected Status	\$50	\$50	\$50	\$50	\$50	\$0	0%
I-824	Application for Action on an Approved Application or Petition	\$200	\$340	\$405	\$465	\$590	\$125	27%
I-829	Petition to Remove Conditions on Investor Permanent Resident Status	\$475	\$2,850	\$3,750	\$3,750	\$9,525	\$5,775	154%

USCIS Form	Description	2005	2007	2010	2016	2024	Change 2016-2024	Percent Change 2016-2024
I-881	Application for Suspension of Deportation or Special Rule Cancellation of Removal (for individual)	\$285	\$285	\$285	\$285	\$340	\$55	19%
I-881	Application for Suspension of Deportation or Special Rule Cancellation of Removal (for family)	N/A	N/A	N/A	\$570	\$340	-\$230	-40%
I-905	Application for Authorization to Issue Certification for Health Care Workers	\$230	\$230	\$230	\$230	\$230	\$0	0%
I-907	Request for Premium Processing Service	\$1,000	\$1,000	\$1,225	\$1,225	\$1,685	\$0	0%
I-910	Application for Civil Surgeon Designation	N/A	N/A	\$615	\$785	\$990	\$205	26%
I-929	Petition for Qualifying Family Member of a U-I Nonimmigrant	N/A	N/A	\$215	\$230	\$0	-\$230	-100%
I-941	Application for Entrepreneur Parole	N/A	N/A	N/A	\$1200	\$1200	\$0	0%
I-956	Application for Regional Designation Center	N/A	N/A	\$6,230	\$17,795	\$47,695	\$29,900	168%
I-956G	Regional Center Annual Statement	N/A	N/A	N/A	\$3,035	\$4,470	\$1,435	47%
N-300	Application to File Declaration of Intention	\$120	\$235	\$250	\$270	\$320	\$50	19%
N-336	Request for Hearing on a Decision in Naturalization Proceedings Under INA §336	\$265	\$605	\$650	\$700	\$780	\$80	11%
N-400	Application for Naturalization	\$330	\$595	\$595	\$640	\$710	\$70	11%
N-400	Application for Naturalization with Form I-942, Request for Reduced Fee	N/A	N/A	N/A	\$320	\$380	\$60	19%
N-470	Application to Preserve Residence for Naturalization Purposes	\$155	\$305	\$330	\$355	\$420	\$65	18%
N-565	Application for Replacement Naturalization/Citizenship Document	\$220	\$380	\$345	\$555	\$505	-\$50	-9%
N-600	Application for Certificate of Citizenship	\$255	\$460	\$600	\$1,170	\$1,335	\$165	14%
N-600K	Application for Citizenship and Issuance of Certificate Under INA §322	\$255	\$460	\$600	\$1,170	\$1,335	\$165	14%
N/A	Biometrics Fee	\$70	\$80	\$85	\$85	\$30	-\$55	-65%
N/A	USCIS Immigrant Fee (Formerly Immigrant Visa Fee)	N/A	N/A	\$165	\$220	\$235	\$15	7%
N/A	Asylum Support Fee	N/A	N/A	N/A	N/A	\$0-\$600		

**Sources:** USCIS Fee Review 2023, Appendix I4; and DHS, “U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements,” 89 *Federal Register* 6194-6400, January 31, 2024.

**Notes:** N/A indicates not applicable. Petition information is presented for all USCIS petitions for which processing volume data are available from the DHS sources above. USCIS form numbers may include more than one petition variant. Fees can vary depending on whether they are filed by paper or online; fees for the latter are typically \$50 lower. Other fees for businesses can vary depending on the size (number of employees) of the business.

## Appendix B. USCIS Workload Volume

**Table B-1. USCIS Application and Petition Volume, FY2013 and FY2023**

(sorted from highest to lowest by forms received in FY2023)

Form Number	Description	Forms Received		Percentage Approved		Pending at Year End	
		FY2013	FY2023	FY2013	FY2023	FY2013	FY2023
I-765	Application for Employment Authorization	1,781,581	3,508,915	96%	88%	307,568	1,487,689
I-130	Petition for Alien Relative	813,382	924,202	92%	93%	893,123	1,933,785
N-400	Application for Naturalization	762,438	809,484	90%	90%	307,965	400,908
I-90	Application to Replace Permanent Resident Card	571,974	593,180	93%	99%	355,466	582,852
I-131	Application for Travel Document (Parole)	289,873	582,359	96%	63%	42,184	426,005
I-129	Petition for a Nonimmigrant Worker	404,520	549,001	88%	82%	84,562	80,404
I-821	Application for Temporary Protected Status	328,022	472,453	97%	95%	51,162	442,486
I-589	Application for Asylum and for Withholding of Removal	44,453	455,054	93%	73%	92,122	1,022,163
I-485	Application to Register Permanent Residence or Adjust Status (Family)	276,975	413,312	90%	90%	144,765	499,765
I-821D	Consideration of Deferred Action for Childhood Arrivals	432,307	333,422	98%	99%	92,417	145,938
I-140	Immigrant Petition for Alien Workers	69,921	281,977	90%	91%	11,465	61,294
I-539	Application To Extend/Change Nonimmigrant Status	148,274	240,381	87%	78%	39,969	57,840
I-870	Record of Determination/Credible Fear Worksheet	36,035	150,429	N/A	66%	3,071	12,730
I-485	Application to Register Permanent Residence or Adjust Status (Employment)	106,571	121,203	94%	91%	120,078	171,697
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	20,161	111,463	78%	71%	14,143	128,396
N/A	Waivers	64,164	96,300	84%	78%	62,578	312,485
I-751	Petition to Remove Conditions on Residence	171,651	93,898	95%	95%	76,264	216,404
I-485	Application to Register Permanent Residence or Adjust Status (Cuban)	39,120	93,626	95%	93%	27,534	116,048
N-648	Medical Certification for Disability Exceptions	20,683	76,390	69%	N/A	2,504	1,364
I-131	Application for Travel Document	91,246	71,977	96%	86%	19,358	84,620

Form Number	Description	Forms Received		Percentage Approved		Pending at Year End	
		FY2013	FY2023	FY2013	FY2023	FY2013	FY2023
N-600	Application for Certificate of Citizenship	66,882	69,469	91%	91%	32,015	54,013
I-918	Petition for U Nonimmigrant Status	43,695	53,142	85%	72%	58,496	344,600
I-129F	Petition for Alien Fiancé(e)	45,360	44,275	75%	76%	18,969	45,143
I-485	Application to Register Permanent Residence or Adjust Status (Asylum)	43,785	41,525	97%	94%	17,245	57,598
I-824	Application for Action on an Approved Application or Petition	12,227	39,536	83%	92%	4,078	29,341
I-485	Application to Register Permanent Residence or Adjust Status (Other)	22,606	36,683	80%	91%	17,788	45,229
I-601A	Application for Provisional Unlawful Presence Waiver	19,085	35,386	67%	92%	12,254	133,147
N-565	Application for Replacement Naturalization/Citizenship Document	27,204	30,410	88%	92%	7,154	13,855
I-730	Refugee/Asylee Relative Petition	18,458	17,881	86%	90%	7,445	12,782
I-485	Application to Register Permanent Residence or Adjust Status (Refugee)	57,594	14,572	97%	92%	21,678	24,722
N-400	Application for Naturalization (Military)	10,185	14,218	91%	89%	4,074	7,126
I-914	Application for T Nonimmigrant Status	1,820	13,574	90%	79%	967	14,955
I-899	Record of Determination/Reasonable Fear Worksheet	7,735	10,439	N/A	41%	5,269	319
N-336	Request for Hearing on Decision in Naturalization Proceedings (Under INA 336)	4,406	5,893	58%	65%	2,740	4,336
I-924/I-956	Application For Regional Center Designation Under Immigrant Investor Program	436	3766	94%	N/A	300	6248
I-102	Application for Replacement/Initial Nonimmigrant Arrival-Departure Document	13,715	3,737	83%	66%	3,231	1,971
I-526	Immigrant Petition by Alien Investor	6,346	2,616	80%	67%	7,131	12,140
I-800	Petition to Classify Convention Adoptee as an Immediate Relative	7,880	2,248	97%	95%	907	448
I-829	Petition by Investor to Remove Conditions on Permanent Resident Status	1,217	1,170	97%	87%	1,345	9,989
I-929	Petition for Qualifying Family Member of a U-I Nonimmigrant	397	1,150	94%	78%	261	2,153
I-600	Petition to Classify Orphan as an Immediate Relative	9,070	996	92%	79%	729	464
I-817	Application for Family Unity Benefits	2,378	291	95%	47%	690	219
I-881	Application for Suspension of Deportation (NACARA)	1,108	198	88%	N/A	2,571	647
N/A	Legalization/SAW	210	50	42%	N/A	436	359

Form Number	Description	Forms Received		Percentage Approved		Pending at Year End	
		FY2013	FY2023	FY2013	FY2023	FY2013	FY2023
I-193	Application for Waiver of Passport and/or Visa	471	22	79%	61%	638	324
N-300	Application to File Declaration of Intention	43	0	96%	N/A	21	0
N-470	Application to Preserve Residence for Naturalization Purposes	354	0	58%	N/A	408	0
N-644	Application for Posthumous Citizenship	N/A	0	N/A	N/A	N/A	N/A
	<b>TOTAL</b>	<b>6,898,018</b>	<b>10,422,273</b>	<b>93%</b>	<b>88%</b>	<b>2,977,138</b>	<b>9,007,001</b>

**Source:** USCIS, *Number of Service-wide Forms by Fiscal Year To- Date, Quarter, and Form Status 2013, October 2018*; and USCIS, *Number of Service-wide Forms By Quarter, Form Status, and Processing Time July 1, 2023 - September 30, 2023, November 2023*.

**Notes:** N/A indicates not applicable.

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