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Congress of the United States
House of Representatives
Washington, DC 20515-3211

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HEALTH
OVERSIGHT AND INVESTIGATIONS

September 4, 2020

The Honorable Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20001

Dear Acting Director Cuccinelli,

I write today to strongly urge you and the U.S. Citizenship and Immigration Services (USCIS) to reconsider your decision to dramatically increase the cost of citizenship applications by more than 80% while seriously slowing the naturalization process. This new financial burden and dragging out the process necessarily has made it much harder for legal permanent residents and others - who are very often the spouses and close family members of U.S. citizens - to realize their dream of becoming American citizens. I am also troubled that you are raising fees dramatically across the board - including on international students our colleges welcome and visa holders and are proposing to even charge a fee for the first time to those seeking the legal status of asylum in the United States. This would make America one of only a very few nations who charge asylum seekers - who are often destitute - a fee.

I believe this move also runs counter to both America's history of being enriched and strengthened by immigrants and to our shared goal of promoting the U.S. to the world to attract the best and the brightest. We are a nation of immigrants. Immigrants have brought some of the world's top minds and their inventions to our great country. I shudder to think of an alternative world where an unwelcoming United States lost immigrants like Albert Einstein or Sergey Brin to another, more hospitable nation. If this had happened, Sergey Brin's Google and the many inventions that came from Einstein's work - including solar power/solar cells, Global Positioning Systems (GPS) and lasers to name just a few - would have enhanced the world standing of another nation instead of America. Immigrants and their households contribute over \$1.6 billion in federal taxes and nearly \$1.1 billion in state and local taxes each year.

I have heard disturbing reports of how the severely slowed process at USCIS is impacting the people of my community. My office is currently assisting a political asylum seeker from Egypt who reached out to us in early April to renew her green card. She's a home health aide and I commend her for continuing to serve patients during the pandemic as an essential worker. Months later, she has still not received her new green card and now it seems that USCIS is asking her to pay her application fees again. Dragging out the process so long that applicants have to reapply and pay expensive fees a second time is wrong and needs to be addressed right away.

The Department of Homeland Security, under which USCIS operates, has stated that dramatically increased fees would have little or no effect on the number of applicants, but research has found otherwise. A study at Stanford University found that your proposal would create a “wall for access to citizenship.” This will be especially true given the cost increase in combination with the severe slowing of the process that has occurred during your tenure at USCIS. I urge you to reduce unnecessary and duplicative requirements that only slow the citizenship process and to reverse course on your plan to dramatically hike application fees early next month. Thank you and I look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Rose", followed by a long horizontal line extending to the right.

Max Rose
Member of Congress



U.S. Citizenship
and Immigration
Services

November 5, 2020

The Honorable Max Rose
U.S. House of Representatives
Washington, DC 20515

Dear Representative Rose:

Thank you for your September 4, 2020 letter. Mr. Cuccinelli asked that I respond on his behalf.

The Immigration and Nationality Act authorizes the Department of Homeland Security (DHS) to recover the full cost of providing immigration adjudication and naturalization services, including the cost of services provided at no charge, through the U.S. Citizenship and Immigration Services (USCIS) fee schedule. Unlike most government agencies, USCIS is fee funded, and fees collected and deposited into the Immigration Examinations Fee Account fund nearly 97 percent of the USCIS budget.

As required by federal law, DHS conducted a comprehensive biennial fee review and determined that the current USCIS fees do not recover the full cost of providing adjudication and naturalization services. Current fees would leave USCIS underfunded by about \$1 billion per year. After considering this information, DHS published a proposed rule in November 2019 and a Final Rule on August 3, 2020 to adjust fees to help USCIS recover operational costs. The public was invited to submit comments, and USCIS reviewed and considered all submissions received during the comment period (which was extended twice).

The Final Rule supports payroll, technology, and operational costs required to accomplish the USCIS mission. DHS is not increasing fees or limiting fee waivers to reduce the number of immigrants or to limit applications or petitions. DHS believes that many lawful permanent residents will determine that the benefits of naturalization, including the prospect of additional earnings, exceed the cost of the application fee. If the Final Rule results in a significant reduction in the number of requests submitted for immigration benefits, USCIS can address that result in a future fee rule.

With regard to your concern about slowed processing times, due to the national pandemic, processing times have generally increased at all field office locations. As of September 30, 2020, the Form N-400, Application for Naturalization processing times at the New York City and Brooklyn field office locations were 14-23 months and 16.5-32 months, respectively. When compared to September 2019, the processing times for the New York City and Brooklyn field offices were 12-19.5 months and 14-26.5 months, respectively, an increase in the median processing times by 2-2.5 months. Applicants are always able to check the

The Honorable Max Rose

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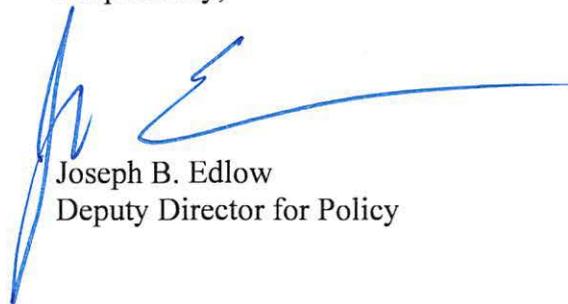
processing times of their local office online. Please submit any case specific inquiries to the USCIS Office of Legislative Affairs at (202) 272-1940.

In June 2020, when USCIS resumed in-person services we did it safely and prioritized naturalization oath ceremonies and other in-person services. Since we gradually resumed operations, our services have been limited in all locations by the number of people we can safely see under COVID-19 social distancing protocols.

On September 29, 2020, the United States District Court for the Northern District of California in *Immigrant Legal Resource Center v. Wolf*, No. 4:20-cv-5883 (N.D. Cal. Sept. 29, 2020) entered an order staying implementation of the Final Rule in its entirety pending final adjudication of the matter and enjoining DHS from implementing or enforcing the Final Rule or any portion thereof immediately. This unfortunate decision leaves USCIS underfunded by millions of dollars each business day the fee rule is enjoined and exacerbates the negative effects of the global COVID-19 pandemic on USCIS funding. In fact, the 2020 fee rule was two years behind schedule, and is a smaller percentage increase than the previous fee rule.

Thank you again for your letter. Should you require any additional assistance – including case specific inquiries – please have your staff contact the USCIS Office of Legislative Affairs at (202) 272-1940.

Respectfully,



Joseph B. Edlow
Deputy Director for Policy