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*Government Solutions*

# USCIS Backlogs and Solutions

WHITE PAPER

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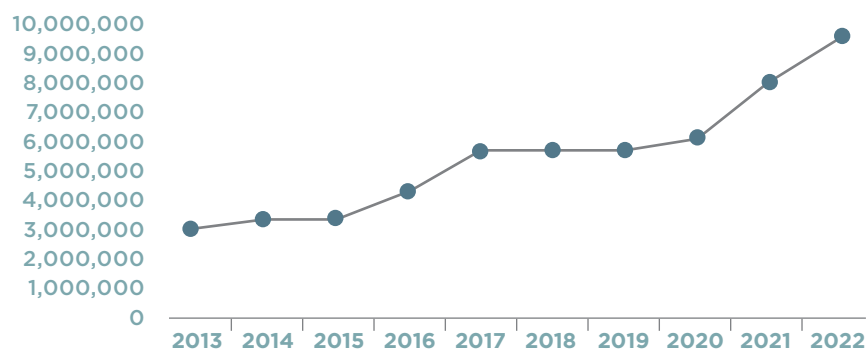


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There are severe delays in immigration application processing by the United States Citizenship and Immigration Services (USCIS). According to the USCIS, outcomes related to the COVID-19 pandemic and resource constraints resulting from the prior administration resulted in USCIS inheriting a considerable number of pending cases and increased processing times. These caseloads and backlogs are unprecedented, and as posited by USCIS Director Ur M. Jaddou, “USCIS remains committed to delivering timely and fair decisions to all we serve; every application we adjudicate represents the hopes and dreams of immigrants and their families, as well as their critical immediate needs such as financial stability and humanitarian protection.” The work of USCIS can be life-hindering for applicants waiting for a benefit – whether it be a green card, work authorization, citizenship, or anything else.

Data from the Department of Homeland Security’s (DHS) U.S. Citizenship and Immigration Services (USCIS) indicate the agency’s total pending caseload – the number of cases awaiting a benefit decision – grew an estimated 85 percent from fiscal years 2015 through 2020. The Government Accounting Office’s (GAO) analysis shows that the number of applications and petitions for immigration benefits, such as humanitarian relief and naturalization, received by USCIS remained between 8 and 10 million each fiscal year from 2015 through 2019. Simultaneously, however, USCIS’s median processing times – the median length of time from the date USCIS received a form to the date it rendered a decision – increased for six of the seven forms that GAO selected for review. Based on data analysis and logical future projections, it is estimated that USCIS is at an unmanageable casework backlog neighboring four million.



*Note:* Figures for fiscal year (FY) 2013 through FY 2021 show the number of pending applications of all types at U.S. Citizenship and Immigration Services (USCIS) as of the end of the fiscal year. FY 2022 data reflects the number of pending applications as of February 2022.

*Sources:* Data for FY 2013 through FY 2021 are from the authors’ analysis of USCIS, “All USCIS Application and Petition Form Types,” multiple years; data for FY 2022 are from USCIS, USCIS Progress on Executive Orders, Virtual briefing, February 2, 2022.

The situation worsened during the pandemic. USCIS suspended in-person services from March 17, 2020, to June 4, 2020, canceling hundreds of thousands of biometrics appointments and preventing grants of green cards and naturalizations, which require in-person interviews. Even after resuming operations, social distancing practices slowed adjudications. New applications increased sharply in FY 2021, and by the end of the fiscal year, USCIS processed 1.8 million fewer applications than it received. In addition to impacting the lives of adjudicators, ancillary staff, and those applying for entry, these backlogs have economic impacts.

The caseload and backlog are terrible for the U.S. economy. Businesses cannot afford to shoulder the burden of such delays. Employers spend thousands of dollars and wait several years to see the completion of the green card process. Additionally, businesses must maintain the positions of loyal, experienced, and trained staff during that period because job changes could jeopardize the pending green card application adjudication. As a result of these backlogs, legal immigration levels for lawful permanent residents (green card holders) and H-2A and H-2B temporary workers have dropped 48 and 54 percent, respectively, since FY 2019. This sharp slowdown in skilled immigration comes at a time when the United States is experiencing acute labor shortages.

The Biden Administration and U.S. Congress recognized the profound impact of such delays, and on March 15, 2022, Congress passed the Omnibus Appropriations Bill. It included over \$200 million more from the previous fiscal year to fund USCIS. The FY 2022 President's Budget (PB) included an increase of 1,316 positions and \$345 million. In the PB, the administration proposed expanding current efforts and reducing the backlog through additional staff and expanded contractual support. The Biden Administration's proposed 2023 budget has set aside \$765 million specifically for USCIS caseload and backlog reduction.

The mounting caseload and backlog critically undermine the U.S. immigration system, resulting in overall staff burnout and employee frustration within the agency. This whitepaper presents practical options to relieve the overextended USCIS personnel by generating a temporary workforce to support USCIS officers/adjudicators and relieve them from the bulk of ancillary administrative duties. This temporary workforce will allow USCIS to refocus its attention on its mission to *"uphold America's promise as a nation of welcome and possibility with fairness, integrity, and respect for all we serve"* by ramping up the processing of immigrant and nonimmigrant petitions and will help guarantee USCIS meets its new internal cycle time goals, as noted in the USCIS press release on March 29, 2022. It is important to note that cycle times measure how many months' worth of pending cases for a particular form are awaiting a decision; this data is used to measure how much progress USCIS is making on reducing backlogs and overall case processing times.

**New Cycle Time Goals**

2 Weeks	6 Months	
I-129 Premium	N-400	I-526
I-140 Premium	N-600	I-600
2 Months	N-600K	I-600A
I-129 Non-Premium	I-485	I-730
3 Months	I-140 Non-Premium	I-800
I-765	I-130 Immediate Relative	I-800A
I-131 Advance Parole	I-129 Fiancé(e)	I-90
I-539	I-290B	I-821D Renewals
I-824	I-360	
	I-102	

**Example of Some Forms and Their Use**

Form	Use
I-129	Used by an employer to petition U.S. Citizenship and Immigration Services (USCIS) for an alien beneficiary to come temporarily to the United States as a nonimmigrant to perform services or labor or to receive training.
I-140	Used to petition U.S. Citizenship and Immigration Services (USCIS) to classify an alien beneficiary as eligible for an immigrant visa based on employment.
I-765	Used by foreign nationals who are in the United States to request employment authorization and an Employment Authorization Document (EAD).
I-131	Used by many non-U.S. citizens to obtain a travel document before traveling abroad. The travel document helps protect the individual's ability to reenter the United States.
I-290B	Used by schools to appeals or motion for certain denials of U.S. Immigration and Customs Enforcement (ICE) Form I-17 or Petition for Approval of School for Attendance by Nonimmigrant Student, filed with ICE Student and Exchange Visitor Program (SEVIS). Form I-290B may also be used for appeals and motions when ICE withdraws a school's approval for attendance by nonimmigrant students.

This whitepaper also underpins the necessity for unconscious bias training and cultural sensitivity. In the USCIS workplace, it is essential to analyze how unconscious bias can manifest and address the link between unconscious bias and behavior. As noted in record-high illegal border crossings overwhelm border officials. As CBP works tirelessly to secure and manage our borders, vocal critics refer to the situation as chaotic and in crisis. The sheer number of immigrant crossings alone results in insufficient patrolling of the border, a lack in workforce readiness, and warranted frustration and lower emotional engagement by CBP officers. These outcomes correlate to the increasing number of reports on alleged misconduct committed by CBP officers. As noted in reports such as the Project on Government Oversight, the U.S. immigration system is strained.

These mindless yet negative behaviors and comments are usually unintentional and unrecognized as destructive by the instigator. Although some of the behaviors can be intentional and conscious, according to contemporary research, approximately 95 percent of our behaviors are unconscious, and 5 percent result from our conscious cognitive capabilities.

To aid USCIS in its overall mission to uphold America's promise, ActOne Government Solutions' (A1GS) staff and affiliated companies will:

- Customize and deliver Unconscious Bias Training and Ancillary Support Workforce Acquisition services.
- Help the officers focus on their core enforcement duties
- Provide agents with the tools they need to consciously interact more humanely and positively with those seeking benefits within the U.S. legal immigration system.

The A1GS whitepaper centers around three important and interconnected themes: continuity, competence, and responsiveness.

## **1. Continuity**

It is imperative that USCIS reduce its caseload. From an A1GS perspective, utilizing our current staffing/recruitment infrastructure of 225 offices and a team of over 2,700 talent specialists, we have the resources to develop a workforce staffing model that correlates to the caseload and backlog volume. This model will provide USCIS with a tool to better forecast and manage the continuity of service providers needed to process pending petitions. The A1GS structure can also produce a steady flow of ancillary candidates (data entry specialists, call-center support, document review specialists, coordinators, etc.) to ensure the forecasted workforce readiness levels are met. In addition to providing a continual flow of ancillary talent, we will ensure that the work environment and related behaviors are addressed through our Unconscious Bias and Consciously Unbiased curriculum.

For Unconscious Bias and Consciously Unbiased training to be effective, it must be ongoing and long-term. The main criticism of this type of training is that it is conducted over a single day. It is impossible to change long-term behaviors, stereotypes, and perceptions with a one-day training. How can we expect a one-day training to eradicate the learned stereotypes and biases of individuals who have spent their lifetime thinking a certain way? For Unconscious Bias and Consciously Unbiased training to be effective, it must be done frequently.

To ensure continuity of soft-skills competencies for USCIS adjudicators/officers, the A1GS subject matter experts would assess, develop, design, implement, and provide a learning assessment for next-practice curriculum, ensuring USCIS in-house trainers are trained to deliver ongoing USCIS Unconscious Bias and Consciously Unbiased training. The goal of this training is to make adjudicators/officers aware of their unconscious biases and related behaviors to help them better interface with each other and a population that is culturally different.

In addition to sourcing ancillary staff candidates, A1GS can source and introduce skilled candidates within the Professional Staff category, allowing USCIS access to HRM 5000 professionals to focus on front-line careers (officers/adjudicators). A1GS has a proven track record of talent acquisition, staffing, learning, and development via our nationwide network of 225 offices, partnership programs, and experienced consulting staff. Unlike previous contractors secured to assist with acquiring talent for USCIS, the efforts of A1GS are more holistic and match the broader needs of USCIS. Lastly, unlike other contractor predecessors, A1GS does not have to build a talent solutions infrastructure; it already exists.

## **2. Competence**

Professionals who have sworn an oath to protect and defend the U.S. Constitution, must uphold their commitment with the highest levels of skill, competence, and actions. With a 50-year history in recruitment, staffing, and talent solutions, our management and executive teams are highly knowledgeable and skilled in all the disciplines outlined in this whitepaper. A1GS provides quality service while enhancing existing USCIS systems. A1GS embodies the full range of expertise required to perform all suggestions herein and can deliver business solutions that meet USCIS's vision, mission, and long-term goals. In fact, one of our leaders has firsthand experience training HRM 5000 teams in D.C., Indianapolis, and Minneapolis. We are keenly aware of the mission, culture, and internal nuances of your organization. We are well-versed in all areas related to the life cycle of employees, especially in diversity, equity, and inclusion, as well as Unconscious Bias and Consciously Unbiased training.

Unconscious Bias and Consciously Unbiased training include the standardization of company policies, protocol, and procedures. Managers should be uniformly trained, and the job selection process should focus on objective and quantifiable measures. A review of policies and procedures can identify biased policies and recommend modifications.

Lastly, when this training is implemented, it is imperative to have measures in place to assess incremental changes and progress. How will you know whether the training is successful if you do not know where you were when you started? Our staff members are training experts that hold People Analytics Specialty Credentials. This specialized certification gives them the expertise they need to collect and measure data at every stage of the training to ensure it is effective.



### **3. Responsiveness**

One attribute to USCIS's success in meeting its mission is the willingness to appropriate and mobilize the required resources to meet workforce needs. On March 29, 2022, USCIS announced three backlog reduction measures that seek to reduce wait times, expand premium processing, and streamline the process for those waiting for employment authorization documents. Congress pledged \$250 million to USCIS to support application processing, and The Biden Administration proposed a 2023 budget of \$765 million specifically for USCIS caseload and backlog reduction.

Currently, A1GS is the only organization with workplace staffing plans in place that correlate workforce needs to the demands of the mounting caseload and backlog.

A1GS's ability to meet any outlined staffing needs is demonstrated by our 99.9 percent track record of delivery to Service Level Agreements and a 95 percent client retention rate. This emphasis on agility and responsiveness to a client's needs is a hallmark of A1GS's client-centered approach to project management. A1GS's many years of proven, innovative processes are benchmarked by ISO 9000 principles. Our management plan delivers value via efficiency through the use of technology to improve management's insight into resources, real-time status on processing, and report generation using a comprehensive management dashboard that drives on-going efficiencies for our clients.

# Deliverables

## **Workforce Planning Model**

A1GS will develop a labor and workforce readiness model correlated to the caseload and backlog volume. This model will allow USCIS HR5000 leadership to use predictive variables to develop workforce and staffing plans: The right people, the right place, and at the right time!

## **Unconscious Bias Training**

The first step toward impacting Unconscious Bias and Consciously Unbiased behaviors is awareness. We will conduct an assessment to determine the customization needs of our baseline curriculum and develop a USCIS-specific learning objective that can be delivered in real-time and synchronously/asynchronously online. USCIS trainers will be trained on the curriculum and the use of the facilitator's guide. The course will include an implicit attitude baseline utilizing a tool like the Harvard Implicit Association Test (IAT). This tool is one way to gauge levels of bias in different areas. The IAT aims to measure our implicit or unconscious bias based on race, religion, gender, and a vast array of other areas and allows for participants to gain a quiet awareness of how they may unconsciously experience the phenomenon and how it might affect their behavior.

## **Candidate Sourcing Services**

A1GS will utilize its existing national infrastructure to provide enough candidates to complete CBP's Fast Track of other hiring steps based on the Workforce Planning Model, current vacancies, and the need for approved ancillary staff.

## **People Analytics Model**

A1GS will develop and deliver an analytic maturity curve and a framework for related reports, allowing USCIS leaders the opportunity to quantify USCIS performance outcomes and better diagnose why those outcomes occurred. Utilizing regression and other statistical models, we will be able to predict future outcomes and better equip people managers and HRM 5000 professionals to prescribe solutions.

## **Benefits**

Proactively addressing these issues will drastically reduce the costs of ineffective workforce planning, attrition, employee engagement, and productivity. Additionally, this approach will allow U.S. citizens to better understand and support the work of these sworn USCIS adjudicators/officers. Lastly, implementing the solutions outlined herein will decrease the backlog.

# Conclusion

USCIS application numbers continue to rise as the backlogs explode. The problems currently facing USCIS personnel cannot be sustained. As outlined, there are practical ways to address many of these challenges. At a minimum, the negative outcomes can be reduced, and USCIS will be able to better align itself with its mission and core American values. This whitepaper suggests decision-makers have conversations with the leadership of A1GS to discuss noted solutions and/or alternatives.

1. Chisti, M. & Gelatt, J. (2022). Mounting Backlogs Undermine U.S. Immigration System and Impede Biden Policy Changes. Accessed at <https://www.migrationpolicy.org/article/us-immigration-backlogs-mounting-under-mine-biden>
2. GAP (2021) U.S. Citizenship and Immigration Services: Actions Needed to Address Pending Caseload. Accessed at <https://www.gao.gov/products/gao-21-529>
3. Chisti, M. & Gelatt, J. (2022). Mounting Backlogs Undermine U.S. Immigration System and Impede Biden Policy Changes. Accessed at <https://www.migrationpolicy.org/article/us-immigration-backlogs-mounting-under-mine-biden>
4. Perkins, M.J., (2022). Unconscious Bias and CBP Workforce Issues. ActOne Government Solutions, [www.a1governmentsolutions.com](http://www.a1governmentsolutions.com), Published: Aug 18, 2021. Publicly Released: Sep 17, 2021.





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