



## Immigration budget crisis reflects change in policy

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New citizens, socially distanced, recite the Pledge of Allegiance outside the U.S. Citizenship and Immigration Services building in Lawrence, Mass. (AP Photo/Elise Amendola)

Zach Szmara pastors full time at the Bridge Community Church in Logansport, Ind. But a couple of days a week he helps people navigate the often-confusing processes to renew work visas, obtain green cards, and become American citizens.

The Bridge Community Church is a member of a church-based immigration legal service network called Immigrant Connection. Since it started six years ago, it's helped more than 2,000 clients from 100 countries of origin.

"We have trust because the Church usually is trusted from almost any culture around the world," Szmara said.

The group's services cost clients only about 10 percent of a typical immigration attorney's fees. Still, the work has become more expensive over the years.

One of his clients is Ana Hernandez, a member of his congregation. Her parents brought her to the United States as a child, and she became a recipient of Deferred Action for Childhood Arrivals (DACA). Eventually, she married a U.S. citizen and had a baby. The couple wanted to buy a house, but they also wanted to get Hernandez permanent lawful residence.

"So they had this difficult choice: 'Do we give up on the house, do we only renew DACA, or do we move forward with the marriage-based petition?'" Szmara, who married the couple, said. He prayerfully decided to waive office fees and loan them money to cover the government fees: about \$6,650 (that includes an estimated cost of immigration attorney fees, a DACA renewal, a marriage petition, and an application to adjust her status).

So Szmara grew concerned that the U.S. Citizenship and Immigration Services (USCIS) last year announced it would more than double some of its application fees and abolish some fee waivers that help low-income applicants. The agency says such price hikes are necessary for its financial survival.

On May 17, USCIS requested \$1.2 billion in emergency financial aid from Congress. The agency blamed its financial woes on the COVID-19 pandemic and projected steep budget shortfalls: Applications would drop by 60 percent through September, it said. But some experts say the Trump administration's stringent immigration policies are to blame for the agency's

current financial woes and the coronavirus merely exacerbated its issues. USCIS had been projecting the budget shortfall since November.

Another change: On Wednesday the Trump administration began a halt on certain temporary work visas, including H-1B visas for high-skilled workers, through the end of 2020. That will also affect visas for workers' spouses and other visas that allow companies to move overseas employees to U.S. offices. The stoppage won't apply to seasonal agricultural workers. The Trump administration said the move provides more jobs for Americans, but business leaders who hire immigrants say the move will slow job creation.

Szmara and other immigration watchers wonder if such moves will make USCIS' financial problems worse by discouraging immigration applications.

USCIS is a fee-funded agency: It covers its costs with what applicants pay up front for various immigrant benefits. USCIS projected more than 95 percent of its \$4.8 billion budget for 2020 would come from application fees. The system has historically served the agency well.

"When the government shut down two winters ago, USCIS was in good shape because we were fee funded," said Lora Ries, homeland security lead at the Heritage Foundation and former chief of staff at USCIS. "Now it's the reverse ... due to COVID-19, taxpaying government staff can keep working, but USCIS is being hit."

With the spread of the coronavirus, USCIS shut down in-person services, such as interviews and citizenship ceremonies, in March. It also permanently shuttered 12 international field offices and put a two-month lock on issuing new green cards. It reopened some domestic offices June 4 and began to restart some in-person services June 18.

USCIS originally said without aid by July 20, it would have to furlough around 13,400 of its 18,700 federal workers, even though it is currently only spending on "mission critical activities" and salaries. Then the agency rolled that date back to Aug. 3 and warned that reducing staff would affect its ability to administer green cards and process asylum applications and work visas.

The agency plans to pay back what money it receives by adding a 10 percent surcharge on applications on top of the other increases it announced previously.

In November, USCIS published notices in the Federal Register about its price hikes: The naturalization application cost would go from \$725 to \$1,170, and DACA renewal fees would increase from \$495 to \$765. USCIS also wants to add a \$50 fee to asylum applications. Currently, only three countries charge for asylum. The notices are where USCIS announced the \$1.26 billion deficit projection.

Immigration experts say that the administration has slowly shifted the agency's mission and policies to make the application process more onerous. That caused costs to overrun revenues. Behind-the-scenes changes have added bureaucratic red tape and price hikes that may have deterred people from applying for immigration benefits.

"There's an extremely good chance this would have happened even without the COVID-19 pandemic happening," John Hudak, deputy director for the left-leaning Brookings Institution's Center for Effective Public Management, said. "The president has made specific policy choices about immigration that have dramatically decreased the amount of people who are eligible to

apply or are willing to apply for some type of immigration status. That's dramatically affected the ability of that agency to collect the fees that it's used to."

Under the Trump administration, USCIS has devoted more time and resources to detecting potential fraud. This meant mandating more in-person interviews and returning many applications with requests for more evidence. One memo directed USCIS adjudicators to treat renewal requests for H-1B work visas as first-time applications. The result: a growing backlog of applications.

At a House Subcommittee on Immigration and Citizenship hearing last July, concerned lawmakers asked about the agency's growing backlog. One witness from the American Immigration Lawyers Association (AILA) testified that the agency's processing time grew 46 percent from fiscal year 2016 to fiscal year 2018.

Meanwhile, application denials spiked. The libertarian Cato Institute found that compared with the Obama administration's last full quarter (October to December 2016), the USCIS denial rate was 80 percent higher for the first quarter of fiscal year 2019. That meant more than 72,000 denials in the quarter.

"The ultimate goal of this administration is simple: less immigration, illegal or legal," David Bier, an immigration policy analyst at Cato, wrote.

But defenders of the agency said price hikes are fiscally responsible. "USCIS forgoes quite a bit of money every year," Ries, of the Heritage Foundation, said. "Historically and currently, we don't charge anything for asylum applications: Those are labor intense and cost in the \$300 range to adjudicate."

"We are not a benefit agency," said Ken Cuccinelli, who formerly led USCIS and is now deputy secretary for the Department of Homeland Security, in September. "We are a vetting agency."

The administration has implemented policies like the "public charge" rule. It denies immigrants green cards if it determines they were likely to rely on federal benefits like food stamps. In spring 2017, Trump also issued a "Buy American, Hire American" executive order that focused on fraud detection efforts, among them increasing inspections of businesses employing foreign workers under the H-1B program. Critics said such moves may discourage immigrants from applying in the first place.

The administration also ended Temporary Protected Status (TPS) for people from El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal. While court cases are keeping the protected status in limbo, recipients of TPS are no longer filing petitions for renewal, further affecting revenues.

The agency received 1 million fewer petitions in fiscal year 2018 than in fiscal year 2017, causing a \$152 million drop in revenue, according to USCIS data compiled by the Migration Policy Institute.

"It used to be they partnered with you as you journeyed together towards [citizenship]," Szmara, the pastor in Indiana, said. "Now they want to say, 'We're here to protect those who are already here and make it harder for new people to come.'"

Congress has said little about the crisis, though immigration watchers doubt lawmakers will let the agency that adjudicates asylum and refugee requests furlough most of its workers. Lawmakers may fold in a bailout for the USCIS in another coronavirus aid package. But some noted that Democrats in particular will be reluctant to authorize more funding without something in return.

“I could see Congress playing hardball and saying, ‘If you want funding to bail out the agency that you’ve essentially bankrupted through your policies, you’re going to have to give in other areas of immigration policy,’” Hudak said.

Sharvari Dalal-Dheini, a former chief counsel at USCIS for 11 years and the current director of government relations at AILA, said Congress should attach accountability measures to any bailout. She doubts lawmakers will let the agency go under: “We recognize that there are problems, many of which were created by USCIS through their own inefficient policies. But we also recognize that they have a very important mission to serve.”