

To: The Honorable Bob Goodlatte – Chairman House Judiciary Committee

Subject: Unacceptable Update of I-130 Processing Times

Date: December 20, 2013

Mr. Chairman:

Subsequent to my letter of November 19 expressing concerns regarding I-130 petition handling, the USCIS issued a statement to stakeholders on November 20 ensuring a commitment to reducing the I-130 backlog. Specifically, the statement claimed the USCIS has been “focused on addressing delays...for several months.” At the time this statement was issued, the average processing time as of September 30 was changed from 13 months to 7.4 months. The current processing date was also adjusted from October 2, 2012 to February 12, 2013. I discussed these questionable updates in my second letter, dated December 11, out of concern that USCIS is deliberately manipulating data to mislead stakeholders.

On December 19, the above processing statistics were updated to reflect data as of October 31. The average processing time was extended from 7.4 to 8.7 months, while the processing date was moved by one day to February 13, 2013. This is outrageous. The USCIS cannot claim to be diligently addressing the backlog of I-130 petitions, which was created as the result of poor management decisions and inefficient workload balancing, while supplying data such as this. It is difficult at best to believe that a full month of processing resulted in only a single day's worth of petitions being adjudicated, particularly if the backlog is receiving the attention that USCIS claims. This appears instead to be yet another manipulation of data to prevent petitioners from filing service requests and receiving the consideration and compassion they deserve. This tactic further prevents elected representatives, liaisons, and individuals in the Ombudsman's office from acting on behalf of their constituents. USCIS has effectively closed off every method of recourse the I-130 petitioner has available.

Furthermore, there is reason to believe that USCIS has begun adjudicating petitions out of order so that they meet targeted processing averages. This method flies against the “first in, first out” policy that USCIS claims to process according to; July petitioners have been granted approvals while many from March are being passed over in the queue. Adjudicating newer petitions while earlier filers are left to wait as a statistical maneuver is unacceptable and reprehensible. USCIS must process petitions in a linear fashion from oldest to newest and accurately report the resultant data.

I am writing to you once again to demand increased transparency and accountability in this agency, whose careless disregard of the lives it holds in its hands is causing daily emotional, financial, and even physical hardships for I-130 petitioners and their immediate relatives. The rates of approvals for I-130 petitions as of October 31 are distressingly low and show no improvement over previous months. USCIS continues to address only a small number of the cases it claims to have prioritized. USCIS must allocate resources appropriately and demonstrate its stated commitment to reducing the backlog through tangible improvements in processing times.

Sincerely,
Your Name

CC:
Senator John Cornyn – Ranking Member U.S. Senate Judiciary Committee

Senator Chuck Schumer – Chairman U.S. Senate Judiciary Committee

Alejandro Mayorkas – Director USCIS

Lori Scialabba – Deputy Director USCIS

Maria M. Odom – Ombudsman USCIS

Brandi Blackburn, Assistant Center Director for NBC Division 8 in Overland Park, KS

Nancy W. Guilliams – Director Office of Administration-USCIS

Rand Beers – Secretary DHS

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