

CURRENT IMMIGRATION DELAYS AND THEIR IMPACT ON CLIENTS

IN THEIR OWN WORDS

The current administration inherited unprecedented backlogs in multiple categories of immigration applications. The delays were exacerbated by the pandemic, significant insolvency issues, and staffing reductions; recent policy actions have sought to restore timely processing of immigration cases. Nonetheless, significant delays remain standard operating procedure for many humanitarian cases. The Immigrant Justice Project took the opportunity to learn more about the impact of delays from current and former clients in their own words.

DELAY IN NUMBERS

The U.S. Citizenship and Immigration Services' (USCIS) pending caseload, defined as the number of cases awaiting a benefit decision, grew an estimated 81% between FY2015 & the second quarter of FY2020. Current USCIS statistics show it has over 8.8 million filed forms awaiting decisions. Meanwhile, the number of pending cases in immigration court rose from just over 450,000 in FY15 to 1.8 million by July 2022.

PENDING USCIS CASELOAD



THE HARDSHIPS OF DELAYS

For some applicants, delays mean applicants are separated from families for a prolonged period or they may have to live in a legal limbo for months or years.

"Separation from family is the worst thing that can happen. I couldn't travel to my home country for a long time. My wife became mentally ill and she got lonely. The loneliness was so difficult for her."

-Mr. L, an applicant who waited 4 years to be granted asylum

For others, delays prevent applicants from working and participating fully in society. Median processing times for work permit applications (Form I-765) based on a pending asylum application rose from 1.7 months in FY2017 to 7.1 months in FY2022. (AILA, 2022). Some IJP clients are waiting for over a year before receiving renewal work permits.

The processing time for renewal is terrible. Renewal for my current EAD took almost one year and *I lost a job during that waiting period.*

-Mr. C, who waited 6 years for his asylum decision

I had to renew every two years which is certainly not long enough. *By the time you go to actually pick up the new one, it's time to start renewing again.*

-Mr. O, an asylee whose wait time was 3 years

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"Getting affidavits from people was the hardest because I couldn't give them a fixed timeline. Friends and acquaintances said they will write for me one day. *But since I couldn't give them a fixed deadline, they think it's not urgent and eventually I lost contact with some of them after a while.*"

-Mr. C, who waited 6 years and filed a lawsuit on his sixth year of waiting

DELAYS LEAD TO RECORD HIGH LAWSUITS AND INUNDATED CONGRESSIONAL OFFICES

According to the Transactional Records Access Clearinghouse, a nonprofit data gathering organization at Syracuse University, the federal civil courts recorded 647 immigration-related lawsuits for writs of mandamus and other immigration actions in May 2022. This marks the highest number of lawsuits filed in a single month since at least October 2007.

Congressional offices have also accumulated a pile of requests to help expedite their immigration cases. Representative Adriano Espaillat, a Democrat from New York, noted that his office's handling of USCIS-related requests increased by roughly 85 percent in the last five years. And as casework increased, UCSIS response times to congressional inquiries also increased accordingly. Replies to congressional office's requests now take up to six weeks. (Roll Call, 'Immigration Agency Backlog Weighs on Congressional Offices' Jul 18 2022).

"My attorney was always communicative and empathetic. *She did everything she could. At that point, it was up to the government.* So I know there was nothing else my attorney could do."

-Mr. O, whose asylum application was pending for 3 years

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