

Congress of the United States
Washington, DC 20515

September 9, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, D.C. 20528

The Honorable Ur Jaddou
Director
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas and Director Jaddou:

We write to express our concerns regarding the affirmative asylum application backlog at U.S. Citizenship and Immigration Services (USCIS). As of April 2021, the number of pending asylum applications reached a record high—nearly 400,000—representing a total of more than 600,000 asylum applicants who are awaiting a decision on their fate.¹ Of these cases, 94 percent have not yet received an interview, while the remaining 6 percent have been interviewed but are awaiting a final decision.²

As you are aware, since January 2018, USCIS has been processing asylum applications under a “last in, first out” (LIFO) approach. Except for a 3-year period when USCIS briefly switched to a “first in, first out” policy, LIFO has been the approach that USCIS has used to process affirmative asylum applications for more than 25 years.

Despite this, the asylum backlog has continued to grow, and older meritorious cases have languished for years. As a result, individuals who have experienced significant trauma are left in limbo, often separated from their families while their applications are pending.³ This can exacerbate the trauma experienced by applicants and impose significant hardships on families, particularly those who remain exposed to dangerous conditions in their home country. Sadly, some applicants report that their children have experienced ongoing violence or have even disappeared while they wait for a decision on their applications—tragic outcomes that could

¹ Human Rights First. 2021. “Protection Postponed: Asylum Office Backlogs Cause Suffering, Separate Families, and Undermine Integration.” https://www.humanrightsfirst.org/sites/default/files/Protection_Postponed.pdf; Jason Dzubow, Affirmative Asylum Fact Sheet (2021), pp. 1-3.; *Number of Service-wide Forms Fiscal Year to Date by Quarter and Form Status* (2020), distributed by U.S. Citizenship and Immigration Services. https://www.uscis.gov/sites/default/files/document/reports/Quarterly_All_Forms_FY2020Q4.pdf.

² Jason Dzubow, Affirmative Asylum Fact Sheet (2021), pp. 1-3.; *Number of Service-wide Forms Fiscal Year to Date by Quarter and Form Status* (2020), distributed by U.S. Citizenship and Immigration Services. https://www.uscis.gov/sites/default/files/document/reports/Quarterly_All_Forms_FY2020Q4.pdf

³ Designing a Trauma Informed Asylum System in the United States, Center for Victims of Torture (2021), https://www.cvt.org/sites/default/files/attachments/u101/downloads/2.4.designing_a_trauma_informed_asylum_report.feb42021.pdf.

have been avoided had their applications been processed promptly.⁴ This indefinite state of separation can have devastating emotional impacts on applicants, leaving them in a constant state of fear and uncertainty.

We recognize that the increase in the asylum backlog can be attributed in part to an increased number of asylum seekers who are lawfully exercising their right to request protection in the United States as they flee persecution. We support your efforts to restore humanity and efficiency at the border and to process all asylum claims as expeditiously as possible, consistent with principles of due process. We also commend USCIS for its efforts to significantly increase the corps of asylum officers to adjudicate cases and address the backlog. We are, however, deeply concerned about those who have languished in the backlog for extended periods of time—some close to seven years. As you continue to work to restore faith in our legal immigration system, we ask that you consider adopting a balanced approach to asylum adjudications—one that both prioritizes new cases and provides relief to those who have been waiting for a decision on their cases the longest. Toward this end, we ask that you consider:

1. Designating a portion of asylum officers to work “back to front” to address the backlog and ensure the longest-pending cases are addressed. This would give those who were moved to the back of the line by the 2018 change to LIFO the opportunity to receive a more timely decision on their cases.
2. Creating a five-year “cutoff period” after which time a pending asylum application would be prioritized in the application queue. This would provide greater uniformity in wait times while reassuring applicants that they will not wait decades for an interview.

A balanced adjudication policy will allow USCIS to efficiently address new asylum applications, while giving hope to those who have waited years for the peace of mind that comes with lawful status. Though we must swiftly and fairly adjudicate the claims of new asylum seekers, we must not leave others behind in the process.

Sincerely,



David N. Cicilline
Member of Congress



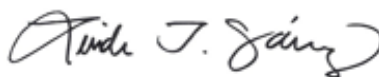
Sylvia R. Garcia
Member of Congress



Pramila Jayapal
Member of Congress



Joe Neguse
Member of Congress



Linda T. Sánchez
Member of Congress

⁴ Center for Victims of Torture Submission on Identifying Barriers Across U.S. Citizenship and Immigration Services (USCIS) Benefits and Services (2021), https://www.cvt.org/sites/default/files/attachments/u93/downloads/cvt_comment_barriers_uscis_benefits_services_5.19.2021.pdf

/s/Nanette Diaz Barragán
Member of Congress

/s/Karen Bass
Member of Congress

/s/Tony Cárdenas
Member of Congress

/s/André Carson
Member of Congress

/s/Judy Chu
Member of Congress

/s/Yvette D. Clarke
Member of Congress

/s/Gerald E. Connolly
Member of Congress

/s/J. Luis Correa
Member of Congress

/s/Mark DeSaulnier
Member of Congress

/s/Debbie Dingell
Member of Congress

/s/Veronica Escobar
Member of Congress

/s/Ruben Gallego
Member of Congress

/s/Raul Grijalva
Member of Congress

/s/Jahana Hayes
Member of Congress

/s/Sheila Jackson Lee
Member of Congress

/s/Henry C. “Hank” Johnson Jr.
Member of Congress

/s/Carolyn B. Maloney
Member of Congress

/s/Betty McCollum
Member of Congress

/s/James P. McGovern
Member of Congress

/s/Grace Meng
Member of Congress

/s/Jerrold Nadler
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/s/Alexandria Ocasio-Cortez
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/s/Chellie Pingree
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/s/Mark Pocan
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/s/Jamie Raskin
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/s/Mary Gay Scanlon
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/s/Jan Schakowsky
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/s/Thomas R. Suozzi
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/s/Rashida Tlaib
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/s/Ritchie Torres
Member of Congress

/s/Lori Trahan
Member of Congress

/s/Juan Vargas
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/s/Nydia M. Velazquez
Member of Congress

/s/John Yarmuth
Member of Congress