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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

To amend the Immigration Services and Infrastructure Improvements Act of 2000 to provide for additional rules regarding processing of immigration applications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CÁRDENAS introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration Services and Infrastructure Improvements Act of 2000 to provide for additional rules regarding processing of immigration applications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Case Backlog and
5 Transparency Act of 2022”.

1 **SEC. 2. PURPOSES.**

2 Section 202 of the Immigration Services and Infra-
3 structure Improvements Act of 2000 (8 U.S.C. 1571) is
4 amended—

5 (1) in paragraph (1)—

6 (A) by striking “Immigration and Natu-
7 ralization Service” and inserting “Department
8 of Homeland Security”;

9 (B) by striking “current backlog” and in-
10 sserting “backlog”; and

11 (C) by striking “within 1 year after enact-
12 ment of this Act”; and

13 (2) in paragraph (2), by striking “Immigration
14 and Naturalization Service” and inserting “Depart-
15 ment of Homeland Security”.

16 **SEC. 3. DEFINITIONS.**

17 Section 203 of such Act (8 U.S.C. 1572) is amended
18 to read as follows:

19 **“SEC. 203. DEFINITIONS.**

20 “In this title:

21 “(1) **ACTIVE SUSPENSE.**—The term ‘active sus-
22 pense’ means circumstances in which the Depart-
23 ment of Homeland Security cannot process an immi-
24 gration benefit application due to factors outside of
25 the Department’s control, including any cir-
26 cumstance in which a visa number is unavailable, or

1 circumstances in which the Department is waiting
2 for a response from the applicant or a third party
3 (including another government agency).

4 “(2) BACKLOG; NET BACKLOG.—The term
5 ‘backlog’ or ‘net backlog’ means the number of im-
6 migration benefit applications that are pending be-
7 fore the Department of Homeland Security outside
8 of applicable processing time goals, minus those ap-
9 plications in an active suspense category.

10 “(3) GROSS BACKLOG.—The term ‘gross back-
11 log’ means the number of immigration benefit appli-
12 cations that are pending before the Department of
13 Homeland Security outside of applicable processing
14 time goals, irrespective of whether the applications
15 are in an active suspense category.

16 “(4) IMMIGRATION BENEFIT APPLICATION.—
17 The term ‘immigration benefit application’ means
18 any application, petition, or request to confer, cer-
19 tify, change, adjust, or extend any status authorized
20 under the Immigration and Nationality Act (8
21 U.S.C. 1101 et seq.) and any other application, peti-
22 tion, or request for an immigration benefit, made to
23 U.S. Citizenship and Immigration Services.

24 “(5) PROCESSING TIME.—The term ‘processing
25 time’ means the time elapsed between the date on

1 which an immigration benefit application is received
2 by U.S. Citizenship and Immigration Services and
3 the date on which U.S. Citizenship and Immigration
4 Services approves or denies an immigration benefit
5 application.

6 “(6) PROCESSING TIME GOAL.—The term ‘proc-
7 essing time goal’ means the goal for a processing
8 time established by the Department of Homeland
9 Security as an appropriate processing time for a
10 type of immigration benefit application.”.

11 **SEC. 4. IMMIGRATION SERVICES AND INFRASTRUCTURE**
12 **IMPROVEMENTS ACCOUNT.**

13 Section 204 of such Act (8 U.S.C. 1573) is amend-
14 ed—

15 (1) in subsection (a), by striking “Attorney
16 General” each place such term appears and inserting
17 “Secretary of Homeland Security”;

18 (2) in subsection (a)(1), by striking “not later
19 than one year after the date of enactment of this
20 Act”;

21 (3) in subsection (a)(2), by striking “ensure
22 that a backlog does not develop after such date” and
23 inserting “prevent the recurrence of the backlog
24 after its elimination”; and

25 (4) in subsection (b)(1)—

1 (A) by striking “Department of Justice”
2 and inserting “Department of Homeland Security”; and
3

4 (B) by striking “Attorney General” and inserting
5 “Secretary of Homeland Security”.

6 **SEC. 5. REPORTS TO CONGRESS.**

7 Section 205 of such Act (8 U.S.C. 1574) is amended
8 to read as follows:

9 **“SEC. 205. REPORTS TO CONGRESS.**

10 **“(a) QUARTERLY REPORT.—**

11 **“(1) IN GENERAL.—**Not later than 90 days
12 after each of the first three quarters of each fiscal
13 year, the Secretary of Homeland Security shall publish on the Department’s website and submit to the
14 Committees on the Judiciary, Appropriations, and
15 Oversight and Reform of the House of Representatives, and to the Committees on the Judiciary, Appropriations, and Homeland Security and Governmental Affairs of the Senate, a report concerning
16 the backlog in immigration benefit applications as of
17 the end of that fiscal quarter.

18 **“(2) REPORT ELEMENTS.—**The report required
19 under paragraph (1) shall include, as available—

20 **“(A)** the number of applications pending
21 for each type of immigration benefit applica-

1 tion, the number of immigration benefit appli-
2 cations in active suspense, and the number of
3 backlog applications for each type of immigra-
4 tion benefit application;

5 “(B) the median processing time for each
6 type of immigration benefit application and any
7 change in that time relative to the end of the
8 prior quarter;

9 “(C) the number of pending Form I-730
10 (or successor form) follow-to-join refugee or
11 asylee immigration benefit applications and the
12 number of pending Priority-3 refugee immigra-
13 tion benefit applications, the median length of
14 time each application has been pending, and the
15 number of applications that have been proc-
16 essed by the Department of Homeland Security;
17 and

18 “(D) the number of refugee immigration
19 benefit applications with respect to which the
20 beneficiary has been interviewed by the Depart-
21 ment of Homeland Security and the number of
22 such beneficiaries whose applications are pend-
23 ing final adjudication, including information on
24 the processing stage at which such applications
25 are pending.

1 “(b) ANNUAL REPORT.—

2 “(1) IN GENERAL.—Not later than 90 days
3 after the end of each fiscal year the Secretary shall
4 publish on the Department’s website and submit to
5 the Committees on the Judiciary, Appropriations,
6 and Oversight and Reform of the House of Rep-
7 resentatives, and to the Committees on the Judici-
8 ary, Appropriations, and Homeland Security and
9 Governmental Affairs of the Senate, a report con-
10 cerning the status of—

11 “(A) the Immigration Services and Infra-
12 structure Improvements Account as of the end
13 of the fiscal year, including any unobligated bal-
14 ances of appropriations in the Account;

15 “(B) the backlog in immigration benefit
16 applications as of the end of the fiscal year; and

17 “(C) requests made through U.S. Citizen-
18 ship and Immigration Services customer service
19 tools.

20 “(2) REPORT ELEMENTS.—The report required
21 under paragraph (1) shall include, as available—

22 “(A) an analysis of factors contributing to
23 the net and gross backlogs, including a detailed
24 assessment of the impacts of Department of

1 Homeland Security policies on the net and
2 gross backlogs;

3 “(B) a description of how U.S. Citizenship
4 and Immigration Services quantitatively and
5 qualitatively measures progress of backlog re-
6 duction measures;

7 “(C) a description of existing efforts to
8 eliminate the net backlog and minimize the
9 gross backlog;

10 “(D) a detailed plan to eliminate the net
11 backlog, to prevent recurrence of the net back-
12 log after elimination, and to minimize the gross
13 backlog;

14 “(E) a description of existing and planned
15 quality controls for ensuring fair, accurate, and
16 consistent adjudication of immigration benefit
17 applications;

18 “(F) information on U.S. Citizenship and
19 Immigration Services funding, including—

20 “(i) an assessment of how and to
21 what extent funding, both from fee ac-
22 counts and appropriations, was allocated
23 toward backlog elimination;

1 “(ii) the identification of any transfers
2 of funds between fee accounts and between
3 Department components;

4 “(iii) a description of whether immi-
5 gration-related fees were used consistent
6 with legal requirements regarding such
7 use; and

8 “(iv) an estimate of the amount of ap-
9 propriated funds that would be necessary
10 to eliminate the net backlog;

11 “(G) whether immigration-related ques-
12 tions conveyed by applicants, petitioners, bene-
13 ficiaries, or authorized representatives to the
14 Department (whether conveyed in person, by
15 telephone, or by means of the Internet) were
16 answered effectively and efficiently;

17 “(H)(i) the information referenced under
18 subsection (a)(2) as of the end of the fiscal
19 year;

20 “(ii) a description of any changes to proc-
21 essing time goals made in the two years prior
22 to the annual report and how those changes im-
23 pact calculations of the net and gross backlogs;

24 “(iii) processing time goals for each type of
25 immigration benefit application and the per-

1 centage of applications for which the Depart-
2 ment completed processing within each goal;

3 “(iv) State-by-State data on the number of
4 naturalization applications, the number of ad-
5 justment of status applications, and the overall
6 number of immigration benefit applications,
7 pending for up to 6 months, 12 months, 18
8 months, 24 months, 36 months, and 48 months
9 or more;

10 “(v) the median number of hours it takes
11 to complete the processing of each type of im-
12 migration benefit application;

13 “(vi) the number of all immigration benefit
14 applications received, and processed, by the De-
15 partment, both in the aggregate and as
16 disaggregated by type of immigration benefit
17 application; and

18 “(vii) the approval and denial rates associ-
19 ated with the completed applications referenced
20 under clause (iv), disaggregated by type of im-
21 migration benefit application;

22 “(I) State-by-State data on—

23 “(i) the number of naturalization ap-
24 plications processed during each quarter of
25 each fiscal year;

1 “(ii) the median processing time for
2 naturalization applications; and

3 “(iii) the additional resources and
4 process changes needed to eliminate the
5 backlog for naturalization applications; and

6 “(J) a status report on all other types of
7 immigration benefit applications, including—

8 “(i) applications for adjustments of
9 status to that of an alien lawfully admitted
10 for permanent residence;

11 “(ii) petitions for nonimmigrant visas
12 under section 204(c) of the Immigration
13 and Nationality Act (8 U.S.C. 1184(c));

14 “(iii) petitions filed under section 204
15 of the Immigration and Nationality Act (8
16 U.S.C. 1154) to classify aliens as imme-
17 diate relatives or preference immigrants
18 under section 203 of that Act (8 U.S.C.
19 1153);

20 “(iv) applications for asylum under
21 section 208 of the Immigration and Na-
22 tionality Act (8 U.S.C. 1158);

23 “(v) registrations for temporary pro-
24 tected status under section 244 of the Im-

1 migration and Nationality Act (8 U.S.C.
2 1254a);

3 “(vi) applications for humanitarian
4 parole, disaggregated by individual filers
5 and referrals from a Federal agency, under
6 section 212(d)(5) of the Immigration and
7 Nationality Act (8 U.S.C. 1182(d)(5));

8 “(vii) applications for employment au-
9 thorization;

10 “(viii) the additional resources and
11 process changes needed to eliminate the
12 backlog for all types of immigration benefit
13 applications described in this subpara-
14 graph;

15 “(ix) the number of Requests for Evi-
16 dence (RFE), Notices of Intent to Deny
17 (NOID) or Notices of Intent to Revoke
18 (NOIR) issued, disaggregated by the type
19 of immigration benefit application with re-
20 spect to which they were issued;

21 “(x) the number of immigration ben-
22 efit applications, disaggregated by type of
23 application, that received a RFE, NOID,
24 or NOIR that were ultimately approved,
25 denied, or abandoned by the applicant; and

1 “(xi) the number of applicants for
2 naturalization who applied to the United
3 States district court for a hearing under
4 section 336(b) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1447(b); and

6 “(K) a status report on requests made
7 through U.S. Citizenship and Immigration
8 Services (USCIS) customer service tools, in-
9 cluding—

10 “(i) the number of calls to the USCIS
11 customer service phone line, including the
12 number of calls that were completed,
13 dropped, and resulted in escalation to a su-
14 pervisor;

15 “(ii) the number of callbacks from
16 USCIS that were unanswered by a stake-
17 holder inquiring on the status of an immi-
18 gration benefit application on behalf of an
19 applicant;

20 “(iii) the median processing time for
21 such requests;

22 “(iv) the number of requests for local
23 USCIS office appointments disaggregated
24 by the issue requiring resolution; and

1 “(v) the number of requests received
2 through customer service online tools.

3 “(c) BIENNIAL REPORT.—

4 “(1) IN GENERAL.—Not later than one year
5 after the date of enactment of this section, and every
6 two years thereafter, the Comptroller General of the
7 United States shall publish on its website and sub-
8 mit to the Committees on the Judiciary, Appropria-
9 tions, and Oversight and Reform of the House of
10 Representatives, and to the Committees on the Judi-
11 ciary, Appropriations, and Homeland Security and
12 Governmental Affairs of the Senate, a report con-
13 cerning the backlog in immigration benefit applica-
14 tions.

15 “(2) REPORT ELEMENTS.—The report required
16 under paragraph (1) shall include, as available—

17 “(A) a description of the status of the net
18 backlog, of the gross backlog, and of the overall
19 number of pending immigration benefit applica-
20 tions;

21 “(B) an assessment of factors contributing
22 to the net and gross backlogs, including an
23 analysis of the impacts of Department of
24 Homeland Security policies on the net and
25 gross backlogs and an analysis of the Depart-

1 ment’s formal processes for qualitatively and
2 quantitatively assessing the impacts of its poli-
3 cies on the net and gross backlogs;

4 “(C) an assessment of existing and
5 planned Department of Homeland Security ef-
6 forts to eliminate the net backlog, to prevent re-
7 currence of the net backlog after its elimi-
8 nation, and to minimize the gross backlog;

9 “(D) an assessment of existing and
10 planned Department of Homeland Security ef-
11 forts to ensure fair, accurate, and consistent
12 adjudication of immigration benefit applica-
13 tions; and

14 “(E) recommendations for more expedi-
15 tiously processing immigration benefit applica-
16 tions while ensuring fairness, accuracy, and
17 consistency in processing.”.

18 **SEC. 6. IMMIGRATION FUNCTIONS.**

19 (a) IN GENERAL.—Section 478 of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 298) is amended to read
21 as follows:

22 **“SEC. 478. TIMELY PROVISION OF IMMIGRATION SERVICES.**

23 “(a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 “(1) the quality and efficiency of immigration
2 services rendered by the Federal Government should
3 be improved after the transfers made by this subtitle
4 take effect;

5 “(2) the Secretary of Homeland Security should
6 undertake efforts to guarantee that concerns regard-
7 ing the quality and efficiency of immigration services
8 are addressed after such effective date; and

9 “(3) the Secretary of Homeland Security should
10 not assign a processing time goal (as such term is
11 defined in section 203 of the Immigration Services
12 and Infrastructure Improvements Act of 2000 (8
13 U.S.C. 1572)) that is longer than a maximum proc-
14 essing timeframe set forth in section 202 of the Im-
15 migration Services and Infrastructure Improvements
16 Act of 2000 (8 U.S.C. 1571), except that the proc-
17 essing time goal for employment authorization docu-
18 ments should not be longer than 90 days.

19 “(b) CASE INQUIRY ESCALATION.—The Secretary
20 shall make publicly available on the website of U.S. Citi-
21 zenship and Immigration Services the process by which
22 a person with a pending immigration benefit application
23 (as such term is defined in section 203 of the Immigration
24 Services and Infrastructure Improvements Act of 2000 (8
25 U.S.C. 1572)) may inquire about such application after

1 the processing time goal (as such term is defined in such
2 section 203) or the median processing time for such type
3 of immigration benefit application, whichever is sooner.
4 The process developed pursuant to this subsection shall
5 include—

6 “(1) a requirement that U.S. Citizenship and
7 Immigration Services provides a substantive re-
8 sponse to each person who inquires about an immi-
9 gration benefit application pursuant to such process;
10 and

11 “(2) an additional process for a person to esca-
12 late such an inquiry in the case that a substantive
13 response described in paragraph (1) has not been
14 provided.”.

15 (b) CLERICAL AMENDMENT.—Section 1(b) of the
16 Homeland Security Act of 2002 (6 U.S.C. 101 note) is
17 amended in the table of contents by striking the item re-
18 lating to section 478 and inserting the following:

“Sec. 478. Timely provision of immigration services.”.