

117TH CONGRESS  
2D SESSION

# H. R. 9225

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.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2022

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

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## 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 serting “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 Secu-  
3 rity”; and

4 (B) by striking “Attorney General” and in-  
5 serting “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 pub-  
14 lish on the Department’s website and submit to the  
15 Committees on the Judiciary, Appropriations, and  
16 Oversight and Reform of the House of Representa-  
17 tives, and to the Committees on the Judiciary, Ap-  
18 propriations, and Homeland Security and Govern-  
19 mental Affairs of the Senate, a report concerning  
20 the backlog in immigration benefit applications as of  
21 the end of that fiscal quarter.

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

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

tion, the number of immigration benefit applications in active suspense, and the number of backlog applications for each type of immigration benefit application;

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

“(C) the number of pending Form I-730 (or successor form) follow-to-join refugee or asylee immigration benefit applications and the number of pending Priority-3 refugee immigration benefit applications, the median length of time each application has been pending, and the number of applications that have been processed by the Department of Homeland Security; and

“(D) the number of refugee immigration benefit applications with respect to which the beneficiary has been interviewed by the Department of Homeland Security and the number of such beneficiaries whose applications are pending final adjudication, including information on the processing stage at which such applications 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 an-  
16 swered 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-

ment’s formal processes for qualitatively and quantitatively assessing the impacts of its policies on the net and gross backlogs;

“(C) an assessment of existing and planned Department of Homeland Security efforts to eliminate the net backlog, to prevent recurrence of the net backlog after its elimination, and to minimize the gross backlog;

“(D) an assessment of existing and planned Department of Homeland Security efforts to ensure fair, accurate, and consistent adjudication of immigration benefit applications; and

“(E) recommendations for more expeditiously processing immigration benefit applications while ensuring fairness, accuracy, and consistency in processing.”.

**SEC. 6. IMMIGRATION FUNCTIONS.**

(a) IN GENERAL.—Section 478 of the Homeland Security Act of 2002 (6 U.S.C. 298) is amended to read as follows:

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

“(a) SENSE OF CONGRESS.—It is the sense of Congress 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.”.

