



CATHOLIC LEGAL  
IMMIGRATION  
NETWORK, INC.

**Meeting with OIRA Regarding the Proposed  
Public Charge Regulation**

**July 25, 2019**

# Introduction

Presented by Karen Sullivan  
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Federal Advocacy and Liaison  
Catholic Legal Immigration Network, Inc.  
(CLINIC)



# About CLINIC

- Established in 1988 by the U.S. Conference of Catholic Bishops
- Network of 375+ non-profit legal services organizations serving low-income immigrants

*Embracing the Gospel value of welcoming the stranger, CLINIC promotes the dignity and protects the rights of immigrants in partnership with a dedicated network of Catholic and community immigration legal programs.*



# Broad Concerns about Public Charge

- Increased time and resource burdens on our affiliates as legal representatives
- Threatens the health and well-being of our affiliates' clients if they forego benefits
- Adds burdens to other agencies like the IRS and state government benefits providers



# Focus: USCIS Backlogs and Resource Allocation

- Public Charge Rule's Effect on USCIS backlogs and resource allocation:
  - Adds complexity to adjudicator case analysis
  - Adds time to case processing
  - Requires training in complex PC evaluation
- Consequences of compounded backlogs
  - Loss of employment
  - Loss of driver's licenses
  - Prolonged family separation

# USCIS Backlogs and Resource Allocation

- USCIS Backlogs:
  - 2.4 million cases at the end of FY 2018
  - Accounting for 43% of total pending inventory
  - Acknowledged as “steadily growing”
- Receipts decreased in the first three quarters of 2018, but backlogs continued to grow

# Congressional Hearing on USCIS Backlogs

- “Policy Changes and Processing Delays at U.S. Citizenship and Immigration Services”
  - U.S. House Committee on the Judiciary, Subcommittee on Immigration and Citizenship
  - July 16, 2019
  - Witnesses:
    - USCIS Service Center Operations, Field Operations Directorate, and Office of Performance and Quality
    - American Immigration Lawyers Association
    - CLINIC
    - Immigrant Legal Resource Center
    - Center for Immigration Studies



# Concerns Identified at the Hearing

- Rate of backlog growth
- Complex policy changes increase backlogs
- Public Charge is one of the major changes of concern
- USCIS lacks the resources to properly staff case adjudication
- USCIS diverts resources away from adjudication and toward enforcement



# EO 12866 Principles Implicated

- USCIS has not properly identified the problem that the regulation is intended to address;
- USCIS did not design its regulation in the most cost-effective manner to achieve the objective;
- USCIS has not established that the benefits of the intended regulation justify its costs;
- USCIS has not tailored its regulation to impose the least burden on society; and
- USCIS has not drafted its regulation to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.



# Resources Provided

- USCIS written testimony from the July 16, 2019, Congressional Hearing  
(<http://docs.house.gov/meetings/JU/JU01/20190716/109787/HHRG-116-JU01-Wstate-NeufeldD-20190716.pdf>)
- CLINIC's written testimony  
(<http://docs.house.gov/meetings/JU/JU01/20190716/109787/HHRG-116-JU01-Wstate-BusseyJ-20190716.pdf>)
- NILC's written statement, which describes Public Charge concerns  
(<http://docs.house.gov/meetings/JU/JU01/20190716/109787/HHRG-116-JU01-20190716-SD033.pdf>)
- AILA Policy Brief, “USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration”  
(<https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>)

