

- 1 Why does USCIS not use premium processing to pay for the cost of premium processing itself? This is allowed by statute.

Response: USCIS is currently using premium processing revenue to fund the cost of providing premium processing service.

Note: In accordance with INA Section 286(u), USCIS uses premium processing revenue to fund: the cost of the transformation program, the cost of providing premium processing service; and, infrastructure improvements in the adjudications and customer service processes.

- 2 Why does premium processing exist at the expense of regular processing? Given that premium processing can more than pay for itself, shouldn't it be a separate track that doesn't negatively affect the regular track?

Response: On December 21, 2000, President Clinton signed the District of Columbia Appropriations Act, 2001, Public Law 106-553 adding section 286(u) to the Immigration and Nationality Act (INA) that authorized the Attorney General to collect a \$1,000 "premium processing" fee in addition to the regular filing fee that must be paid for the filing of certain employment-based petitions. This new service was established to allow the legacy Immigration and Naturalization Service (INS), now USCIS, to accommodate the needs of businesses that need to recruit and hire foreign workers to fill jobs within very short time periods. Processing times for these services in FY 2000 did not fully accommodate the needs of these businesses. The premium processing service has given businesses an option to pay for faster (15-day) processing of petitions for foreign workers. However, the revenue gained from the new premium processing service was, and continues to be, intended to benefit all entities that file applications and petitions. The fee revenue collected from the \$1,225 fee that is now being charged continues to be deposited into the Immigration Examinations Fee Account (IEFA) and is being used to fund the premium processing service program; infrastructure improvements such as transformation, and is being considered to support the hiring of additional personnel to address pending cases (applications and petitions) that are part of the USCIS backlog. If not for the introduction of the premium processing service in FY 2001, USCIS would have been forced to increase its fees to recover the costs of infrastructure improvements that have been funded with premium processing revenue since that time. This would have resulted in applicants and petitioners paying for improved IT systems, facility improvements and other infrastructure improvements for which they would not have experienced any benefit. The existence of premium processing revenue has enabled USCIS to mitigate the need for regular fee increases.

USCIS Service Centers located in Vermont, Texas, Nebraska, and California have designated personnel assigned to adjudicating premium processing requests received. The number of staff required to administer the program and ensure successful 15-day processing are determined through the same Staffing Allocation Model (SAM) as all other identified service center staffing requirements. Consequently, while the personnel designated to administer the premium processing requested cases are not placed into a wholly separate track from all other workloads, they are appropriately resourced for the workload and not negatively impacting the processing of applications and petitions submitted for normal processing.

- 3 How much money does USCIS expect it will be forgoing through this suspension? Could the suspension result in budgetary problems down the line?

Response: Before making the decision to temporarily suspend premium processing service for petitions for nonimmigrant workers in the H-1B visa classification, USCIS assessed the impact the temporary suspension would have on available premium processing revenue and concluded the loss of revenue would likely be \$80-\$100 million. After considering the premium processing carryover balance available at the beginning of FY 2017 (\$695 million), the higher than forecasted demand and revenue collected from premium service requests received during the first quarter of FY 2017, and the projected FY 2017 overall premium processing revenue that is expected to be collected notwithstanding the temporary suspension, USCIS determined the temporary suspension would not negatively impact the delivery of premium processing services for petitions already received, further development of the transformation investment, or execution of other planned investments.

- 4 Why is this premium processing suspension so much more severe than in the past? *(previously referred you to Web alert and also provided response on pp suspension history)*
- 5 The number of regular vs premium processed cases in the H1-B cap season, as well as extension of status cases for FY 14, FY15 and FY16, or whatever the most recently available data is *(previously referred you to FOIA and provided pp response with percentages)*
- 6 The amount of money raised annually by premium processing in FY14, FY15 and FY16:

**Response: The premium processing revenue collections for FY 2014, FY 2015 and FY 2016 were as follows:
FY 2014 - \$288.8 million
FY 2015 - \$313.4 million
FY 2016 - \$468.1 million**

7 The current cash reserve of premium processing fees (OCFO)

Response: USCIS had a \$695 million premium processing carryover balance that was available at the beginning of FY 2017, however approximately \$258 million of this balance is temporarily unavailable to USCIS due to law.