

Forecasting USCIS Delays This Summer

February 12, 2015

USCIS To Accept Expanded DACA Applications Starting February 18 - DAPA Applications Sometime In May

As has been widely publicized, on November 20, 2014, President Obama announced Executive Actions on Immigration, including:

- Expanding the parameters of his Deferred Action for Childhood Arrivals (DACA) program to people who entered the US before 16 years of age and have continuously resided here since January 1, 2010.
- Providing a new deferred action program for parents of US citizens and green card holders, called Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA), so long as they have continuously resided in the US since January 1, 2010.

There were additional announcements made, however DACA and DAPA created and expanded programs that will be most widely utilized and are the most controversial. Notwithstanding the lawsuit pending in Federal Court, USCIS will begin accepting applications for the expanded DACA program on February 18, 2015. In addition, USCIS expects to start accepting DAPA applications in mid to late May 2015.

It is estimated that approximately 300,000 more people will be eligible for DACA as a result of the expanded guidelines. Estimates for DAPA eligibility are much larger. USCIS expects 1.3 million people to apply during the first 6 months and possibly 3 to 4 million people are eligible.

Regardless of the exact numbers, it is clear that USCIS' workload will increase dramatically. And although the agency has been ramping up, putting contracts out to bid, and hiring new government workers, the effects of the application influx will be felt by employers and foreign national employees who are seeking immigration benefits.

It is unlikely that USCIS will have the staff and resources in place by May in order to handle the large influx of cases. Instead, USCIS will likely need to reassign existing adjudicators, resulting in delays in adjudications for other applications, i.e., green card cases. Even USCIS is not hopeful that they will be able to adjudicate the DAPA cases in a reasonable period of time, noting on its website, "Our aim is to complete all applications received by the end of next year before the end of 2016."