

The Honorable James L. Robart  
United States District Judge

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST IMMIGRANT RIGHTS  
PROJECT, *et al.*,

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

**DECLARATION OF CONNIE NOLAN**

I, Connie Nolan, declare and say:

1. As of January 1, 2023 I am the Acting Associate Director of Service Center Operations (SCOPS) for United States Citizenship and Immigration Services (USCIS), which is within the Department of Homeland Security (DHS). I have previously held the Deputy Associate Director of SCOPS position since June 2019. I began my federal career in 1992 with the former Immigration and Naturalization Service (INS) and have served in numerous capacities with INS and now USCIS at the Vermont Service Center, Potomac Service Center, and SCOPS headquarters.

2. I recently submitted a declaration in this matter dated September 12, 2022, regarding the impact of the February 7, 2022, vacatur decision in *Asylumworks v. Mayorkas*, 20-cv-3815, on USCIS compliance with this Court’s July 26, 2018, injunction.

1 3. I am also aware that in a subsequent submission to the Court, dated September 27, 2022,  
2 the government responded to the following question:

3 Can USCIS commit to a specific timeframe? When will USCIS finish processing  
4 the backlog and when does USCIS anticipate resuming 30-day compliance?

5 4. The government response, which reflected my best estimate at the time, was as follows:

6 USCIS anticipates being able to finish processing the C8 initial EAD  
7 adjudications backlog on or about November 15, 2022. Nevertheless, this estimate  
8 is dependent on incoming receipt levels remaining consistent with projected  
9 receipt levels. Given this prediction, USCIS expects to be principally adjudicating  
10 cases within the 30-day timeline after November 15. And in light of the monthly  
11 reporting cycle, USCIS anticipates the report for the month of December 2022  
12 would be the first report to reflect full 30-day compliance.  
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14 5. USCIS was not able to meet its mid-November goal of processing 90% of incoming C8  
15 initial EAD applications within 30 days as of the time of this filing and provides this supplement  
16 to explain the circumstances that resulted in that outcome.  
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18 6. The primary reason USCIS has been unable to clear the backlog and resume 30-day  
19 processing of C8 initial EAD applications was the unexpected historically high volume of  
20 incoming receipts of C8 initial EAD applications. See Table 1, below, showing USCIS monthly  
21 receipts for FY2019-FY2022, and through to current in FY2023.  
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23 7. In August and September of 2022 USCIS received an unusually high volume of C8 initial  
24 EAD applications (31,995 and 33,363, respectively); however, USCIS did not anticipate that the  
25 volume of filings would continue at that level, let alone increase.

1 8. Historically, USCIS received the following volume of applications for the October  
2 through December period in the past three years:

3	October 2019	19,661
4	November 2019	20,187
5	December 2019	19,898
6	October 2020	7,556
7	November 2020	8,676
8	December 2020	16,624
9	October 2021	16,148
	November 2021	15,423
	December 2021	13,282

10 9. In 2022 the volume of receipts, as shown below, was more than double the historical data  
11 and agency expectations:

12	October 2022	40,140
13	November 2022	44,048
14	December 2022	43,667

15 10. USCIS's inability to meet the mid-November compliance goal is not indicative of USCIS  
16 processing fewer C8 initial EAD applications. While incoming receipt volumes increased,  
17 USCIS's monthly processing of C8 initial EAD applications also increased. In August and  
18 September of 2022, USCIS completed a total of 68,742 adjudications. In October and November  
19 of 2022 USCIS completed a total of 69,004 adjudications. By way of comparison, in 2021, for  
20 October and November, USCIS completed a total of 16,539 C8 initial EAD adjudications.  
21 Despite the intensive dedication of officers and additional resources added to C8 initial EAD  
22 adjudications, the sustained unexpectedly high volume of incoming monthly receipts outstripped  
23 the increased processing volume USCIS has been able to accomplish.  
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1 11. To date, USCIS has adjudicated its oldest cases, comprised of the non-CASA/ASAP C8  
2 initial EAD applicants who filed prior to the February 7, 2022, vacatur. USCIS's current backlog  
3 is comprised of relatively new cases, with 84.6% of all pending C8 initial applications now  
4 consisting of cases that are 0-60 days old.

5 12. In light of the sustained, unprecedented volume of C8 initial EAD application filings,  
6 USCIS is again working to incorporate additional adjudicators to increase overall production  
7 capacity. As of mid-December 2022, there are 114 officers adjudicating C8 initial applications  
8 full-time and an additional 52 working the product line on a part-time basis. The Texas Service  
9 Center has 83 officers working on C8 initial EAD applications full-time and an additional 21  
10 officers on a part-time basis. At the Nebraska Service Center, 31 officers are working C8 initial  
11 EAD applications on a full-time basis and an additional 31 are working part-time. Nebraska is  
12 also onboarding 14 new officers who are currently being trained to work the C8 product line and  
13 are expected to begin adjudicating by the end of January.

14 13. For the foreseeable future and while the volume of receipts remains historically high,  
15 USCIS will continue to apply additional adjudication resources to the backlog of C8 initial EAD  
16 applications.  
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18 14. USCIS is considering additional operational and technological improvements that could  
19 be implemented in the near future to increase the efficiency of adjudications.  
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21 15. USCIS will continue to prioritize resumption of 30-day processing for C8 initial EAD  
22 applications.  
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24 16. USCIS cannot at this time reliably predict whether the volume of incoming receipts will  
25 continue at current levels into 2023, increase, or whether it has reached a plateau and will

1 decrease. One issue complicating forecasting for C8 initial EAD volumes is ongoing delays with  
2 intake and receipting of I-589 applications<sup>1</sup>.

3 17. Given USCIS's available personnel resources and existing process improvements, as well  
4 as continued availability of overtime as an incentive to the workforce to complete more  
5 adjudications, USCIS anticipates clearing the backlog and resuming 90% or better compliance  
6 with the 30-day processing requirement by the end of April 2023.

7 18. If the volume of receipts returns to an historically normal volume, or if the streamline  
8 processing workflow proves successful, it is possible that 30-day compliance at a 90% rate or  
9 better could occur at an earlier date.

10 19. USCIS's ability to clear the backlog and resume 30-day compliance would be further  
11 impeded if a further increase in the filing rate occurs.

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<sup>11</sup> <https://www.uscis.gov/newsroom/alerts/information-on-form-i-589-intake-and-processing-delays>

**TABLE 1:**  
**I-765, Application for Employment Authorization**  
**C8 (Pending Asylum) Receipts by Fiscal Year and Month**  
**FY19-23 (Through December 31, 2022)**

<b>FY 2019</b>	<b>I-765 C8 Receipts</b>	<b>FY 2020</b>	<b>I-765 C8 Receipts</b>	<b>FY 2021</b>	<b>I-765 C8 Receipts</b>	<b>FY 2022</b>	<b>I-765 C8 Receipts</b>	<b>FY 2023</b>	<b>I-765 C8 Receipts</b>
Oct 2018	19,529	Oct 2019	19,661	Oct 2020	7,556	Oct 2021	16,148	Oct 2022	40,140
Nov 2018	15,685	Nov 2019	20,187	Nov 2020	8,676	Nov 2021	15,423	Nov 2022	44,048
Dec 2018	15,341	Dec 2019	19,898	Dec 2020	16,624	Dec 2021	13,909	Dec 2022	43,667
Jan 2019	17,175	Jan 2020	20,406	Jan 2021	15,308	Jan 2022	13,282		
Feb 2019	16,541	Feb 2020	18,293	Feb-2021	17,590	Feb 2022	16,179		
Mar 2019	18,316	Mar 2020	18,469	Mar 2021	27,924	Mar 2022	24,731		
Apr 2019	19,711	Apr 2020	13,809	Apr 2021	23,931	Apr 2022	21,496		
May 2019	19,416	May 2020	16,603	May 2021	20,240	May 2022	24,431		
Jun 2019	16,680	Jun 2020	18,931	Jun 2021	21,436	Jun 2022	24,573		
Jul 2019	19,487	Jul 2020	24,094	Jul 2021	20,341	Jul 2022	24,848		
Aug 2019	20,845	Aug 2020	35,470	Aug 2021	19,307	Aug 2022	31,995		
Sep 2019	18,932	Sep 2020	9,298	Sep 2021	15,924	Sep 2022	33,363		
<b>FY 2019 Total</b>	<b>217,658</b>	<b>FY 2020 Total</b>	<b>235,119</b>	<b>FY 2021 Total</b>	<b>214,857</b>	<b>FY 2022 Total</b>	<b>260,378</b>	<b>FY 2023 Total</b>	<b>127,855</b>

Declaration of Connie Nolan

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I declare under penalty of perjury that the foregoing is true and correct.

Executed this   5   day of January 2023, at St. Albans, Vermont.

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Connie Nolan  
Acting Associate Director, SCOPS  
U.S. Citizenship and Immigration Services  
Camp Springs, MD