

116TH CONGRESS
2D SESSION

H. R. 8078

To amend the Immigration and Nationality Act to expand premium processing for certain immigration benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 2020

Ms. LOFGREN (for herself, Mr. NADLER, Mr. FORTENBERRY, Mr. CLEAVER, Mr. BUCK, Mr. WELCH, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to expand premium processing for certain immigration benefits, 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 “Emergency Stopgap
5 USCIS Stabilization Act”.

6 **SECTION 2. EXPANSION OF PREMIUM PROCESSING.**

7 (a) IN GENERAL.—Section 286(u) of the Immigra-
8 tion and Nationality Act (8 U.S.C. 1356(u)) is amended
9 to read as follows:

1 “(u) PREMIUM FEE FOR CERTAIN IMMIGRATION
2 BENEFIT REQUESTS.—

3 “(1) IN GENERAL.—The Secretary of Homeland
4 Security is authorized to establish and collect a pre-
5 mium fee for the immigration benefit requests de-
6 scribed in paragraph (2). Such fee shall be paid in
7 addition to any other fees authorized by law, depos-
8 ited as offsetting receipts in the Immigration Exami-
9 nations Fee Account established under subsection
10 (m), and used for the purposes described in para-
11 graph (4).

12 “(2) IMMIGRATION BENEFIT REQUESTS.—Sub-
13 ject to reasonable conditions or limitations, the Sec-
14 retary shall establish a premium fee under para-
15 graph (1) in connection with—

16 “(A) employment-based nonimmigrant pe-
17 titions and associated applications for depend-
18 ents of the beneficiaries of such petitions;

19 “(B) employment-based immigrant peti-
20 tions filed by or on behalf of aliens described in
21 paragraph (1), (2), or (3) of section 203(b);

22 “(C) applications to change or extend non-
23 immigrant status;

24 “(D) applications for employment author-
25 ization; and

1 “(E) any other immigration benefit request
2 that the Secretary deems appropriate for pre-
3 mium processing.

4 “(3) AMOUNT OF FEE.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (C), with respect to an immigration ben-
7 efit request designated for premium processing
8 by the Secretary on or before August 1, 2020,
9 the premium fee shall be \$2,500, except that
10 the premium fee for a petition for classification
11 of a nonimmigrant described in subparagraph
12 (H)(ii)(b) or (R) of section 101(a)(15) shall be
13 \$1,500.

14 “(B) OTHER IMMIGRATION BENEFIT RE-
15 QUESTS.—With respect to an immigration ben-
16 efit request designated for premium processing
17 but not described in subparagraph (A), the ini-
18 tial premium fee shall be established by regula-
19 tion, which shall include a detailed methodology
20 supporting the proposed premium fee amount.

21 “(C) BIENNIAL ADJUSTMENT.—The Sec-
22 retary may adjust a premium fee under sub-
23 paragraph (A) or (B) on a biennial basis by the
24 percentage (if any) by which the Consumer
25 Price Index for All Urban Consumers for the

1 month of June preceding the date on which
2 such adjustment takes effect exceeds the Con-
3 sumer Price Index for All Urban Consumers for
4 the same month of the second preceding cal-
5 endar year. The provisions of section 553 of
6 title 5, United States Code, shall not apply to
7 an adjustment authorized under this subpara-
8 graph.

9 “(4) USE OF FEE.—Fees collected under this
10 subsection may only be used by U.S. Citizenship and
11 Immigration Services to—

12 “(A) provide the services described in
13 paragraph (5) to premium processing request-
14 tors;

15 “(B) make infrastructure improvements in
16 adjudications processes and the provision of in-
17 formation and services to immigration and nat-
18 uralization benefit requestors;

19 “(C) respond to adjudication demands, in-
20 cluding by reducing the number of pending im-
21 migration and naturalization benefit requests;
22 and

23 “(D) otherwise offset the cost of providing
24 adjudication and naturalization services.

1 “(5) PREMIUM PROCESSING SERVICES.—The
2 Secretary—

3 “(A) may suspend the availability of pre-
4 mium processing for designated immigration
5 benefit requests only if circumstances prevent
6 the completion of processing of a significant
7 number of such requests within the required pe-
8 riod; and

9 “(B) shall ensure that premium processing
10 requestors have direct and reliable access to
11 current case status information as well as the
12 ability to communicate with the premium pro-
13 cessing units at each service center or office that
14 provides premium processing services.”.

15 (b) EXPANSION TO NEW BENEFIT REQUESTS.—

16 (1) IN GENERAL.—Notwithstanding the re-
17 quirement to set a fee by regulation under section
18 286(u)(3)(B) of the Immigration and Nationality
19 Act (8 U.S.C. 1356(u)(3)(B)), as amended by sub-
20 section (a), the Secretary of Homeland Security may
21 set a fee under that section without regard to the
22 provisions of section 553 of title 5, United States
23 Code, if such fee is consistent with the following:

24 (A) For a petition for classification under
25 section 203(b)(1)(C) of the Immigration and

1 Nationality Act (8 U.S.C. 1153(b)(1)(C)), or a
2 petition for classification under section
3 203(b)(2) involving a waiver under section
4 203(b)(2)(B) of such Act, the fee is set at an
5 amount not greater than \$2,500 and the re-
6 quired processing timeframe is not greater than
7 45 days.

8 (B) For an application under section 248
9 of the Immigration and Nationality Act (8
10 U.S.C. 1258) to change status to a classifica-
11 tion described in subparagraph (F), (J), or (M)
12 of section 101(a)(15) of such Act (8 U.S.C.
13 1101(a)(15)), the fee is set at an amount not
14 greater than \$1,750 and the required proc-
15 essing timeframe is not greater than 30 days.

16 (C) For an application under section 248
17 of the Immigration and Nationality Act (8
18 U.S.C. 1258) to change status to be classified
19 as a dependent of a nonimmigrant described in
20 subparagraph (E), (H), (L), (O), (P), or (R) of
21 section 101(a)(15) of such Act (8 U.S.C.
22 1101(a)(15)), or to extend such classification,
23 the fee is set at an amount not greater than
24 \$1,750 and the required processing timeframe
25 is not greater than 30 days.

1 (D) For an application for employment au-
2 thorization, the fee is set at an amount not
3 greater than \$1,500 and the required proc-
4 essing timeframe is not greater than 30 days.

5 (2) CLARIFICATION.—The required processing
6 timeframe for each of the applications and petitions
7 described in paragraph (1) shall not commence until
8 the date that all prerequisites for adjudication are
9 received by the Secretary of Homeland Security.

10 (c) OTHER BENEFIT REQUESTS.—In implementing
11 the amendments made by subsection (a), the Secretary of
12 Homeland Security shall develop and implement processes
13 to ensure that the availability of premium processing, or
14 its expansion to additional immigration benefit requests,
15 does not result in an increase in processing times for im-
16 migration benefit requests not designated for premium
17 processing or an increase in regular processing of immi-
18 gration benefit requests so designated.

19 **SEC. 3. REPORTING REQUIREMENTS.**

20 (a) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Secretary of Home-
22 land Security shall provide to the appropriate Committees
23 a 5-year plan, including projected cost estimates, procure-
24 ment strategies, and a project schedule with milestones,
25 to accomplish each of the following:

1 (1) Establish electronic filing procedures for all
2 applications and petitions for immigration benefits.

3 (2) Accept electronic payment of fees at all fil-
4 ing locations.

5 (3) Issue correspondence, including decisions,
6 requests for evidence, and notices of intent to deny,
7 to immigration benefit requestors electronically.

8 (4) Improve processing times for all immigra-
9 tion and naturalization benefit requests.

10 (b) SEMI-ANNUAL BRIEFINGS.—Not later than 180
11 days after submission of the plan described in paragraph
12 (1), and on a semi-annual basis thereafter, the Secretary
13 shall advise the appropriate Committees on the implemen-
14 tation status of such plan.

15 (c) APPROPRIATE COMMITTEES DEFINED.—In this
16 section, the term “appropriate Committees” means—

17 (1) the Committee on Appropriations, the Com-
18 mittee on the Judiciary, and the Committee on
19 Homeland Security of the House of Representatives;
20 and

21 (2) the Committee on Appropriations, the Com-
22 mittee on the Judiciary, and the Committee on
23 Homeland Security and Governmental Affairs of the
24 Senate.

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