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Legal Immigrants `Stuck' as U.S. Agencies Struggle With Backlog

June 8 (Bloomberg) -- Shilpa Ghodgaonkar, a 30-year-old computer engineer from India, filled out all the necessary forms to gain permanent residency in the U.S. in 2002 and began waiting for her application to be processed.

Three years and nine months later, she's still waiting. She and her husband, who works in information technology, ``are still stuck,'' she said. ``The system is already heavily backlogged.''

As Congress debates creating a guest-worker program and ponders what to do about undocumented foreigners living in the U.S., the agencies that oversee the current system of legal immigration are already ``plagued with delays and problems,'' said Senator Susan Collins, a Maine Republican who's chairwoman of the Homeland Security and Governmental Affairs Committee.

U.S. Citizenship and Immigration Services, a bureau of the Department of Homeland Security, in April had 420,000 immigrant applications that had been waiting more than six months to be processed. The Labor Department, which also processes immigration cases, had a backlog of 235,000 applications last month.

A measure passed by the Senate would create a guest-worker program for 200,000 immigrants a year and allow many of the 11 million undocumented workers in the U.S. to apply for legal status. Negotiators from the House and Senate will work to reconcile the measure with a competing House proposal that lacks any guest-worker or legalization programs.

Any new programs will present ``a tremendous challenge,'' said Collins, who supports the Senate measure.

Hardships

A study last year by Congress's nonpartisan Government Accountability Office found that the application backlog ``has created hardships for immigrants, their families, and prospective employers seeking immigrant workers.'' Paul Jones, who directed the GAO study, said ``it's kind of intuitive to say if they get another unforeseen influx of applications, they're going to struggle to deal with that.''

Applications for ``adjustment of status,'' a step immigrants take to gain permanent residency, can take 119 weeks to process in New York and 64 weeks in Miami, according to the National Foundation for American Policy, an Arlington, Virginia-based group that researches trade and immigration issues.

`Tremendous Inroads'

Chris Bentley, a spokesman for the immigration agency, said it has made significant progress in reducing a backlog that totaled 3.8 million cases at the start of 2004. ``We've made tremendous inroads recently,'' he said, and the agency is aiming to clear its backlog by Oct. 1. The GAO report, though, suggested that the backlog was higher than the agency believed, and isn't likely to be cleared as quickly as it says.

``You can conclude from what we said in the report that they're struggling now,'' Jones said.

At the Labor Department, all 235,000 of the backed-up applications date from before the department began an electronic processing system in March 2005. The backlog is scheduled to be cleared by September 2007, the Department said.

Crystal Williams, deputy director for programs at the American Immigration Lawyers Association, a Washington-based group of about 10,000 immigration attorneys, said her members believe that while

Immigration Services may eliminate its application backlog this year, they're more concerned about progress at the Labor Department.

``Right now that's a tremendous problem,'' she said. ``They have this legacy that started as 360,000 cases that date back five or six years that they're still working their way through.''

Approval

The full process for immigrants in Ghodgaonkar's position to gain permanent residency approval is supposed to take about six months, said William Manning, an immigration lawyer with Jackson Lewis LLP in White Plains, New York. Instead, because of processing delays, it can take as long as 30 months, he said.

While Bentley said government officials are ``confident'' about being able to carry out any new immigration overhaul, Ghodgaonkar said she's skeptical. She said she has been unable to get any information from the government about the delay in her application and grew so frustrated that she helped form an advocacy group, Immigration Voice, to lobby lawmakers on the issue.

Manning said there's no way to track individual applications. That leads many immigrants, including Ghodgaonkar, to turn to elected representatives in Washington for help.

``Any congressional office will tell you that dealing with immigration casework is one of their biggest challenges, and has been for some time,'' Senator Collins said.

The delays in processing Ghodgaonkar's immigration forms mean she can't work in the U.S.; she is a volunteer vice president with Immigration Voice. She said the stories of long processing delays discourage other immigrants, she said.

Long waits for completed processing can also make it more difficult for immigrants to get bank accounts, apply for mortgages and qualify for in-state college tuition. Immigrants with jobs can't shift employers or get promotions, Williams said.

``It ties the hands of the employers, it ties the hands of the employees,'' Williams said.