



Follow Up Questions and Answers

The CIS Ombudsman's Webinar Series: USCIS' Backlog Reduction Efforts

Q1. Is the CIS Ombudsman's Office still experiencing delays in its ability to respond to case assistance inquiries? What is the approximate amount of time the CIS Ombudsman's Office needs to be able to look into a particular inquiry?

A1. We review the description provided in Section 8 of all requests within two business days to identify cases that warrant an expedited review. We continue to temporarily prioritize review of the following types of requests:

- Cases where the applicant did not receive a USCIS notice or decision (such as receipts, requests for evidence, appointment notices, or decisions) even though USCIS systems indicate that it issued one;
- Instances where the U.S. Postal Service returned a Green Card or Employment Authorization Document (EAD) to USCIS as non-deliverable;
- Cases where a noncitizen may “age out” of eligibility for the requested immigration benefit within 90 days (see the Child Status Protection Act (CSPA) for additional information);
- Certain cases involving U.S. military personnel and their families;
- Instances of clear USCIS error where an application/petition was improperly rejected by USCIS;
- Petitions or applications for individuals in removal proceedings with a hearing scheduled within six months;
- Delays with USCIS notifying the U.S. Department of State's National Visa Center of an approved petition; and
- Expedite requests approved by USCIS more than two months ago.

Our goal is to confer with USCIS on cases that fall under the above issues within 14 business days of receiving the request and all necessary supporting documentation. However, due to the unprecedented increase in requests for case assistance, **it is currently taking us up to 20 business days**. For all other cases, including those where the difficulty is delayed processing times with USCIS, **we are assigning these cases in the order received**.

Q2. What recourse is available to applicants whose cases appear to be stuck with USCIS?

A2. We understand that processing delays are frustrating and may have impacts beyond not receiving a decision for a pending application or petition. While it may be tempting to submit inquiries to USCIS through multiple channels at the same time, we recommend that you always start by contacting USCIS first (through an [e-Request](#), [Ask Emma](#), [myUSCIS account](#), or the [Contact Center](#)) and then submit an inquiry through your congressional representatives OR the CIS Ombudsman if USCIS has not been able to address the issue within the timeframe provided by the agency.

Q3. We have been noticing a significant delay in the Department of State electronically forwarding Form I-612, *Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act, as Amended)*, to USCIS and USCIS acknowledging receipt. Can the CIS Ombudsman comment on the delays related to these electronic processes?

A3. The CIS Ombudsman has seen an increase in requests for case assistance related to delayed notification or delayed processing by USCIS after the Department of State determines that an individual has been granted a waiver of the foreign residency requirement. We have reached out to USCIS to seek clarification on these cases.

Q4. As the CIS Ombudsman, are you also monitoring USCIS' spending on technology and its returns?

A4. The CIS Ombudsman tracks and periodically conducts in-depth reviews of USCIS' efforts to modernize its use of technology. Specifically, we monitor the developments and the investments USCIS is making to improve its online adjudication processes and provide more visibility and information access to its customers. We noted, for example, in our [2022 Annual Report to Congress](#) that USCIS estimated it would spend approximately \$371 million on technology in the next five years. We reported that, in March 2016, the U.S. Government Accountability Office's initial estimated cost for USCIS' entire initiative was \$536 million, increasing to a revised estimate of \$3.1 billion by 2033, including operations and maintenance costs for up to 15 years after full system deployment.

Q5. The CIS Ombudsman recommended that USCIS raise fees yearly without going through the notice and comment process. Is this something that USCIS is considering?

A5. In our recommendation on [The Challenges of the Current USCIS Fee-Setting Structure](#), we suggested that USCIS take advantage of a provision in its existing regulations that allows the agency to increase fees by a modest annual amount to allow for cost-of-living increases in its payroll. These are costs it must pay annually regardless of the level of fee revenue it receives. Adopting this recommendation would enable the agency to focus fee rulemaking on increases for other reasons (changes in programs, new programs, technology, etc.) and increase fees in the fee rule process at far less drastic amounts than those seen in recent fee rules. The 2020 Fee Final Rule eliminated this specific regulatory provision, but that rule was enjoined and did not go into effect.

When the CIS Ombudsman makes formal recommendations to USCIS, USCIS has three months to respond. We look forward to USCIS' response to this recommendation.