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Questions

• Submit written questions to us through the “Q&A box” that appears to the right of the slide deck on your screen.

• We will review every question submitted and determine if we can address concerns arising from the stakeholder community.

• If you are a member of the media, please reach out to the DHS Office of Public Affairs with any inquiries.
The CIS Ombudsman’s Annual Report to Congress

- Under section 452(c) of the Homeland Security Act of 2002, the CIS Ombudsman must submit an Annual Report to Congress by June 30 of each year.

- The CIS Ombudsman’s Annual Report to Congress focuses on:
  - The CIS Ombudsman’s mission and services;
  - USCIS programmatic and policy challenges during the reporting period; and
  - Pervasive and serious problems, recommendations, and best practices in the administration of our immigration laws.
The Avalanche Impact of Backlogs: 2021 in Review

- Explores how USCIS defines a backlog
- Looks at the avalanche of consequences for USCIS as a result of processing backlogs
- Discusses the impact of unadjudicated cases on applicants and petitioners
- Reviews USCIS actions to address backlogs and mitigate their impact
The Need for More Flexibility in Renewing Employment Authorization

• Provides an overview of the employment authorization renewal process
• Examines how processing delays impact applicants for renewal employment authorization documents (EADs) and their employers
• Explores the reasons that automatic EAD extensions have proved inadequate and inaccessible to some applicants
• Reviews the steps USCIS has taken to reduce processing times for EADs and help prevent employment gaps
Recommendations

• Build on existing automatic extension periods
• Improve options for nonimmigrant spouses to renew their employment authorization
• Allow applicants to file for renewal EADs earlier and issue renewal EADs with validity periods that begin when the original EAD expires
• Continue to expedite EAD renewals for workers in certain occupations
• Continue to explore and augment the use of technology, including online filing and machine learning, to further automate EAD processing
• Consider new regulations that provide more flexibility for USCIS and approved workers during periods of backlogs or long processing delays
• Consider increasing flexibility in the Form I-9 process
• Consider eliminating the need for a separate EAD application when filing for certain benefits
Increasing Accessibility to Legitimate Travel: Advance Parole

- Explores the impact of Form I-131, *Application for Travel Document* processing delays
- Reviews the reasons and process for seeking an advance parole document (APD)
- Looks at challenges with the advance parole request process, including delays in regular adjudication of Form I-131; inability to obtain expedited Form I-131 processing or emergency APDs; difficulty demonstrating that travel needs are urgent; and the need to file additional Forms I-131 to preserve an underlying adjustment of status application
Recommendations

• Authorize advance parole as incident to filing Form I-485, Application to Register Permanent Residence or Adjust Status

• Amend regulation regarding abandonment of Form I-485 upon departing the United States so that it applies only to certain applicants

• Move high-volume Forms I-131 into a digital environment

• Extend the validity of the advance parole to individuals with pending Forms I-485

• Stop considering a pending Form I-131 to be abandoned by travel abroad

• Create a specific track at the USCIS Contact Center for obtaining in-person appointments; foster well-trained field offices staff for processing requests; develop a unified system of accountability for tracking the number of requests and outcomes of decisions rendered; and ensure consistent adjudications among field offices
Improving Access to the Expedite Process

- Discusses increased USCIS processing times and the adverse effect on applicants seeking to work, travel or petition for a family member
- Highlights the lack of complete data on the number of expedite requests USCIS receives and approval and denial rates
- Examines inconsistencies in how USCIS offices apply criteria used to grant expedite requests
Recommendations

- Establish centralized technological infrastructure and specialized personnel to conduct intake and process expedite requests.
- Create a new form for submitting expedite requests that is similar to Form I-912, *Request for Fee Waiver*.
- Develop standardized guidance to the field and to customers about the requirements and process that USCIS uses to consider and assess requests, including how it acknowledges it has received a request, timelines for action, and how it communicates outcomes.
- Engage in robust data collection to help project workloads and maintain accountability with how offices are interpreting and applying the guidance.
Initiating a Discussion on Ways to Address the Affirmative Asylum Backlog

• Provides an overview of the scope of the asylum backlog and recommends that USCIS consider adopting several of the following best practices:

• Expand efforts to triage and create different case processing tracks

• Rethink the case preparation process and role of the Asylum Vetting Center to relieve pressure on asylum officers

• Use specialization and interview waivers and simplify final decisions to increase case completions

• Improve feedback between the Asylum Division and the immigration court
Eliminating Barriers to Obtaining Proof of Employment Authorization for Asylum Applicants in Removal Proceedings

• Reviews the roles of USCIS and the Department of Justice’s Executive Office for Immigration Review (EOIR) in granting defensive asylum and work authorization and presents recommendations for improving coordination

• Outlines the challenges defensive asylum applicants encounter when seeking work authorization, including data gaps and difficulty obtaining proof that an asylum application has been filed or approved
Recommendations

• Provide guidance to officers on how to contact EOIR to resolve discrepancies between documents submitted with a Form I-765, Application for Employment Authorization, and data pulled from EOIR systems related to asylum applicants in removal proceedings.

• Leverage information sharing and IT systems to simplify the process of creating EADs and Forms I-94, Arrival/Departure Record.

• Designate the immigration judge (IJ) order granting asylum as acceptable evidence for Form I-9 employment verification purposes.

• Consider a pilot program that places USCIS immigration services officers who have the authority to provide USCIS documents in certain immigration courts to new asylees.
USCIS’ Digital Strategy: Nearing an Inflection Point

• Provides updates on USCIS' progress during FY21 in expanding online filing and end-to-end electronic processing and increasing the number of myUSCIS users

• Forecasts the rollout of online filing for additional high-volume forms in FY23

• Summarizes the DHS Inspector General's report that reviewed USCIS' delays in transitioning from a paper-based to digital environment and the impact on USCIS and its customers
Recommendations

• Set application programming interface integration and online filing for Form I-912, *Request for Fee Waiver*, as immediate priorities

• Create and initiate a targeted, nationwide myUSCIS promotion campaign to encourage individuals and employers to submit forms online

• Develop more meaningful incentives for filing online

• Create a central portal and system to receive and forward Form G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, to the USCIS office that has the relevant benefit file
Question & Answer Session