



Homeland  
Security

## Scope of Case Assistance

The Office of the Citizenship and Immigration Services Ombudsman (Ombudsman), established by the Homeland Security Act of 2002, assists individuals and employers in resolving case problems with U.S. Citizenship and Immigration Services (USCIS). The Ombudsman also reviews USCIS policies and procedures and recommends changes to mitigate identified problems in USCIS's administrative practices.

Pursuant to this statutory authority, the Ombudsman reviews individual cases to provide assistance by examining facts, reviewing relevant data systems, and analyzing applicable laws, regulations, policies and procedures. After assessing each case in this manner, the Ombudsman may contact USCIS service centers, field offices, and other facilities to request that USCIS engage in remedial actions. If the Ombudsman is unable to assist, it will inform the individual or employer that the matter is outside the scope of the Ombudsman's authority or otherwise does not merit further action.

The Ombudsman is not an appellate body and cannot question USCIS decisions that were made in accordance with applicable procedures and law. Additionally, the Ombudsman does not have the authority to command USCIS to reopen a case, or to reverse any decisions the agency may have made.

The Ombudsman is an office of last resort. Assistance should only be sought when an individual or employer has attempted to obtain redress through all other available means. Prior to requesting assistance, individuals and employers must attempt to resolve any issues directly with USCIS, using mechanisms such as the [e-Service Request](#) and the [Contact Center](#).

The Ombudsman's jurisdiction is limited by statute to problems involving USCIS. The Ombudsman does not have the authority to assist with problems that individuals or employers experience with U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), the U.S. Department of State (DOS), the Executive Office for Immigration Review (EOIR), or the U.S. Department of Labor (DOL). However, it may be possible for the Ombudsman to assist if the application involves both USCIS and another government entity.

The Ombudsman provides case assistance to address the following **procedural matters**:

- Typographic errors in immigration documents;
- USCIS's failure to schedule biometrics appointments, interviews, naturalization oath ceremonies, or other appointments;
- Change of address and mailing issues, including non-delivery of notices of action and/or completed immigration documents (e.g., Employment Authorization Cards, Permanent Resident Cards, etc.), except where USCIS properly mailed the notice or document to the individual's address on file and it was not returned;

- Cases where the beneficiary may “age-out” of eligibility for the requested immigration benefit;
- Refunds in cases of clear USCIS error; and
- Lost files and/or file transfer problems.

The Ombudsman provides case assistance to address the following **substantive matters**:

- A finding by the Ombudsman of clear error(s) of fact, or gross and obvious misapplication of the relevant law by USCIS at any point in the process (Requests for Evidence, Notices of Intent to Deny, or denials);
- Applications and petitions that were improperly rejected by USCIS;
- Ongoing, systemic issues that should be subjected to higher level review (e.g., the exercise of discretion, the misapplication of evidentiary standards, USCIS employees failing to comply with its policies, etc.);
- Cases where an individual is in removal proceedings before the Immigration Court and has an application or petition pending before USCIS that may have a bearing on the outcome of removal proceedings; and
- Certain cases involving U.S. military personnel and their families (e.g., citizenship for military members and dependents; family-based survivor benefits for the immediate relatives of members of the Armed Forces, etc.).