



Citizenship and Immigration Services Ombudsman
Annual Report 2004

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United States Senate
Committee on the Judiciary

United States House of Representatives
Committee on the Judiciary



**Homeland
Security**

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Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Patrick J. Leahy, Ranking Minority Member
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The Honorable F. James Sensenbrenner, Jr., Chairman
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MESSAGE FROM THE OMBUDSMAN



Since my appointment on July 28, 2003 as the first Citizenship and Immigration Services Ombudsman, I have worked closely with my fellow leaders at the United States Department of Homeland Security (DHS) in identifying opportunities for recommending meaningful change to the existing immigration benefits system. Notably, I have been encouraged by the commitment of Secretary Tom Ridge and Deputy Secretary Jim Loy to serve the public by seeking creative approaches to solve many of the key problems that plagued the legacy Immigration and Naturalization Service in administering and delivering citizenship and immigration services.

Earlier this year, while celebrating the first anniversary of the creation of DHS, Secretary Ridge reaffirmed the commitment to positively reform the existing immigration system by making *Improved Customer Service for Immigrants* one of DHS's seven key priorities for the subsequent year. As such, the U.S. Citizenship and Immigration Services (USCIS), pursuant to recommendations made by my office, embarked on a series of pilot programs which will reengineer existing operations to substantially decrease processing times and create fast track options for the majority of applicants. Currently, four new pilot programs are being tested around the country, the results of which will be evaluated by my office to determine if the problems which spawned my recommendations have been resolved.

The role of the Ombudsman, as I envision it, is to protect the interests of justice in the interactions between the government and its citizens, while echoing the sentiments of President George W. Bush that *'as a nation that values immigration and depends on it, we should have immigration laws that work and make us proud.'* I have focused on recommending initiatives that enhance national security, create substantial efficiencies, and dramatically improve customer service.

Although considerable advancement has been made to that end during the course of the past year, much remains to be done. Continued diligence is required on the part of my office and USCIS to identify and implement more efficient and responsive methods for providing immigration services which respect the dignity and value of individuals while simultaneously protecting against those who seek to cause us harm.

As a nation with a rich immigration heritage, a significant challenge we face in the 21st century is forging a system that ensures the safety of our borders, yet welcomes through the *golden door* individuals qualified for admission into our country. As a naturalized citizen of this country, born in Zambia to parents of Indian descent, and having studied in England prior to immigrating to this great nation which I consider home, the sentiments captured in the adage, *"Give me your tired, your poor, your huddled masses, yearning to breath free...I lift my lamp beside the golden door,"* is a tremendous inspiration. To that end, it is my honor to serve as the first Citizenship and Immigration Services Ombudsman and to be given the opportunity to repay a small amount of the priceless gift that immigration has been to my family and me.



Prakash Khatri
Citizenship and Immigration Services Ombudsman

EXECUTIVE SUMMARY

The following report reflects activities for the period commencing from the appointment of the Citizenship and Immigration Services Ombudsman on July 28, 2003 through May 30, 2004.

Pursuant to Section 452 of the Homeland Security Act of 2002 (Public Law 107-296), the Office of the Citizenship and Immigration Services Ombudsman (Ombudsman) was created within the Department of Homeland Security (DHS). The Ombudsman's primary function is to:

- Assist individuals and employers in resolving problems with the U.S. Citizenship and Immigration Service (USCIS);
- Identify areas in which individuals and employers have problems in dealing with USCIS; and
- Propose changes in the administrative practices of USCIS in an effort to mitigate problems.

The Ombudsman's mission is to provide recommendations for resolving problems with USCIS, as encountered by individuals and employers. These recommendations shall ensure national security and the integrity of the legal immigration system, increase efficiencies in administering citizenship and immigration services, and improve customer service in the rendering of citizenship and immigration services.

In fulfilling the mission, Ombudsman Khatri instituted a holistic approach, identifying and arranging priorities by the time and effort typically required to effect the corresponding change. In his first year, Ombudsman Khatri has focused on introducing recommendations which primarily involve changes to existing policies and procedures rather than the implementation of new statutory or regulatory solutions. This approach has resulted in the rapid implementation by USCIS of pilot programs aimed at immediate and dramatic benefits. In the upcoming year the Ombudsman will not only continue to introduce additional recommendations of this nature, but also focus on formulating

recommendations that require more time-intensive statutory, regulatory and/or infrastructure modifications.

In identifying areas in which significant issues exist in the immigration system, the Ombudsman has focused on locating vulnerabilities and/or deficiencies in the areas of national security, customer service and process workflows. The most pervasive and significant issues identified during his first year were:

- Prolonged Processing Times,
- Limited Case Status Information,
- Immigration Benefit Fraud Resulting in Processing Delays,
- Insufficient Standardization in Processing, and
- Inadequate Information Technology and Facilities.

During this first year, Ombudsman Khatri recommended specific initiatives that would:

- Streamline Family-Based Immigrant Processing,
- Reengineer Green Card Replacement Processing, and
- Streamline Employment-Based Immigrant Processing.

In response to the Ombudsman's recommendations USCIS developed and initiated four corresponding pilot programs. These new programs are being monitored by the Ombudsman to determine if the problems that spawned the Ombudsman's recommendations will be resolved by the USCIS responses.

Ombudsman Khatri has notably received positive support from DHS and the cooperation of USCIS leadership. During this first year, Ombudsman Khatri visited over twenty USCIS facilities across the country, encouraging input from local USCIS management and staff. The Ombudsman engaged in numerous productive discussions with various interest groups, business leaders, community based organizations, non-governmental organizations and immigration law advocacy organizations. Correspondence received from the public affirmed an increasing national awareness of the Ombudsman's pivotal role in improving the delivery of immigration services.

Between February and June 2004, the Ombudsman located and established his current office site and hired six of his seven authorized personnel for Fiscal Year 2004. Significant progress has been made in the formulation of an organizational plan encompassing the assignment, training, operations and administration of local Ombudsman offices. With the goal of performing a detailed analysis on the most pervasive and serious problems in the administration and delivery of citizenship and immigration services, the Ombudsman established an information collection and processing system. This system will provide automated data collection and tracking of customer complaints, allowing for more efficient identification of the systemic changes needed for delivery of problem-free immigration services.

Based on the recommendations made and the USCIS responses to date, considerable advancement has occurred during the course of the first year in fulfilling the mandate set forth in Section 452 of the Homeland Security Act of 2002. The Ombudsman recognizes that continued persistence and diligence is required if positive change is to be effected upon the existing immigration system.

President George W. Bush clearly stated, “*As a nation that values immigration and depends on it, we should have immigration laws that work and make us proud.*” The goal of the Ombudsman is a national immigration system that ensures the safety of our borders, yet welcomes individuals qualified for admission. To this end, the Ombudsman will continue to serve the public effectively by identifying specific methods to improve efficiency and the processing of requests for immigration benefits, while ensuring national security and upholding the integrity of the legal immigration system.

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BACKGROUND

The following report reflects activities for the period commencing from the appointment of the Citizenship and Immigration Services Ombudsman on July 28, 2003, through May 30, 2004.

The Homeland Security Act of 2002 (Public Law 107-296) (Act) created the Department of Homeland Security (DHS). The Act consolidated 22 previously disparate agencies into one unified organization. Two agencies, the Immigration and Naturalization Service (INS) and United States Customs Service were split up to create three distinct agencies. The interior enforcement elements of the two former agencies were combined to create the Bureau of Immigration & Customs Enforcement (ICE). The Inspections and Border Patrol functions were combined with the inspections parts of the U.S. Customs Service to create the Bureau of Customs and Border Protection (CBP). These two bureaus were placed under the Border & Transportation Security Directorate. The benefits side of the legacy INS was left intact and was elevated in significance to directly report to the Deputy Secretary of DHS and was renamed the Bureau of Citizenship & Immigration Services. The agency was subsequently renamed the U.S. Citizenship and Immigration Services (USCIS). The transition to DHS clarified the mission of USCIS and focused the agency on a single mission of effectively administering and delivering citizenship and immigration services.

Section 452 of the Homeland Security Act of 2002

Section 452 of the Homeland Security Act of 2002 created the Office of the Citizenship and Immigration Services Ombudsman (Ombudsman) within DHS to report directly to the Deputy Secretary of DHS in the same manner as USCIS. The primary statutory function of the Ombudsman's office is to:

- Assist individuals and employers in resolving problems with USCIS;
- Identify areas in which individuals and employers have problems in dealing with USCIS; and

- Propose changes in the administrative practices of USCIS in an effort to mitigate problems.

Guided by these objectives, the Ombudsman operates in a unique role, advocating on behalf of the public for efficient and responsive immigration services while supporting the Administration's efforts to serve the public effectively. The Ombudsman functions as both a public advocate and a public servant.

Ombudsman Vision, Mission and Approach

Given the immigration history of the United States and the significant responsibilities endowed upon USCIS to ensure immigration continues as a national policy, the role of the Ombudsman is pivotal.

Vision:

The Ombudsman's vision to resolving problems will remain innovative, his mission unmistakable and his approach holistic. The nation faces the distinct challenge of forging an immigration system in the 21st Century that not only insures the safety of our borders, but continues to welcome individuals qualified for admission into our country. Ultimately, the Ombudsman envisions a transformation of USCIS into a first-rate "problem-free" organization providing superior services to qualified individuals in state-of-the-art facilities, utilizing the latest technology.

Mission:

An *Ombudsman* is one who protects the interests of justice in interactions between the government and its citizens. In exemplifying this role, the mission of the Citizenship and Immigration Services Ombudsman is to provide recommendations to resolve problems encountered by individuals and employers which:

- Ensure national security and the integrity of the legal immigration system;
- Increase efficiencies in administering citizenship and immigration services;
- and
- Improve customer service in rendering citizenship and immigration services.

The Ombudsman focuses on enhancing the administration and delivery of citizenship and immigration services by identifying problems and proposing recommendations to eliminate major systemic obstacles to efficiency. Further, the Ombudsman works closely with DHS leadership in providing policy, planning and program advice on immigration matters.

Approach:

In fulfilling the mission, the Ombudsman adheres to a holistic approach, identifying and arranging priorities based on the time and effort typically required to effect the corresponding change. In his first year, the Ombudsman has focused on introducing recommendations for changes to existing policies and procedures rather than recommending the implementation of changes to statutes or regulations. This focused approach has resulted in rapid implementation by USCIS of pilot programs aimed at immediate and dramatic benefits. In the upcoming year, the Ombudsman will not only continue to introduce additional recommendations of this nature, but also focus on formulating recommendations that require more time-intensive statutory, regulatory and/or infrastructure modifications.

SIGNIFICANT ISSUES IN CITIZENSHIP & IMMIGRATION SERVICES

In an effort to identify the most significant issues experienced by the public in interacting with USCIS, Ombudsman Khatri visited several USCIS facilities representing a broad demographic composition. The purpose of these visits was to evaluate processes and operations, and to encourage input from both USCIS management and staff. Likewise, the Ombudsman invited members of various stakeholders, including business leaders, community based organizations, non-governmental organizations and immigration law advocacy organizations, to share experiences and ideas on improving the existing immigration benefits system. In addition, correspondence received by the Ombudsman from the public served to unequivocally affirm through a unified voice, widespread unfavorable trends in the administration and delivery of citizenship and immigration services.

Prolonged Processing Times

During the last fiscal year, USCIS received more than 7.1 million applications and petitions. As of October 2003, more than 6 million applications and petitions were in-process. Based on the current workload and projections for new annual filings of approximately 6 million applications/petitions for Fiscal Years 2004 thru 2006¹, USCIS is challenged with the task of efficiently and responsibly providing the public timely immigration services.

It is difficult to grasp how immigration processing times can take months, even years, when similar actions a decade ago required only a fraction of the time. Due to the current extended processing times, individuals suffer lengthy separations from family members and experience difficulties in making long-term plans or commitments. Businesses endure excessive costs due to the uncertainty of when foreign employees may become available and a potential loss of commerce due to the inability of foreign customers to timely visit domestic suppliers.

¹ U.S. Citizenship & Immigration Services Backlog Elimination Plan, June 16, 2004, p6.

USCIS has attributed two reasons for the prolonged processing times now occurring: 1) the additional national security responsibilities levied on USCIS after the tragic events of September 11th, 2001; and 2) the transition of USCIS to DHS. These security responsibilities created additional, mandatory security checks which often are recurrent due to limited validity periods. Further, the processing of *interim benefits*² (employment authorization and travel authorization) which generally are renewed on an annual basis, exacerbate the already extensive processing times and further perpetuate backlog growth.

While these explanations are compelling, none fully overcomes the anxiety and aggravation individuals and employers experience during the many months and possibly years they await a final USCIS decision. In the private sector, customer services are expected to be rendered in a timely manner, especially if a fee has been paid. More than ever, as we progress into the modern age of the 21st Century, it should be reasonable for the public to expect the same level of customer service from a government agency as would be expected from a commercial vendor.

Immigration Benefit Fraud

The steady increase of denials issued for immigration benefits provides disconcerting evidence that some individuals who file for immigration benefits are not in fact entitled to them. Given the existing backlog and current processing delays, unscrupulous individuals can take advantage of the situation and submit frivolous filings, consequently receiving interim benefits while the primary application potentially sits for years, awaiting *prima facie* review, interview and final decision. Thus, a fraud perpetrator is given an opportunity to establish roots and build equity in the community. National security and the integrity of the legal immigration system are dependent upon early detection of ineligible individuals, therefore preventing them from receiving *any* immigration benefits.

² *Application for Employment Authorization (Form I-765) and Application for Travel Document (Form I-131).*

Limited Case Status Information

Aggravated by inordinate processing periods, individuals and employers alike are frustrated by the limited availability and accessibility of case status information. Currently, customers are furnished only an approximate time typically required to complete a particular application or petition. Nonetheless, in the event a customer is either not processed within the forecasted timeframe or has a unique issue or concern, the means by which to obtain specific information or the necessary assistance at that juncture is arduous. Customers resort to generating numerous telephone calls to USCIS and/or making frequent visits to USCIS facilities and finally opt for congressional assistance in determining the status of pending cases.

Insufficient Standardization in Processing

Citizenship and immigration benefits are governed by the Immigration and Nationality Act (INA) of 1952 (as amended). The INA is federal law to be administered equitably across the country. Unfortunately, three factors result in non-uniform application of the immigration laws and inequitable treatment of similarly situated individuals. First, statutory discretion is not exercised in a consistent manner by all USCIS offices. Second, USCIS faces an operational maze of legislative amendments to the INA, judicial and administrative cases, regulations, internal procedures and policy memoranda. Third, processing times vary tremendously from one USCIS district to another. For example, a U.S. citizen who lives in Wisconsin and wishes to process an application for immigration for his child must wait 22 months for his application to be approved by USCIS. However, a similar individual who lives in Pennsylvania will only wait seven months for USCIS to approve his application. These inconsistencies result in inequitable application of the law and severely impact immigrants and their families.

Inadequate Information Technology and Facilities

USCIS does not operate in a predominantly automated environment, even in performing core functions such as file tracking or fee accounting. Multiple information systems currently utilized by USCIS are disparate and offer limited functionality. Further, forms-

driven case processing systems residing on several hardware and software platforms are not easily integrated and do not provide sufficient capability to obtain comprehensive information about an individual applicant. In addition to having antiquated information systems, some of the USCIS facilities are notably deteriorated, requiring modernization in order to promote better working conditions. The lack of adequate facilities impacts morale and productivity of the federal employees, and also affects the image of the government in the eyes of new immigrants and would-be citizens of this country.

IMPROVEMENT INITIATIVES RECOMMENDED BY THE OMBUDSMAN

In recommending improvement initiatives, the Ombudsman focused on strategies which could create substantial efficiencies and dramatically improve customer service, while simultaneously ensuring national security and legal immigration integrity. The most pervasive and significant problems encountered by individuals and employers continues to be *Prolonged Processing Times*. *Immigration Benefit Fraud* is also significant, because of the risk it poses to national security and the challenge it presents to the integrity of the legal system.

In line with the commitment of Secretary Ridge to make *Improved Customer Service for Immigrants* a key DHS priority, USCIS recently embarked on a series of pilot programs based upon recommendations made by the Ombudsman. Currently, four new pilot programs are being tested around the country. The results will be evaluated by the Ombudsman to determine if national expansion of a pilot program is advisable or if additional clarification to the original recommendations is required.

The three core USCIS programs tested in these four pilot programs comprise six of the most commonly used forms. These forms account for approximately 67% of the total pending workload and approximately 68% of USCIS annual filings during Fiscal Year 2003. The recommended improvement initiatives captured herein offer immediate and dramatic benefits by reducing current workflow redundancies and processing times, and creating fast track options for the majority of applicants.

Streamlining Family-Based Immigrant Processing

At present, *immediate relatives*³ of U.S. Citizens, applying for lawful permanent residence evidenced by a *Green Card*⁴ are subjected to extensive processing times, despite no statutory limitation being imposed upon individuals immigrating under this

³ INA Section 201(b)(2)(A)(i) defines “immediate relatives” as the children, spouses, and parents of citizens of the United States.

⁴ Permanent Resident Card (Form I-551).

classification. Although corresponding processing times vary across the country, in certain USCIS offices, processing times have stretched in excess of two years. Additionally, while an immediate relative application package⁵ for lawful permanent residence is pending, an applicant is eligible to apply for interim benefits⁶. These interim benefits must be renewed on an annual basis. Applicants for interim benefits are required by law to pay additional filing fees with each subsequent application. These interim benefit filings further perpetuate the already sizeable processing backlog.

With this in mind the Ombudsman recommended to USCIS a one-step, front-end adjudication process whereby applicants would appear at a USCIS local office to file applications packages for permanent residence and be interviewed on the same day. Qualified applicants would be issued a *Green Card* within 90 days. In order to ensure equitable treatment, pending applicants would be given the opportunity to assume their place in this *new line* by resubmitting a duplicate of their original application including all required supporting documentation without fee when presenting the original receipt.

This recommended workflow is intended to increase efficiencies as the need for interim benefits and recurring security checks are mitigated, thereby allowing appropriate redirection of now-available resources towards core backlog reduction efforts. Moreover, customers are spared the hassles of multiple visits to USCIS facilities and reap the satisfaction of immediate results. National security and legal immigration integrity are enhanced since the *bona fides* of an application are established at the outset, thereby discouraging frivolous filings and preventing ineligible individuals from receiving any immigration benefits. In addition, duplicative efforts and labor hours are reduced, as applications are processed in a more streamlined manner.

In response to this recommendation, USCIS launched a pilot project at its Dallas, Texas district office. This pilot project embodies the major elements of the Ombudsman's recommendation and incorporates additional positive efficiencies and customer focused processes not originally proposed. The Ombudsman commends USCIS for these

⁵ *Application to Register Permanent Residence or Adjust Status (Form I-485), Petition for Alien Relative (Form I-130) and other required documentation.*

⁶ *See supra* (2).

customer-focused additions to the one-step processing. Known as the *Rapid Adjustment Pilot Program*, this customer service initiative aims to complete *Green Card* processing within 90 days of filing, completely eliminating the need for repeated adjudication of interim benefits and the associated costs for qualified applicants who complete the process within the given timeframe.

In addition to the implementation of the pilot program, USCIS has also introduced INFOPASS, a new internet-based appointment scheduling system in Dallas. This system, originally introduced at the USCIS Miami, Florida district office, is now being employed at a number of USCIS locations. INFOPASS allows applicants to schedule appointments through the local USCIS internet web site, resulting in a more efficient and respectful way to manage crowds and coordinate USCIS work schedules.

The Ombudsman recently forwarded a recommendation to USCIS to rapidly expand on the innovative Dallas pilot program. It is demonstrating itself as a viable means for achieving greater operational efficiency with existing assets. It also eliminates the need for processing interim benefits, thus reducing potential security risks due to the fraud potential and the insecure nature of the interim benefits documents issued by USCIS. With the reduction of interim benefits applications and recurring security checks, USCIS personnel and other resources can be reallocated to focus on core backlog reduction efforts.

Reengineering “Green Card” Replacement Processing

Green Card replacement applications⁷ are the fourth most prevalent type of filings processed by USCIS, comprising approximately ten percent (10%) of all applications and petitions received by USCIS. Replacement applications must be filed when a *Green Card* has been damaged, lost or upon expiration (cards are valid for ten years). In order to replace an existing *Green Card*, an individual is subjected to lengthy processing times ranging anywhere from approximately ten to twelve months. This delay in processing poses severe hardship on individuals who are required by law to present their *Green Card* for employment, travel and other similar interactions.

⁷ *Application to Replace Permanent Card (Form I-90)*.

The processes employed by USCIS for *Green Card* replacement are inherently inefficient, requiring personnel to perform duplicative functions and recurring security checks. Under current operations, customers must appear at one of two types of USCIS facilities (depending upon the nature of the *Green Card* replacement) where a government representative verifies the customer's identity and immigration status, and also performs requisite security checks. The application is then forwarded to yet another USCIS facility where the information is data-entered and recurring security checks are performed while the application remains pending, awaiting final decision.

Since an application for *Green Card* replacement merely serves to replace evidence of status already granted, the Ombudsman recommended to USCIS a one-step, front-end process whereby applicants would appear at a USCIS local office where identity would be verified, status confirmed, security checks performed, and a preliminary decision rendered. Consequently, the replacement *Green Card* would be fabricated and issued within 90 days for qualified applicants who complete the process within the given timeframe.

This recommended process is anticipated to create efficiencies by minimizing duplicative efforts at multiple USCIS facilities and enabling a more efficient distribution of resources to focus on core backlog reduction efforts. Moreover, national security and legal immigration integrity are enhanced since the need to issue temporary evidence of lawful permanent residence, which historically has not been particularly fraud resistant, can be minimized. Additionally, individuals find great satisfaction in timely, customer-friendly processing.

Upon review of this recommendation, USCIS initiated a pilot program at the Los Angeles, California district office to reengineer and automate its current operational procedures in processing applications for *Green Card* replacement. The program is being monitored by the Ombudsman to determine if the problems that spawned the Ombudsman's recommendation are resolved by the USCIS response.

Streamlining Employment-Based Immigrant Processing

At present, non-citizens with employment skills needed by American employers are subjected to extensive processing times and potential loss of employment opportunity when applying for lawful permanent residence or a *Green Card*. Average processing times are a cause for concern, as these are well over twelve months. Additionally, while an employment-based application package⁸ for permanent residence is pending, an applicant is eligible to apply for interim benefits which generally are renewed on an annual basis, requiring the expenditure of additional filing fees with each subsequent application and perpetuating the already substantial backlog. Further, the current operational procedure employed by USCIS entails processing tandem applications and petitions through separate workflows. This processing method is inherently inefficient as it involves expending duplicative efforts.

To address these concerns, the Ombudsman recommended to USCIS a one-step, front-end adjudication process whereby applicants would appear at a USCIS local office to file applications for permanent residence and be interviewed on the same day. Qualified applicants would be issued a *Green Card* within 90 days. In ensuring equitable treatment, pending applicants would be given the opportunity to assume their place in this new line by resubmitting a duplicate of their original application including all required supporting documentation without fee when presenting the original receipt.

This recommended workflow is anticipated not only to promote national security and the integrity of the legal immigration system, but also to enhance customer service. Individuals are examined more thoroughly, yet reap the satisfaction of immediate results. National security and legal immigration integrity are also enhanced since the bona fides of an application are established at the onset, thereby discouraging frivolous filings and preventing ineligible individuals from receiving any immigration benefits. Further, efficiencies are enhanced, as the need for interim benefits and recurring security checks are mitigated. As a result, USCIS profits with an availability of otherwise expended resources which can be redirected towards core backlog reduction efforts. In addition, as

⁸ *Application to Register Permanent Residence or Adjust Status (Form I-485), Petition for Alien Worker (Form I-140) and other required documentation.*

applications are processed in a more streamlined manner, duplicative efforts and labor hours are reduced. Further, American employers will experience increased labor availability and productivity, while incurring reduced costs.

In response to the original recommendation, USCIS recently introduced a pilot program at the California Service Center. The program is being monitored by the Ombudsman to determine if the problems that spawned the Ombudsman's recommendation are resolved by the USCIS responses.

In order to further perform a detailed analysis of the employment-based immigration problems reported by the general public, the Ombudsman requires access to specific statistical information. An example of the type of information necessary is how many individuals in each visa preference category have applied to adjust their status to lawful permanent resident and are currently awaiting a decision. This information has been requested from USCIS; however the Ombudsman was informed this information was not currently being maintained by USCIS. Subsequently, USCIS informed the Ombudsman that the information requested will be compiled for his use. Upon receipt of this information the Ombudsman plans to conduct this analysis and provide recommendations as appropriate.

MILESTONES AND GOALS

Since his appointment in July 2003, Ombudsman Khatri reached a number of significant milestones in the following core areas:

- Effective Analysis of Significant Issues
- Assistance in Resolving Customer Problems
- Collaborative Interactions with Key Stakeholders
- Efficient use of Human Capital and Infrastructure

If the current immigration system is to be positively reformed, continued persistence and innovative problem-solving is required. Methods by which to provide efficient and responsive citizenship and immigration services must be identified and implemented. Also, the new methods must respect the dignity and value of individuals while ensuring national security and legal immigration integrity.

Analysis of Significant Issues

In examining the current immigration system, the Ombudsman focused on locating vulnerabilities and/or deficiencies in the areas of national security, customer service and process workflows. The most pervasive and significant issues identified at this juncture are: *Prolonged Processing Times*, *Immigration Benefit Fraud*, *Limited Case Status Information*, *Insufficient Standardization in Processing*, and *Inadequate Information Technology and Facilities*. Of these issues, the most far-reaching was and continues to be *Prolonged Processing Times*. Further, by reason of the risk to national security and the integrity of the legal immigration system, *Immigration Benefit Fraud* was likewise of considerable significance.

In line with the commitment of Secretary Ridge to make *Improved Customer Service for Immigrants* a key DHS priority, Ombudsman Khatri introduced recommendations to USCIS on three improvement initiatives. These initiatives are intended to create substantial efficiencies in USCIS adjudication processing and dramatically improve customer service by creating fast track options for the majority of applicants. Inherent in

these initiatives is the need to ensure national security and legal immigration integrity by detecting ineligible individuals upfront. In responding to these initiatives, USCIS is testing four corresponding pilot programs. The pilot programs are being monitored by the Ombudsman to determine if the problems that spawned the Ombudsman's recommendations are resolved by the USCIS responses.

The existing USCIS backlog has spawned the majority of problems encountered by individuals and employers. The Ombudsman will continue to collaborate with USCIS in reviewing its current processes, giving special consideration towards eliminating redundancies, streamlining workflows, and identifying innovative and efficient processes that will further mitigate *Prolonged Processing Times* and *Immigration Benefit Fraud*.

The complaints and inquiries received from individuals and employers encompass a broad spectrum of immigration processing issues. The Ombudsman has reviewed these issues and has cataloged them into specific topical areas for further analysis as staffing for his office becomes available. These areas include, but are not limited to the processing of: 1) appeals within USCIS; 2) travel documents, including advance paroles and re-entry permits; 3) waivers to excludability; 4) temporary worker visas; 5) healthcare worker visas; 5) adjustments of status; 6) naturalizations; 7) employment authorizations; and 8) affidavits of support. In addition, the Ombudsman plans to review: 1) the responsiveness of USCIS customer service systems; 2) the ability of individuals and employers to access and use USCIS e-filing systems; and 3) the USCIS records management system as it pertains to updating petitions and applications based on changes presented by individuals and employers during processing.

Assistance in Resolving Customer Problems

The Ombudsman has received inquiries and requests for assistance from individuals and employers, all having a myriad of problems dealing with the immigration processing system. Most of the inquiries were as the result of customer frustration with the processing backlog. These inquiries became the initial data base from which systemic trends in the processing of applications and/or petitions for immigration benefits by USCIS were identified.

The Ombudsman is pleased to report that from the onset of operations in July 2003 to May 30, 2004, a total of 140 inquiries were received from the general public. Approximately 90% of these inquiries have been either forwarded directly to USCIS for resolution or returned to the initiator for lack of jurisdiction by the Ombudsman (e.g., inquiry concerning a Social Security Administration matter).

In keeping with the legislation, the Ombudsman will make a determination of the sensitivity of the matter presented. The Ombudsman and USCIS have agreed that whenever the Ombudsman forwards an inquiry from the general public to USCIS for resolution, USCIS will resolve the matter within 30 days and notify both the individual making the inquiry and the Ombudsman of the result. As of the report date, there are 95 Ombudsman-referred inquiries being reviewed by USCIS, and all of these inquiries are still within the thirty-day time window for USCIS action. Also, as of the report date, the Ombudsman had 15 general public inquiries currently in inventory, with these inquiries in the process of being reviewed for appropriate action.

The Ombudsman is pleased with the response of USCIS in the handling of these general public inquiries. USCIS has worked closely with the Ombudsman in establishing a management information system specifically for receiving, transfer and tracking of these general public inquiries. This system is up-and-running and has proven successful.

Collaborative Interactions with Key Stakeholders

During this first year, Ombudsman Khatri visited more than 20 USCIS facilities across the country, encouraging input from local USCIS management and staff. In addition, Ombudsman Khatri engaged in numerous productive discussions with various stakeholders, community based organizations, business leaders, non-governmental organizations and immigration law advocacy organizations. Correspondence received from the public affirmed an increasing national awareness of the Ombudsman's pivotal role in improving the delivery of citizenship and immigration services.

DHS leadership, particularly Secretary Tom Ridge and Deputy Secretary Jim Loy, have provided the Ombudsman tremendous support. Recently, Secretary Tom Ridge identified

seven key priorities for DHS. One of these key priorities is *Improved Customer Service for Immigrants* by means of a series of pilot programs instituted by USCIS and based upon the recommendation of the Ombudsman. The commitment of DHS to positively reform the existing immigration system is further evidenced by its 2004 Strategic Plan, which features the following goal: “*Serve the public effectively by facilitating lawful... immigration*” with a distinct objective to “*provide efficient and responsive immigration services that respect the dignity and value of individuals.*”

The acceptance by USCIS Director Eduardo Aguirre of the Ombudsman as a partner in creating a 21st Century immigration system has been welcomed and appreciated. Further, the Ombudsman has valued the proactive and cooperative approach of Joseph Mancias, Jr., a senior executive, assigned by Director Aguirre to act as liaison to the Office of the Ombudsman. Several of the USCIS senior management have also shared opinions for positive change and have served as sounding boards for many of the recommendations proposed by the Ombudsman. Moreover, the Ombudsman respects the valuable opinions of those within USCIS who serve the public directly. The interactions with the “front-line” professionals of USCIS have been a significant tool in reaching the goal of a “problem-free” USCIS in the very near future. The Ombudsman will continue to visit USCIS facilities, directly observing operations and seeking the professional views of the local staff and management on methods by which to improve the existing system.

The Ombudsman recognizes that creative solutions to the problems afflicting the current immigration system exist among the perspectives of the individuals and employers comprising the immigration customer base. The Ombudsman will continue to reach out to the public, as well as foster collaborative relationships established with stakeholders.

Human Capital and Infrastructure

Between February and June 2004, the Ombudsman located and established the current office site and hired six of the seven authorized personnel for Fiscal Year 2004. Also, significant progress was made in formulating an organizational plan to assign, train, operate and administer the local Ombudsman offices required by statute. With the goal of performing detailed analysis on the most pervasive and serious problems in citizenship

and immigration services administration and delivery, an information collection and processing system has been established. This system will help identify the systemic changes needed for delivery of problem-free immigration services.

CONCLUSION

Since his appointment on July 28, 2003, Ombudsman Khatri has worked closely with DHS and USCIS leadership in identifying opportunities for recommending meaningful change to the existing immigration benefits system. In line with the commitment of DHS to positively reform the existing immigration system by making *Improved Customer Service for Immigrants* a key DHS priority, USCIS is currently testing a series of pilot programs, based upon recommendations introduced by the Ombudsman, to reengineer existing operations so as to substantially decrease processing times and create fast track options for the majority of applicants. Upon evaluating the results of these pilot programs, the Ombudsman will determine whether national expansion is to be recommended.

Although considerable advancement has been made during the course of the past year in fulfilling the mandate set forth in Section 452 of the Homeland Security Act of 2002, the Ombudsman recognizes that continued persistence and diligence is required if positive change is to be effected upon the existing immigration system.

President George W. Bush clearly stated, “*As a nation that values immigration, and depends on immigration, we should have immigration laws that work and make us proud.*” Thus, the goal is a national immigration system that ensures the safety of our borders, yet welcomes individuals qualified for admission. To this end, the Ombudsman will continue to serve the public effectively by identifying methods to provide efficient and responsive immigration services that respect the dignity and value of individuals while ensuring national security and the integrity of the legal immigration system.