



**U.S. Citizenship
and Immigration
Services**

AUG 13 2012

Memorandum

TO: Debra Rogers
Acting Citizenship and Immigration Services Ombudsman

FROM: Lori Scialabba *Lori Scialabba*
Deputy Director

SUBJECT: Response to Recommendation 53, Recommendations Regarding U.S. Citizenship and Immigration Services's (USCIS's) Role in the Petition Information Management Service (PIMS)

Recommendations

The Citizenship and Immigration Services Ombudsman (CISOMB) recommends that USCIS either:

1. Instruct USCIS service centers to make a copy of the Form I-129, Petition for a Nonimmigrant Worker, submission (petition package) regardless of whether a duplicate petition package has been submitted with the filing, and send it to the Kentucky Consular Center (KCC) for uploading into PIMS; or
2. Send the original petition package to the KCC, for scanning of documents, data entry, and – upon completion – forward the original petition package to the USCIS National Records Center (NRC) for storage; or
3. Scan all approved petition packages at a USCIS facility, so electronic copies can be forwarded to the KCC for uploading into PIMS.

USCIS Response to Recommendations

- 1. Instruct USCIS service centers to make a copy of the Form I-129 submission (petition package) regardless of whether a duplicate petition package has been submitted with the filing, and send it to the KCC for uploading into PIMS.**

USCIS does not concur with this recommendation. A customer service initiative of this nature would likely result in an increase of nonimmigrant petitions not filed in duplicate as petitioners will be aware that USCIS is providing KCC with a duplicate copy. In FY2011, USCIS approved more than 160,000 initial petitions for H, L, O, P, Q, and R nonimmigrant visa classifications. In addition to the sheer number of petitions, many of these petition packages can be very large, often containing hundreds of pages. USCIS is not staffed, and does not have the funding, to make photocopies of all Form I-129 petitions received without a duplicate copy. USCIS costs

would increase while productivity would decrease. In turn, USCIS may need to pass some of these costs on to customers – even to those who do supply duplicate copies as requested.

- 2. Send the original petition package to the KCC, for scanning of documents, data entry, and – upon completion – forward the original petition package to the USCIS NRC for storage.**

USCIS does not concur with this recommendation. In order to implement this recommendation, USCIS would need to address several issues. USCIS would need to enter into a Memorandum of Understanding with the Department of State (DOS) to allow for data sharing. The KCC would need to be designated as a file control office. KCC personnel would need to be given access to the National File Tracking System (NFTS) and receive appropriate training prior to use. Since files may contain documents that should not be transmitted to DOS (e.g., information that should not be disclosed pursuant to the Third Agency Rule), information would have to be redacted from each file before it is transmitted to the KCC. USCIS would need to arrange disposition of the files (storage, file movement, etc.) with DOS after the information has been scanned into PIMS. DOS would likely charge USCIS a fee under the Economy Act for the disposition of those files, which would ultimately be borne by the customers through an increase in USCIS fees. All Immigration Services Officers (ISOs) who adjudicate Form I-129 would have to obtain access to DOS's Consular Consolidated Database (CCD) and PIMS so that they could work cases returned by the consulates.

- 3. Scan all approved petition packages at a USCIS facility, so electronic copies can be forwarded to the KCC for uploading into PIMS.**

USCIS concurs in principle with this recommendation. Currently, however, USCIS does not have the financial or personnel resources to scan all approved petition packages at a USCIS facility – nor would it be cost effective. As part of the Transformation initiative, USCIS plans to provide approved petition information to DOS through the USCIS Electronic Immigration System (ELIS), USCIS's new case management system. Further, this effort will include *all* petitions that are forwarded to DOS (including those USCIS sends to the National Visa Center, such as Forms I-130 and I-129F) – not just employment-based nonimmigrant visa petitions.