

USCIS Response to 2005 Ombudsman Report

When the United States Citizenship and Immigration Services (USCIS) was formed on March 1, 2003, the employees of USCIS proudly assumed the challenges and responsibility of the mission of the Department of Homeland Security and their role within the Department of Homeland Security.

Our core values encompass integrity, ingenuity, and respect. With these core values as our base, USCIS is committed to ensuring that the right person gets the right benefit(s) at the right time.

Our vision is to strengthen America's future by becoming a customer focused innovator of benefits processing, a catalyst for citizenship education, instruction and outreach, a recognized and credible source of useful information, and a leading contributor to the security of the United States.

USCIS has made several improvements and is proud of its many accomplishments since its first day of operation. Some of these major accomplishments include:

- In FY 2005, USCIS made significant progress in attaining the President's mandate of eliminating the backlog by the end of fiscal year 2006. USCIS completed 7.3 million applications, increasing overall production by 14.3% and decreasing the backlog to 1 million immigration benefit applications. USCIS also met and/or exceeded cycle time targets in 14 of 16 major form types. Additionally, USCIS completed 1.3 million more cases during FY 2005 than the Service received. Efforts in

this area have increased productivity and expedited the processing of immigrant benefits such as work authorization, permanent residence and naturalization, which allowed USCIS to deliver services and benefits to qualified applicants in a more timely manner.

- USCIS initiated INFOPASS; a National line reduction program which features an innovative internet-based appointment system that allows customers to schedule a date and time to meet with an immigration officer, thus eliminating the need to wait in line. This system is available in 12 languages and is designed to make immigration services more convenient and accessible for the general public.
- USCIS published *Welcome to the United States: A Guide for New Immigrants*. This is a comprehensive guide intended for use by new permanent residents. It contains practical information to help immigrants settle into everyday life in the United States, as well as basic civics information that introduces new immigrants to the U.S. system of government. *Welcome to the United States* also gives new immigrants tips on how to get involved in their new communities and how to meet their responsibilities and exercise their rights as permanent residents. This guide is available in hard copy in English and Spanish. It is also available in nine additional languages on the web at USCIS.gov.

- Since the beginning of FY 2004, USCIS Asylum Division has exceeded all productivity targets, completing a total of 225,419 cases and reducing the pending caseload from 262,118 to 98,449 – a reduction of 62%. At the end of FY 2005, the number of pending asylum applications represented the lowest pending caseload since the creation of the Asylum Corps almost 15 years ago.
- USCIS' Anti-Fraud unit detected and referred suspected fraud to U.S. Immigration and Customs Enforcement (ICE) for investigation. This effort highlights USCIS' commitment to deliver the right benefit to the right person, in the right amount of time while ensuring no applicant secures a benefit that he or she is not qualified to receive.
- USCIS expanded *e-filing*, allowing customers to file their applications for a service or benefit electronically.
- USCIS conducted the first overseas military naturalization ceremonies since the Korean Conflict, making it easier for qualified military personnel to become U.S. citizens.
- USCIS issued Certificates of Citizenship to children from 82 countries through the Citizenship and Immigration Services Child Citizenship Act Project (CCAP).
- USCIS implemented new biometric standards to include the ability to store electronic fingerprints, photographs and signatures for future use.

The Citizenship and Immigration Services Ombudsman's Annual 2005 Report reflects a diligent effort by the Ombudsman to study USCIS and to make thoughtful recommendations about improvements for immigration processing. USCIS and the Ombudsman share a similar assessment of USCIS' challenges and goals. It has been helpful to receive the product of the Ombudsman's effort and perspective.

This report fulfills the requirement in section 451(a)(3)(F) of the Homeland Security Act for the Director of USCIS to respond to any recommendations in the Ombudsman's Annual Report.

Recommendations

The Ombudsman delivered twelve formal recommendations to the USCIS Director from June 2004 to May 2005. Some of the recommendations were already being addressed through USCIS' planning, others reflected ideas of USCIS employees amplified through the Ombudsman, and others originated with the Ombudsman's office. USCIS efforts to implement many of the ideas reflected in the Ombudsman's recommendations are in various stages of planning and/or implementation.

USCIS and the Ombudsman share a vision for a transformed business process, facilitated by new technology that provides rapid processing by qualified adjudicators who have all of the information necessary to make a decision. USCIS is working with the Department to implement this vision for better business processes that embrace goals of national security, customer service, and efficiency.

Below are summaries of USCIS' responses to the twelve formal recommendations in the Ombudsman's 2005 Annual Report. Additionally, this report provides details on steps already taken and activities underway, as well as future planned actions in these areas.

Recommendation 1 – Fee Instructions. Recommend the deletion of any reference within USCIS forms (“I” and “N” forms) that indicates a specific fee amount applies to an action, and replacing such language with the statement (or equivalent), “A fee is required to process this action. Information on the current fee for this action is available on the Internet at www.uscis.gov and by telephone from the National Customer Service Center at 1 (800) 375-5283. If the correct fee is not included, the action will not be accepted by USCIS.”

USCIS Response. USCIS generally agreed with this recommendation and evaluated the best way to achieve the goals of (1) informing the public of the fees for filings in connection with the forms to be filed; (2) efficiently updating filing fee amounts when they change; and (3) reducing confusion caused by discrepancies in information about filing fee amounts.

USCIS has taken several steps to prevent discrepancies from happening. First, all forms are now available on the USCIS Internet site (www.uscis.gov). When fee increases are implemented, USCIS updates the filing fee amount(s). Second, via the website, USCIS plans to incorporate a PDF file that contains forms instructions regarding a list of current filing fees for all forms. Third, USCIS Forms Centers now send out current filing fees for all forms and form sets. Fourth, under consideration are

longer term plans to eliminate the use of bulk-printed forms sets in favor of more dynamically printed (commonly referred to as “just-in-time” printing) forms from electronic templates consisting of the most current version of the form.

USCIS recognizes that customers may retain forms for significant periods of time before submitting them, and during that time a fee change or even a change to the form may occur. Under consideration is a method that will alert customers to the possibility that a form, the instructions, or the fee may change and that reference to the website or the Federal Register is advisable before submitting forms.

While USCIS is committed to providing great customer service, we established the National Customer Service Center to determine and resolve customers' specific needs, not just to provide customers with fee amounts.

Recommendation 2 - All USCIS employees who interface with immigration customers should be required to receive formal training in customer service. As an interim measure only, recommend all USCIS employees who interface with immigration customers be required to enroll and complete the no-charge customer service training courses available at the Gov Online Learning Center (www.golearn.gov).

USCIS Response. USCIS agrees that customer service training is a valuable component for all of its employees, especially those who deal with the public. Basic officer training includes customer service training and has proven to be an important element of ongoing training for

our employees in the past. The first few sections of the USCIS *Adjudicators Field Manual*, which is available to all USCIS employees, provides excellent guidance on customer service principles as they apply to USCIS services. USCIS has updated a customer service training course that can be provided to employees at or near their work locations. The course is a one-hour module now available to all employees through USCIS' new EDvantage online system, as of October 1, 2005.

Recommendation 3 - Establishment of a separate fee structure for the “e-filing” applications/petitions so that a different (lower) fee is permitted for filing an e-file application/petition that is required for a conventional paper-based filing.

USCIS Response. USCIS and the Ombudsman are in agreement that USCIS could take steps to encourage electronic filing. In focus group discussions with its customers, USCIS has found that they prefer:

- The ability to electronically transfer applicant information from their systems to USCIS. This system would benefit immigration service practitioners more than the individual customers.
- The promise of reduced processing times for e-filed adjudications.
- The opportunity to communicate more easily and quickly when problems arise.

In this recommendation, the Ombudsman states that the *e-filing* system is “very time-consuming and awkward for our customer base and so customers are not employing *e-filing* as their preferred way of doing

business with USCIS.” USCIS disagreed with this claim as it relates to individual customers approaching USCIS directly. In fact, USCIS has experienced an ever-increasing incoming caseload via *e-filing*. Nevertheless, USCIS welcomes specific suggestions for improvement to the mechanics of *e-filing* as it relates to individual customers.

USCIS recognizes, however, that the existing *e-filing* system is not meaningfully advantageous to customer representatives who use their own electronic systems to prepare forms and manage their client data. This is primarily due to the fact that USCIS has not yet implemented the upgraded technology that would allow an upload interface of customer data. In the future, USCIS intends to develop systems to allow batch loading and will work with immigration software vendors and other stakeholders in designing such functionality.

Also, the Ombudsman cites private industry practices that encourage e-business so that they can realize cost savings. Unfortunately, in the case of USCIS, the age of many of our legacy systems does not allow us to provide an interface between *e-filed* applications and our database systems that store the applicant's information. Therefore, USCIS will be unable to realize cost savings comparable to industry until legacy information systems are updated and redesigned with more capacity for interface. It would be imprudent to encourage *e-filed* applications until USCIS has procedures in place that actually make *e-filed* applications less costly for USCIS to process than paper-based applications. USCIS expects to develop concurrently the capacity for batch uploading for customers and electronic processing for USCIS, so that mutual benefits can be obtained simultaneously.

In short, USCIS agreed with the intent of this recommendation and continues to monitor its *e-filing* program for potential customer savings. When these savings begin to be realized, then USCIS will consider this recommendation and other alternatives to increase the *e-filing* method of filing applications.

Recommendation 4 – Allow employers to store Form I-9s electronically

USCIS Response. The jurisdiction for review of I-9 data in conjunction with employer sanction investigations rests with ICE. USCIS provides the form on its website as a service to the employer community.

USCIS agreed with the Ombudsman’s recommendation. DHS supported enactment of H.R. 4306, and it became Public Law 108-390 on October 30, 2004 - prescribing an effective date of April 28, 2005. On April 26, 2005, ICE issued interim guidelines to the public on electronic signature and storage of the Form I-9.

USCIS works closely with ICE to ensure that its interests relating to the form itself and work authorization documentation, along with the interests of its customers, are fully taken into consideration in the employment eligibility verification area.

Recommendation 5- Expand the Premium Processing Service (PPS) to include employment-based change of status (I-539) applications.

USCIS Response. USCIS has been evaluating the feasibility, policy considerations, and statutory authority concerning expansion of premium

processing not only to employment-based change of status applications but also to other petitions and applications that may be susceptible to processing through the PPS. At this time, USCIS’ decision to expand the PPS to other form types is still undergoing review internally.

Recommendation 6 - USCIS provide customers with a single forms package per type of petition/application regardless of which district office or service center will process the petition/application.

USCIS Response. The USCIS agreed with the intent of this recommendation. Standardized filing via the lockbox as the single point of entry for applications discouraged the need and the use of unique instructions previously designed by local offices. These unique instructions were aids for customers that included such information as particular office hours regarding certain application types, instructions on how to access certain locations because of security requirements, and other such unique filing instructions that may have developed because of space and information technology challenges in a particular office. In other situations, USCIS offices developed addendums to forms and variances in processes because of court decisions that necessitated a special procedure in specific locations, or because a local office had uncovered a fraud pattern in its geographic area and instituted specific actions to deal with that issue. Although USCIS strives to standardize processes such as forms packages, it must retain the flexibility to support the integrity of processes and the system’s needs. It must be noted that these additional forms instructions were provided in the best interest of the customer and are meant to enhance customer service, not hinder it.

USCIS believes lock box filing will result in a reduction of local variations in forms and procedures.

Recommendation 7 – USCIS should correct a Naturalization Policy Memorandum in order to fully comply with Section 319(a) of the Immigration and Nationality Act, as amended by Public Law 106-386.

USCIS Response. USCIS agreed with the Ombudsman that Section 319(a) of the Immigration and Nationality Act (Act) treatment should be afforded to applicants who obtained permanent residence through a petition to waive the joint petition requirement for removal of conditions of permanent residence (I-751 waiver) on the basis of abuse. USCIS clarified a 2002 policy memo to reflect this position and published it on the USCIS website.

USCIS and the Ombudsman agree that, contrary to arguments that were made by plaintiffs in recent litigation, section 319(a) of the Act does not extend to applicants who did not obtain or remove conditions on permanent residence by virtue of a finding of abuse, but who now are not living in marital union with a U.S. citizen spouse and claim abuse in connection with a naturalization application filed less than 5 years after acquiring permanent residence. USCIS prevailed in this litigation.

Recommendation 8 - USCIS issue national policy guidance on the implementation of INFOPASS to ensure equitable access to immigration services. Specifically, the guidance should direct that:

- 1. All districts should schedule as many INFOPASS appointments as possible.**
- 2. Each field office must either reserve some time each week for walk-in appointments or implement clear procedures for emergency, same-day appointments due to exigent circumstances. To ensure standard implementation nationwide, USCIS Headquarters should promulgate a definition of “exigent circumstances” and provide examples of situations that would warrant same-day appointments.**
- 3. Each field office must either have a kiosk or computer available to help customers make an INFOPASS appointment. If the local offices are not immediately capable of providing this service they must at least compile and provide a list of public libraries, legal services providers, and/or community-based organizations that can help immigration customers make INFOPASS appointments. Local offices should *not* simply use their current list of immigration legal service providers, but should compile a new list with the prior consent of each listed entry.**

USCIS Response. The INFOPASS Program is a recent innovation at USCIS and is now in place at all of our Domestic District offices. Despite positive feedback, USCIS has a team that is working on INFOPASS policy and procedures so that continuous improvements may be implemented as necessary.

USCIS has prepared formal guidance that addresses issues raised by items 1 and 2 in this recommendation.

It is the policy of USCIS that all Field Offices provide opportunities for customers to schedule appointments through INFOPASS, and to also have a process in place to provide services to customers who appear at such offices without appointments due to exigent circumstances.

The Ombudsman's recommendation is consistent with the feedback USCIS has received from its customers. USCIS, in addition to encouraging its customers to schedule appointments through INFOPASS also is encouraging community service providers such as community-based organizations, public libraries, and legal service providers to accommodate those customers who do not have Internet access to make appointments. This initiative is part of an ongoing effort to interact with customers and local communities.

Recommendation 9 - USCIS should cease operation of the Chicago lockbox upon the expiration of its current Memorandum of Understanding (September 30, 2005) with the U.S. Department of Treasury due to:

A. Inefficient shipment of files between USCIS offices, resulting in tracking and management challenges;

B. Inefficient processing within the Chicago Lockbox, resulting in delays in issuing receipts to immigration customers; and
C. Insufficient guidance and oversight within the Chicago Lockbox which have resulted in valid filings being incorrectly rejected and returned to immigration customers.

USCIS Response. USCIS rejected this recommendation. The relationship between USCIS and the Department of Treasury (Treasury) has been in development for many years due to recommendations and criticisms made in various General Accounting Office (GAO) Reports and Audits, and Office of Inspector General Reports over the past fifteen years of legacy Immigration and Naturalization Service and USCIS. At that time, their criticisms focused on existing processes seen as a major detriment to good, sound financial performance.

Since then, USCIS has developed a business strategy over a number of years that ensures consistency in filing, fee receipting, processing, and adjudicating. Part of this business strategy includes turning over the fee receipting to another government entity, whose core mission relates to the processing of fees, in order for USCIS to focus on *its* core mission, the adjudication of benefit applications. This business system supports our vision of the future where electronic adjudications and the elimination of inefficient handling of paper files will be a reality.

The Ombudsman identified many problems in this recommendation that were a challenge to the start-up of the lockbox operation. For example, it was noted that setting up the case resolution unit took

longer than expected, which delayed receipting and file movement. Also, there was some delay in the movement of files from one location to another due to case resolution issues and other issues at the lockbox. Unfortunately, these problems occurred at the beginning of the adjudicative process and thus had a downstream rippling effect on subsequent operational steps. However, USCIS has created processes and procedures to mitigate or eliminate such problems, while addressing problems that arose from their initial impact.

The Ombudsman's recommendation outlined three reasons the Lockbox operation should not be continued which USCIS refutes specifically:

A: Beginning in October 2003, through November 2004, there was a phased-in program that affected certain offices throughout the nation. This initial phase required some Field Offices to send pending applications to the Chicago Lockbox for processing while providing for USCIS to track the movement of the files. The lockbox operation consistently met or exceeded all financial audits related to the lockbox process, including the delivery of data, both electronic and paper to the appropriate office. With the institution of the fully implemented program, beginning in December 2004, applications are now received at the lockbox directly from individuals. The relationship between USCIS and the Department of Treasury has resulted in an expanded lockbox network, proving to be both more efficient and timely in the depositing of funds than the previous method requiring all 82 Field Offices to receipt applications locally.

B: Through the use of the Chicago Lockbox, USCIS has proven to be more efficient in the receipting of applications and

the issuance of the actual receipt to the individuals than it has in the past. In complying with governing Treasury rules, the bank is required to process all receipts within 24 to 48 hours. When not requested to process at capacity overload, the Chicago Lockbox maintains complete compliance with Treasury Regulations. In addition, due to the sophisticated imaging technology used at the Chicago Lockbox, USCIS is able to respond to public inquiries in a more efficient and expeditious manner.

C: Field Operations has put in place an oversight process that has helped ensure that exception cases and unique filings are handled correctly and not rejected improperly. On occasion, USCIS receives inquiries regarding rejected lockbox-processed applications and in the majority of these cases, a review by USCIS indicates that the cases have been processed and appropriately rejected by the lockbox. It is important to note that the lockbox process is completely automated, and not able to correct or complete improperly filed applications, but rejects them and provides the individuals valuable information on how to properly file applications.

Although the Ombudsman has argued for a different approach to adjudications and fee receipting, USCIS believes that implementing this recommendation would be a step backward in modernizing adjudication processing. In short, the Ombudsman's recommendation does not seem to fulfill the spirit of advancing best practices. USCIS is committed to making the adjudication process efficient and effective so that all resources can best be dedicated to core business areas.

Recommendation 10 - Long and short-term recommendations concerning USCIS issuance of permanent resident cards to arriving immigrants.

USCIS Response. This recommendation regarding long and short-term recommendations concerning USCIS issuance of permanent resident cards to arriving immigrants has the following elements:

- 1) In the short term, the Ombudsman recommends that USCIS revise its procedures for processing lost immigrant visa cases in light of new methods available to USCIS to electronically verify valid immigrant visa issuance and lawful admission to the United States.
- 2) For the long term, the Ombudsman recommends that USCIS enter into a memorandum of understanding (MOU) with the Department of State (DOS) and Customs and Border Protection (CBP) to allow electronic transfer of the immigrant visa packet from DOS to USCIS and to automatically initiate production of a permanent resident card (I-551) upon inspection and admission of an arriving immigrant by CBP.

USCIS is generally in agreement with this recommendation. A discussion of the issues and actions taken are provided below.

USCIS agreed with the Ombudsman's short-term recommendation. A similar suggestion was made by employees from the Buffalo District Office to modify immigration visa procedures, particularly as they relate to processing of adopted orphan cases where certain children qualify for automatic citizenship under the Child Citizenship Act

of 2001 upon admission as lawful permanent residents. USCIS implemented these suggestions. It should be noted that USCIS has never required adopted children to be brought to Buffalo for interviews as alluded to in the background section of the formal recommendation from the Ombudsman.

USCIS has not yet implemented the suggestions for broader changes to the immigrant visa processing. However, it has been determined that the adopted orphan citizenship program that has been implemented is working successfully. It was also determined that the old procedures referenced in the 1997 memo are outdated and should be replaced. To that end, discussions have taken place with the State Department's Visa Office to confirm that all of the Machine Readable Immigrant Visa (MRIV) data are accessible through the State Department's Consular Consolidated Database (CCD). Access to the CCD database and all of its relevant elements, would provide USCIS offices with the ability to conduct electronic verification of data and thereby better address processing of lost immigration visa cases. USCIS is currently working with the State Department on the development of memoranda of understanding for the electronic sharing of necessary information between the two agencies. The finalization of these memoranda will support improvements to customer service as well as national security and public safety.

The Ombudsman's recommendation advocates a long-term solution to immigrants arriving at ports of entry with visa packets instead of information being provided electronically through the State Department. The electronic transfer of data and biometrics is a cornerstone strategy of the U.S. VISIT program and any changes to the data being provided to USCIS from that

information will be coordinated with all affected agencies within the Department of Homeland Security (DHS). USCIS is participating with other components of the DHS and the State Department in these efforts. It is essential that the service and enforcement components of DHS and DOS develop the biometric standards, the data fields, and the data systems, in concert to facilitate the transfer of accurate information in electronic formats that can be accessed by the appropriate Department officials.

Recommendation 11 - Whenever USCIS implements a pilot program which directly impacts customer service, USCIS either: 1) at the onset of the pilot program publishes public notice of when the pilot program will begin and terminate, including specific information to customers on the subsequent handling of receipted petitions/applications affected by the pilot program; or 2) provide 30-days notice before terminating a pilot program, during which USCIS shall provide its customers with specific information as to the subsequent handling of receipted petitions/applications affected by the termination.

USCIS Response. USCIS is generally in agreement with this recommendation. USCIS initiated all three Pilot Programs (Dallas, Los Angeles and New York) in the same manner. USCIS offices took the initiative and met with local community organizations explaining aspects of the proposed programs, thus ensuring the community was provided adequate information. From the outset, USCIS indicated that all three pilots, initiated for various reasons, would be 90 days in duration, and then evaluated. Midway, it was decided the pilots would continue during the evaluation period, thus extending

the previously agreed upon 90 day timeframe.

The New York City District Office Pilot was an internal pilot aimed at determining whether USCIS would be better able to detect fraudulent filings through upfront interviews, in addition to determining whether USCIS could adjudicate adjustment cases within 90 days or less. Thus it was substantively different than the other pilot programs that had more of an external customer service orientation. The USCIS evaluation of the New York Pilot indicated the pilot was negatively impacting the backlog reduction effort. The analysis also indicated New York was unable to meet the original concept of the pilot, to identify, interview, and appropriately deny fraudulent filings all within 90 days of initial receipt.

This pilot program was never promoted as a rapid adjustment program, and so, its initiation and termination without public notice was not considered a customer service issue. In retrospect, USCIS believes that advance notice of termination would have been a better course of action.

It is our intention to provide such a public notice for future pilots via the Federal Register, USCIS website, or press release as appropriate whenever the processing of benefits forms directly impacts the way the applicants submit them unless there are law enforcement considerations associated with the pilot program that would be negatively impacted by such notice. It is our belief that in the case of the New York City Pilot the lack of public notice at the commencement was the correct approach as it was an internal process, but notice of cessation of the pilot would have been appropriate.

Recommendation 12 - USCIS should correct apparent failures to perform by its agent (Department of the Treasury and its contractor Bank One Inc.) for its inability to timely issue receipts to petitioners and applicants.

USCIS Response. USCIS established its initial Lockbox operation in Chicago, IL in October 2003. JPMorganChase, Inc., operates this Lockbox under contract to the Department of Treasury as a U.S. Government Depository. This facility receives, processes and deposits fees for numerous applications and petitions in compliance with Department of Treasury requirements that monies presented to USCIS as fees for petitions and applications be deposited at a U.S. Government Depository within 24-48 hours of receipt at the Lockbox.

USCIS has provided the Ombudsman with information and data requested on the operations and processes at the Lockbox facility. USCIS Operations closely monitors the performance of the Federal and private sector partners in this program. USCIS is committed to providing our customers with timely receipt notices as well as with ensuring that fees are deposited timely.

The Ombudsman was concerned that there was a backlog at the Lockbox when he visited in March 2005. The backlog observed was eliminated, and an additional 315,543 applications and petitions were processed by the second week of May, a few days following the transmittal of this recommendation. The backlog that the Ombudsman observed on his March visit was not caused by a failure to perform, but rather by increased filings due to a surge in filings for Temporary Protected Status (TPS). These surges are common in immigration processes caused by commencement and/or termination of

statutory benefit programs, or in this case, an extension of the TPS for certain nationalities.

Unlike other agencies such as the Internal Revenue Service that have a schedule of filing peaks and valleys in their workload, USCIS' workload surges are erratic and follow no such annual or seasonal pattern. This results in ongoing challenges for the USCIS in terms of planning and coping with workload surges while not always knowing exactly when they will occur. Also, it is the rare case that additional funding authorization is provided to USCIS when statutory or regulatory changes are made resulting in workload surges as they occur.

USCIS has developed strategies to minimize the harm caused by the inefficiencies of the current funding processes and to cope with the issues described above. One of these strategies has been this partnership with Department of Treasury and the private sector to create Lockboxes to process application receipts and remittances. The Lockbox reduces costs for USCIS and its customers, permits USCIS to outsource work (data entry, and fee processing) not core to the business of providing immigration information and adjudications, and supports USCIS efforts more readily to adapt to workload surges when they do occur. In the case of the most recent TPS surge, USCIS was able to address this surge by handling the initial work at the lockbox rather than creating backlogs in our local offices.

As USCIS moves forward on initiating and expanding the lockbox concept, there have been challenges that had to be overcome. USCIS experienced some delays which are common with the conception and start-up of any new program. USCIS has reengineered the process and since April 2004, has not

experienced any ongoing delays as was captured in this recommendation. During the Ombudsman's visit to the newest lockbox located in Los Angeles, California, the Ombudsman acknowledged that USCIS had eliminated many of the growing pains there that had been experienced at the first lockbox USCIS had in Chicago. Not only has USCIS met and overcome the challenges inherent in the start-up of this new program but it also has incorporated processes, procedures, and metrics to mitigate and ultimately, eliminate such problems.

In the past the Ombudsman has suggested that USCIS revert back to filings with fee collections performed at our local offices. USCIS has 82 local offices, and has found that a decentralized filing approach results in disparate treatment, multiple points of failure, and increased costs of trying to staff all offices to process receipts and remittances timely. The monitoring of fee receipting at 82 offices is considerably more cumbersome, inefficient, and expensive than monitoring performance at a limited number of lock boxes.

It is for these reasons that the USCIS does not agree with this recommendation.

Problems

The Annual Report also provided a summary of some "pervasive and serious problems" observed by the Ombudsman. These topics also deserve discussion.

Backlogs

USCIS continues to make substantial progress toward meeting its backlog elimination targets by October 1, 2006. The goal has been to process all categories of

cases within 6 months from the time of filing and to meet that goal by the end of FY 2006. However, in some instances USCIS has surpassed this goal and has established more aggressive targets, such as a cycle time target of two months for petitions for nonimmigrant workers (Form I-129). USCIS' progress on backlog elimination is described in quarterly reports to Congress. USCIS and the Ombudsman share the long-term goal of processing all cases with the attention for which customers currently pay extra for "premium processing."

Interim Benefits

USCIS has historically provided "interim" work and travel authorizations to permanent residence applicants where processing of their application exceeds 90 days. The Ombudsman points out that interim employment documents can often serve as "breeder" documents that enable applicants to obtain other identity documents that may outlive the duration of an unsuccessful permanent residence application, thereby facilitating overstays. USCIS agrees that the best way to avoid issuing interim documents is to speed processing times. USCIS is already achieving that processing time in some offices and will aim for that goal in all offices. USCIS is also taking steps to ensure that interim documents are not provided to applicants who have not cleared basic security checks or who have not provided the essential evidence of eligibility for permanent residence. Some of these initiatives may require additional rulemaking.

Employment Based Processing

The Ombudsman has pointed out several effects of USCIS' previous backlogs in employment-based permanent resident

filings, including, but not limited to: failure to use all of the visa numbers annually allocated to employment-based immigration, failure to cause the Department of State to adjust the “priority dates” established for several employment based categories, and failure to properly account for filings and to stop accepting filings where visa numbers are not available. USCIS has worked diligently to process Petitions for Immigrant Workers and has recently achieved 6-month average cycle times for such petitions. By completing these cases at a faster rate, and by demonstrating to the Department of State the volume of such additional cases already in the USCIS “pipeline,” USCIS revealed the extent to which existing immigrant visa quotas are already accounted for. This has enabled the Department of State to adjust employment-based “priority dates” in a manner that restricts the flow of new adjustment filings to a level that is commensurate with existing annual quotas, as reflected in the Visa Bulletin for October 2005.

Background and Security Checks

The Ombudsman has recognized the challenges faced by USCIS in using existing tools to complete and resolve background checks on each applicant for immigration benefits. USCIS is working with the Department and with the FBI to seek more efficient and effective means to ensure that immigration benefits are not afforded to aliens who are a risk to national security or public safety. Additionally, USCIS has been developing technology tools to store and retrieve biometric data more effectively and to track and share the resolution of background checks. These tools will benefit customer service, efficiency, and national security goals.

Information Technology

The Ombudsman and USCIS agree that replacing USCIS’ outmoded technology and integrating various databases remains among USCIS’ most urgent challenges. USCIS is working with the Department to clarify and implement a business transformation program supported by an account-based database and a robust and flexible case management system. Implementation of these tools within our organization will benefit customer service and national security goals, and increase efficiencies.

Case Status Information

The most important way to improve customer service information is to better display such information for customers, information officers, adjudicators, and contractors. Our goal is for a broader range of customers to be able to obtain case status information directly through the USCIS website or through email alerts as each step in the application process is completed. One of USCIS’ most significant recent accomplishments has been the INFOPASS system which has allowed a more rational process by which a customer can arrange a personal visit to a USCIS office and speak directly to an immigration information officer. The process for handling calls to the National Customer Service Center has been improved, especially with the completion of a system by which inquiries about long-processing cases can be tracked to completion. Additionally, USCIS is in the process of initiating a competition for the call center contract which is intended to improve the service provided to our customers.

Coordination and Communication

USCIS is taking steps to improve the level of coordination between its two primary types of offices: service centers and local offices. The mantra of “one team, one goal” has been emphasized throughout the organization. USCIS has improved the dissemination of headquarters guidance by distributing to all employees daily news broadcasts summarizing and linking to new policy guidance. Employees can find those memos on the USCIS intranet, and appropriate items are also placed on the external website. USCIS is placing new emphasis on the Adjudicator’s Field Manual (AFM), the repository of practical policy guidance derived from various memos and other authorities. USCIS will place the AFM on the Internet for its customers to see, with sensitive information redacted from public view, just as the State Department has done with its Foreign Affairs Manual.

Standardization of Business Processes

USCIS recognizes the need for more standardization in its decision-making and processes, and simplification is the best way to reach this goal. Clearer rules result in faster and more consistent decisions. The enhanced use of the AFM, combined with better training and dissemination of new policy, will help reach this goal. USCIS will seek to simplify its forms by using fewer forms to accomplish its functions. USCIS already has eliminated significant inconsistency in local processing methods by centralizing the filing of family-based permanent residence filings in the National Benefits Center. This means that all customers use the same sets of forms to seek the same benefits no matter where they live. USCIS is adding additional staff and resources in offices with longer processing

times so that all offices will have comparable, and acceptable, cycle times. With the increased use of technology, the USCIS goal of distributing work to offices with shorter cycle times will be more attainable as this newer technology is deployed.

Staffing

USCIS had allocated new resources to some offices in reaction to the LIFE Act of 2000 for volumes of anticipated cases that did not fully materialize. Meanwhile, the performance of additional background checks following 9/11 caused heavier resource demands in other offices. During FY 2005, USCIS has detailed officers from offices with shorter cycle times to offices with longer cycle times. The goal is to emerge from the backlog elimination period with a staff size in each office commensurate to future expected filing volumes. USCIS will continually analyze volumes to make adjustments in staffing as necessary. Also, in the area of staffing, USCIS now requires applicants for permanent adjudicator positions to pass a writing test to ensure that its long-term work force has the essential skills necessary for a first class customer service agency.

Training

USCIS is improving its training system in several areas. The Management Rotation Program required by the Homeland Security Act of 2002 has been developed and will be implemented in FY 2006. The Office of Training and Career Development (OTCD) has identified the educational needs for rising leaders and is currently making arrangements to offer additional general management training opportunities.

Learning materials for the resident multi-week sessions for new adjudicators are being revised, and a series of online courses for follow-up training for adjudicators on various topics is under development. Advanced training for all Immigration Officers is being reconstituted and will be reintroduced in FY 2006. In addition, USCIS designed a special training initiative for adjudicators hired to assist in backlog reduction that combines online training with traditional residential classroom training, and On-the-Job Training mentored/supervised in the local offices. This collaborative effort is a harbinger to channeling all USCIS training into a blended approach.

Pilot Programs

USCIS has cooperated with the Ombudsman in devising pilot programs to explore new ways of processing different types of cases. These experiments have been fruitful.

For instance, a “green card renewal/replacement” pilot has resulted in USCIS’ implementation of a new method of Form I-90 (Application for Replacement Permanent Resident Card) processing that begins with the filing of a form and fee, continues with the submission of any supporting identification papers at the Application Support Centers where biometrics are taken, and results in a new permanent resident card being delivered to the applicant normally within 5 days of the ASC visit. This new process simultaneously yields much better service to customers, who previously had to wait sometimes months to receive their cards, and provides better security and process integrity through tighter identification confirmation measures.

Other pilot programs involving initial permanent residence processing have yielded useful information about processing options. It has become clear that background checks need to take place early in the process and before any interim benefits, such as employment authorization, are provided. USCIS has determined that a 90-day process, as opposed to a 6-month process, is preferable, and that speed and quality of processing is a major goal beyond mere backlog elimination. Possibilities for use of customer interaction over the Internet for scheduling interviews have been explored. USCIS believes that, with improved technology and the elimination of the backlog, the best aspects of electronic case filing and personal interview scheduling learned from the pilot programs can be combined to meet USCIS’s goal of protecting national security while providing excellent customer service.

Conclusion

The USICS and the Ombudsman have a shared interest in the fulfillment of the USCIS mission and vision for the future. There are several points of agreement and they are:

- World class customer service is a goal of USCIS
- Give the right benefits to the right person in a timely manner
- Current backlogs impact efficient and effective service and have the potential for a negative impact on national security
- Background and security checks continue to present ongoing challenges and delays
- Granting interim benefits due to delays related to backlogs for certain application types negatively impact our customers
- Staffing and effective training are challenges that persist throughout the agency
- Increased standardization of various business processes throughout the agency will increase efficiencies in operations
- Fee Structure and workload surges cause hurricane-like

changes impacting efficient operations

- Enhancement of Information technology systems and infrastructure can lead to increased efficiencies subject to funding and work processes

USCIS looks forward to further discussions with, and recommendations from, the Ombudsman.