

# A Message from the Ombudsman



I am honored to submit the second Annual Report to Congress of my tenure as the Citizenship and Immigration Services Ombudsman. In this Report, we detail USCIS's accomplishments and challenges across the spectrum of family, humanitarian, and employment-based immigration.

Having spent my career in the immigration field, I recognize USCIS's achievements in turning the legacy Immigration and Naturalization Service into the more agile and customer-oriented agency it is today. In the past are years-long processing times for naturalization and green card applications. The addition of the USCIS Lockbox operations and the National Benefits Center have brought about more efficient and reliable intake and filing processes. The days when many immigrants feared approaching the agency for information have been replaced by a commitment to outreach with community relations officers who play a vital role in connecting USCIS to the communities it serves. Indeed, public engagement has become fundamental to the way USCIS conducts its work and is regularly part of developing new policy and initiatives.

USCIS service centers have also demonstrated that the agency can manage high volume, for example by successfully implementing the Deferred Action for Childhood Arrivals program. Their work requires constant adjustment to rising and shifting workloads, while addressing customer inquiries, vetting individuals, and screening for eligibility for immigration benefits.

This year, USCIS promptly and efficiently implemented the U.S. Supreme Court decision in *Windsor*,<sup>1</sup> holding Section 3 of the Defense of Marriage Act (DOMA) unconstitutional. Almost immediately following the June 26, 2013 decision, USCIS began adjudicating immigration benefits submissions filed on behalf of same-sex spouses. USCIS effectively tracked previously filed cases and reopened those that were denied solely because of DOMA. The agency response to *Windsor* shows its capacity to provide world-class service.

USCIS also issued guidance during this reporting period providing parole in place for spouses, children, and parents of active members of the U.S. Armed Forces and other military family members. This long-awaited policy ensures that our military personnel can focus on their readiness, rather than their families' immigration status.

Near the close of this reporting period, USCIS issued needed guidance pertaining to the Provisional Waiver program, an important tool to support family unity that should be expanded to include other immigrant categories in the future. In the same manner as the *Windsor* response, the agency is to be commended for proactively reopening and re-adjudicating provisional waiver cases impacted by the new policy.

USCIS's efforts to address gaps in policy and improve operations in the EB-5 Immigrant Investor program are noteworthy. Shortly before publication of our 2013 Annual Report, USCIS issued comprehensive new policy guidance. The agency also relocated its adjudications unit to Washington, D.C.; hired a new program office lead, adjudicators, and economists; and re-started stakeholder engagements. The result is a transparent and rejuvenated investment and job creation program, with a focus on customer service and integrity.

As we close another reporting period, however, challenges that USCIS customers currently face still mirror difficulties of decades past. Many of these challenges lie with the USCIS Service Center Operations Directorate, where over 50 percent of USCIS adjudications are performed. Service centers, as well as certain field offices, still struggle with ensuring quality and consistency in adjudications. Overly burdensome and unnecessary Requests for Evidence (RFEs) continue to erode trust in our immigration system, delay adjudications, and diminish confidence in adjudicators' understanding of law and policy. Erroneous template denials and the incorrect application of evidentiary standards cause hardship to individuals and employers.

<sup>1</sup> *United States v. Windsor*, 570 U.S. 12 (2013) (Docket No. 12-307).

Service centers continue to operate under inconsistent local rules that lead to disparities in adjudications. Shifts in production priorities still require more vigilant and strategic planning to avoid significant backlogs in other product lines, such as those that developed this past year in family-based petitions for immediate relatives. Meanwhile, many customers still receive inadequate and vague information about pending cases, and they are unable to rely on posted processing times due to the manner in which the agency calculates them.

In this year's Report, we address ongoing concerns regarding policy and field office adjudications of Special Immigrant Juvenile (SIJ) petitions, which offer immigration relief to children who are found by a state court to be abused, neglected, or abandoned. Many of these SIJ issues were the subject of Ombudsman recommendations in 2011. We also discuss persistent challenges in high skilled adjudications, including RFEs. Again, we include adjudications data (RFE and approval rates) for key nonimmigrant employment categories, and, for the first time, data pertaining to decisions by USCIS's Administrative Appeals Office.

I am hopeful that some of the longstanding issues discussed in this Report will be addressed through USCIS's new Quality Driven Workplace Initiative. The agency has converted employee performance standards from quantitative to qualitative measures, seeking to foster an environment in which quality decisions and customer service are front and center priorities. Over the past decade, USCIS has accomplished much, but the agency must continue to seize every opportunity to fully complete its transformation.

During this reporting period, my office received approximately 6,100 requests for case assistance – over one third more than we received in each of the two previous years. While I welcome the stakeholder recognition of our effectiveness at performing our statutory mission, I also believe this 35 percent increase in our casework underscores the need for USCIS to improve the quality of adjudications and service delivery across all product lines.

In August 2013, I became Chair of the Department of Homeland Security's Blue Campaign, the unified voice for DHS's efforts to combat human trafficking. Working in collaboration with law enforcement, government, non-governmental, and private organizations, the Campaign strives to protect the basic right of freedom. I am very proud of the work of my colleagues in the Department and across the entire U.S. government to combat the heinous crime of modern day slavery, and I thank the many Members of Congress who are working arduously to make our communities safe, especially our youth, from those who exploit humans as a commodity.

Today's immigrants, like those who came before them, dream that the future will be better in America for their children and their grandchildren. Whether they are fleeing persecution, throwing off the shackles of human trafficking, reuniting with family, or hoping to start a new business, immigration is essential to and enriches our country.

I want to thank Secretary of Homeland Security Jeh Johnson, Deputy Secretary Alejandro Mayorkas, and USCIS Acting Director Lori Scialabba for their support and continued collaboration. I am privileged to play a role in helping to make the U.S. immigration system more efficient, responsive, and just.

Sincerely,



Maria M. Odom  
Citizenship and Immigration Services Ombudsman