

Recommendation #1

Streamlining Family-Based Immigrant Processing

The Ombudsman has recommended a new process for accepting family-based applications for permanent residence. This process would allow USCIS to adjudicate these applications within 90 days, thereby eliminating the need for the interim benefits of employment authorization and advance parole. Based on this recommendation, USCIS engineered a pilot program that would allow us to process most applications in 90 days and would also allow us to conduct background and criminal checks at the earliest stage of the process. The Ombudsman's recommendations are in bold type and the USCIS responses are below the recommendation.

Immediate relatives of U.S. Citizens applying for lawful permanent residence are subjected to extensive processing times... in certain USCIS offices, processing times have stretched in excess of two years.

USCIS processing times for all benefits, including immediate relatives of U.S. Citizens, have been reduced and by October 1, 2006 we will reach a six-month average processing time for all applications, as mandated by Congress.

While an immediate relative application package for lawful permanent residence is pending, an applicant is eligible to apply for interim benefits. These interim benefits must be renewed on an annual basis.

USCIS recognizes that this has been both a financial and a time burden to the applicants. However, the reduction in processing time has alleviated the need for annual renewal of documents in most cases.

The Ombudsman recommended to USCIS a one-step, front-end adjudication process whereby applicants would appear at a USCIS local office to file application packages for permanent residence and be interviewed on the same day.

This process creates an invisible line. The applicant must schedule an appointment via INFOPASS. While waiting for the appointment, USCIS does not have any information regarding the applicant and the applicant is not eligible for any benefits, such as employment or travel authorization. This neither improves security nor customer service. If there is a related A-file, the adjudications officer will not have it available until after the interview. FBI name check is not run until the day of the interview. Fingerprints also are not scheduled until the day of the interview. All cases received in this manner must be continued. The 90-day clock on issuing interim documents would begin on the day of the appointment instead of the date of receipt. If there are any surges in filings, the length of time an applicant waits for the appointment will increase. During that time the applicant is not eligible for interim benefits and we do not have the information to run background and fingerprint checks. The inability to file immediately also causes potential problems to applicants who are aging out or whose visa numbers regress.

There are also financial concerns with the one-step process. Fees are not deposited within 24 hours as required by the Treasury Department. Reviewing and rejecting cases means that USCIS is expending resources for which we are not being reimbursed. When there is an issue with the remittance, such as a bad check, we are not reimbursed for the resources we have already expended on the case and it is difficult to recoup the money.

The Dallas District Office implemented this recommendation (Dallas Office Rapid Adjudication(DORA)) in May 2004. One of the major concerns has been the processing of the cases that were pending on the date of the new process. Normally an office processes cases on a first in, first out basis. With the implementation of DORA, the new cases were being processed before the older pending cases. Until the old cases are completed, Dallas is using a two-pronged approach to case work – one for the DORA cases and another for the older cases and any cases that the applicants prefer to file through the normal lock box process.

Because there were several flaws with DORA, some of the District offices developed a revised 90-day project. Under the revised project, the applicant would file the application at their convenience with the lock box in Chicago. Fees would be deposited within 24 hours and bad checks would be caught almost immediately, and prior to any processing by USCIS. The National Benefits Center (NBC) would then take the application and conduct the clerical processing, including requesting the A-file and putting the case together in its proper order. The NBC would also submit the FBI name check and schedule the applicant with the Application Support Center (ASC) for fingerprints. There has been some difficulty in San Diego with the ASC scheduling, but this problem is being resolved.

No later than day 75, the NBC would ensure the case has been scheduled for interview and the application and file has been sent to the receiving district office. This process relieves the burden on the local office to do the clerical work and in most cases the name check and fingerprints are cleared prior to the interview. If the case is granted, the applicant will receive the Lawful Permanent Resident Card (green card) prior to 90 days passing from the date of receipt of the application. If the applicant does not receive a decision on the day of the interview, USCIS still has time to process an application for an Employment Authorization Document (EAD) through the more secure ICPS process rather than the local office process.

Of course, should there be a surge in the number of applications, the length of time before the interview could be extended and the applicant would be eligible for interim benefits. However, the name check would have been submitted, the fingerprints scheduled, and a review for sufficiency conducted. If a case is not sufficient, a request for evidence is sent out, effectively stopping the clock on interim benefits.

This process ensures that we know who the applicant is very soon after they contact us by submitting their application. We obtain background checks at the earliest

time possible. The applicant receives either the green card or an EAD within 90 days of their application. This 90 day initiative is more security focused and customer friendly than DORA and resolves the Ombudsman's concerns and the reasons for his recommendations for DORA as stated below:

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 effort and labor hours are reduced, as applications are processed in a more streamlined manner.

Cases received at the NBC are screened prior to issuance of any interim benefits. If a case is deemed frivolous or can be denied for any reason that does not require an interview, the case is denied and no interim benefits are granted. It is important that these cases are denied rather than rejected so that USCIS has a record of a frivolous or fraudulent application. This will help to ensure that the applicant does not attempt to re-file with a different office.

The Ombudsman recently forwarded a recommendation to USCIS to rapidly expand on the innovative Dallas pilot program.

USCIS has tried the Dallas pilot program as well as a reworked 90-day pilot. We have determined that the reworked pilot better serves USCIS, our customers, and the U.S. public. It improves customer service, national security, and the integrity of the immigration process. However due to the Ombudsman's concerns, we will continue the DORA pilot, expanding it to all adjustment of status applications in Dallas. Additionally, we will expand this pilot to several other offices once we determine which offices those will be. We agree that moving 100% of the Dallas cases to the pilot and adding additional offices to the program is necessary to enable USCIS to obtain and develop accurate information that will lead to a more analytic comparison of the program.

Under a transformed system under conceptual development at USCIS, some of the DORA and USCIS pilot approaches will merge. Rather than only schedule an appointment to file papers, a customer will be able to file the application online and simultaneously schedule an ASC appointment and the interview. Background checks will be performed instantaneously upon filing and upon fingerprinting. A single filing fee will cover the petition and adjustment application as well as any work and travel documentation deemed by USCIS to be necessary and appropriate. The interview and decision will (where resources are increasingly available) take place within 90 days, so that no interim documents are necessary. Where the customer's failure to provide required information has delayed the adjudication, no interim documents will be

afforded. Where USCIS processing exceeds 90 days, work and travel documents will be issued without application or additional fee. Electronic case assignment, scheduling, delivery and decision recording will reduce adjudicator time spent in ministerial functions and will tend to reduce cycle times.