The following recommendation was issued as part of the CIS Ombudsman 2004 Annual Report to Congress. A copy of this report may be obtained from the CIS Ombudsman Website at http://www.dhs.gov/cisombudsman.

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 package[1] 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 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.

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

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.