

The following USCIS response was received as part of a collective response to several recommendations submitted by the CIS Ombudsman. The following response has been extracted from the original document received by the CIS Ombudsman for display and readability purposes.

**Recommendation to USCIS to 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.**

Through a Memorandum of Understanding (MOU) with the Department of the Treasury, USCIS has established a Lockbox operation in Chicago, IL. JPMorganChase, Inc., operates this Chicago 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 the 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.

As of March 31, 2005, the Lockbox received a total of 123,381 envelopes containing an estimated 250,000 fee-based petitions and applications valued at \$33,411,205. This increased volume included adjustment of status, and the anticipated surge in Forms I-821 and Forms I-765 from certain applicants for temporary protected status (TPS). The surge in TPS volume and accompanying fees was reported through the appropriate channels, and the previously constructed operational plan for such surges in volume was put in place. It is important to note that when a Treasury Lockbox facility experiences a surge such as this, Treasury procedures allow for an alternative, mutually agreed upon processing time for deposits. Although the number of TPS and the accompanying ancillary applications referenced continued to arrive at the Lockbox throughout the month of April, 250,000 applications and petitions were receipted and processed by the Lockbox by the third week of April.

USCIS has provided the Ombudsman with information and data requested on the operations and processes at the Lockbox facility. The Office of Field 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 insuring that fees are deposited timely. Although the Ombudsman apparently reviewed the data provided by USCIS, and the data is accurate, the discussion in the recommendation is so narrowly focused that the more relevant and significant issue of workload surges is buried within the discussion of the recommendation regarding the Lockbox operation.

The Ombudsman was concerned that there was a backlog at the Lockbox when he visited in March. The backlog referenced above 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 visit in March was not caused by a failure to perform, but 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 categories of immigrants. Unlike other agencies such as the Internal Revenue Service who have a schedule of filing peaks and valleys in their

USCIS Response to Ombudsman  
May 25, 2005

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.

The recent passage of the Real ID Act is one of the most recent examples of this new work without associated increased funding. Although that Act created 50,000 new immigrant visa numbers for schedule A nurses and permits an excess of 35,000 additional H-2B visas to be made available during the remainder of FY 2005, no authorization for funding was provided for either FY 2005 or FY 2006 to process this work.

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 to partner 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 our business of providing immigration information and adjudications, and supports USCIS efforts more readily to adapt to workload surges. In the case of the most recent surge due to the TPS change, USCIS was able to eliminate a surge in filings that could have created backlogs in many of our offices for months.

We do not want delays in providing receipt notices to our customers, nor do we want remittance deposits delayed. Our partner in this program, the Department of the Treasury, is responsible for insuring that remittances are deposited in a timely manner. In partnership with them, USCIS is confident that, as we move forward on expanding the lockbox concept, the overall impact of workload surges will be minimized as the expansion of this program continues.

In the past the Ombudsman has suggested that USCIS revert back to filings with fee collections performed at our local offices. We have 82 local offices, and have 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. USCIS currently has one lock box in Chicago, and a second lock box was opened in Los Angeles in June 2005.