



**Homeland
Security**

RECOMMENDATION FROM THE CIS OMBUDSMAN TO THE DIRECTOR, USCIS

To: Eduardo Aguirre, USCIS Director
Cc: Michael P. Jackson, Deputy Secretary

From:: Prakash Khatri, CIS Ombudsman

Date: June 10, 2005

Re: Recommendation to USCIS to (i) revise 8 CFR § 223.3(a)(2) to extend the period of validity for refugee travel documents from 1 year to 10 years and (ii) establish a policy of adjudicating I-131 applications for refugee travel documents and reentry permits within 6 weeks, the same amount of time it takes a U.S. citizen to acquire a passport.

I. RECOMMENDATION

Recommendation to USCIS to (i) revise 8 CFR § 223.3(a)(2) to extend the period of validity for refugee travel documents from 1 year to 10 years, and (ii) establish a policy of adjudicating I-131 applications for refugee travel documents and reentry permits within 6 weeks, the same amount of time it takes a U.S. citizen to acquire a passport.

II. BACKGROUND

The Nebraska Service Center (NSC) of USCIS adjudicates the Form I-131 Application for Travel Document for individuals seeking refugee travel documents or reentry permits pursuant to 8 CFR Section 223. Refugee travel documents are issued to individuals holding valid refugee or asylee status, or to lawful permanent residents (LPR) who received such status as a direct result of their refugee or asylee status. Refugee travel documents are necessary for such individuals to travel outside and legally reenter the United States because maintaining asylum and refugee status prohibits an individual from using a passport issued by the country from which the individual has been granted protection. Reentry permits are issued to LPRs or conditional permanent residents which enable these individuals, if outside the United States for six months or more, to apply for admission upon return without the necessity of obtaining a returning resident visa.

Under 8 CFR § 223.3(a)(2), refugee travel documents are “valid for 1 year, or to the date the refugee or asylee status expires, whichever comes first.” Individuals who are admitted in refugee status or granted asylum are eligible to apply for LPR status one year after they are admitted in refugee status or granted asylum. However, in recent years asylees have been subjected to waiting times for adjustment in excess of 10 years because of the statutory cap limiting annual asylee adjustments to 10,000. Even with the cap recently eliminated, current

backlogs will make it difficult for USCIS to process asylee adjustment applications quickly. In addition, refugees and asylees granted LPR status must wait another 5 years to apply for citizenship, and longer still to be naturalized, at which point they finally are eligible to obtain a U.S. passport. So, in the best of circumstances, an asylee, even if able to become an LPR in minimum time, is still required to use a refugee travel document for at least 6 ½ to 7 years.

A review of USCIS statistics indicates that the processing time for I-131 applications as of April 21, 2005 was just over four months, which is down from more extended processing times that have existed in recent years. This improvement resulted from assigning additional officers to adjudicate I-131 applications, but most of these additional officers have now been reassigned. As a consequence, the rate at which the I-131 inventory is decreasing has slowed considerably in recent months.

III. JUSTIFICATION

Individuals who apply for reentry permits or refugee travel documents already possess legal status and are merely applying to receive a document affording them the travel benefits associated with this status. In this way, these individuals are applying for a benefit comparable to the benefit sought by U.S. citizens who apply for a passport. A U.S. citizen applying for a passport pays less than a non-citizen does to obtain a refugee travel document or reentry permit, but is able to obtain the passport in no more than 6 weeks, and usually sooner.

Long delays in receiving refugee travel documents or reentry permits from USCIS have disrupted the travel plans not only of non-citizens, but often of their citizen family members and traveling companions who have been able to obtain passports for themselves in less than 6 weeks but are forced to wait many months before their non-citizen companions are able to travel with them. This frustration has only been compounded by the fact that refugee travel documents are only valid for one year, which has caused some individuals to file for their *next* refugee travel document immediately after they receive one, in anticipation of an extended processing time for the replacement. Furthermore, customers who obtain refugee travel documents retain their status for many years, requiring them to apply multiple times for essentially the same document.

The one year period of validity for refugee travel documents also unnecessarily differentiates these documents from U.S. passports. The U.S. Department of State issues passports with a period of validity of 10 years. Likewise, USCIS issues I-551 LPR cards (green cards) with a period of validity of 10 years. Extending the period of validity for refugee travel documents to 10 years would be consistent with policies concerning similar documents, would alleviate the burden and cost imposed on applicants who currently have to apply for multiple refugee travel documents prior to becoming LPRs and citizens, and would significantly decrease the number of I-131 applications processed by USCIS, allowing it to reassign resources to other areas.

Finally, based on a review of USCIS statistics and a demonstration of the I-131 adjudication process by the NSC staff to the Ombudsman, it is apparent that the goal of adjudicating I-131 applications for refugee travel documents and reentry permits within 6 weeks is readily attainable.

IV. BENEFITS

Customer Service:

Customers would receive refugee travel documents and reentry permits more quickly, thus reducing complaints and inquiries to USCIS, the CIS Ombudsman, and Congress. Customers needing a refugee travel document to travel will be spared the cost and burden of reapplying for this document every year for the many years they wait to obtain lawful permanent residence and citizenship.

USCIS Efficiency:

USCIS would receive fewer I-131 applications allowing it to allocate resources to other areas and further reduce processing times for more heavily backlogged applications and petitions. USCIS would receive fewer complaints and requests to expedite I-131 adjudications, both of which require additional resources to manage and resolve.

National Security:

This recommendation poses no risks to national security. Individuals are granted asylee or refugee status only after all required security checks are performed, and additional identity and security checks are performed when the I-131 application is processed. USCIS may perform security checks at other times as well, such as during the adjustment of status application process. In addition, individuals traveling on refugee travel documents or reentry permits are subject to inspection and other security measures at ports-of-entry upon their return to the United States.