

EXECUTIVE SUMMARY

The statutory mission of the Ombudsman is to:

- Assist individuals and employers in resolving problems with U.S. Citizenship and Immigration Services (USCIS);
- Identify areas in which individuals and employers have problems in dealing with USCIS; and
- Propose changes to mitigate identified problems.

During the reporting period, the Ombudsman continued to provide assistance to USCIS customers, identify problems, and recommend solutions to a number of systemic problems confronting USCIS. These recommendations focused on customer service, while enhancing security and efficiency. This report provides details on activities undertaken by the Ombudsman from June 1, 2005 through May 31, 2006. Information boxes provide readers with: (1) USCIS best practices; (2) additional recommendations; and (3) descriptions of actual case problems.

Pervasive and Serious Problems

Pervasive and serious problems faced by USCIS and its customers include:

- A. Backlogs and Prolonged Processing Times** – USCIS customers continue to face lengthy and costly waiting periods for benefits, while many ineligible or fraudulent applicants enjoy interim benefits such as employment authorization;
- B. Untimely Processing and Systemic Problems with Employment-Based Green Card Applications** – USCIS' inability to process enough green card applications in prior years has resulted in a backlog of employment-based green card applications;
- C. Lack of Standardization Across USCIS Business Processes** – Processing times and the quality of decisions between offices are inconsistent;
- D. Pending I-130 Petitions** – Over one million family-based immigration petitions are pending with USCIS leaving customers frustrated and creating extra work for USCIS. Most of these petitions have been pending for many years and may not be adjudicated for many more years; USCIS does not consider them as part of its backlog;
- E. Interim Benefits** – Legitimate customers pay for services they would not need if the underlying petition were timely processed, while ineligible and fraudulent applicants receive work authorization and travel documents because of processing delays;
- F. Name Checks and Other Security Checks** – Some security checks significantly delay adjudication of immigration benefits for many customers, hinder backlog reduction efforts,

and may actually compromise security as they allow potential security risks to remain in the United States for extended periods of time;

G. Funding of USCIS – Because of the congressional requirement that it be self-funded from fees, USCIS often makes decisions that compromise operational efficiency to ensure revenue flow;

H. Information Technology Issues – Despite years of study and effort aimed at modernization, USCIS continues to use paper-based processes instead of modern technological advances. This leaves immigration officers without access to critical data due to legacy agency information systems which cannot communicate with one another;

I. Limited Case Status Information Available to Applicants – Customers are frustrated with the lack of reliable information available to them because of: limited customer access to USCIS immigration officers who have knowledge of individual cases; questionable accuracy of the information provided; insufficiently detailed information provided to answer specific inquiries; and the practice of providing minimal information to customer inquiries;

J. Coordination and Communication – A general lack of coordination and communication between USCIS offices and between USCIS and other agencies cause processing delays, inconsistency in adjudications, and costly inefficiencies;

K. Training and Staffing – A general lack of relevant training and staffing problems leave the USCIS workforce ill-equipped to handle the volume and complexity of the workloads they face;

L. Green Cards Collected, Not Recorded, and Green Card Delivery Problems – Untimely and inaccurate updating of records results in major inconveniences for some USCIS customers and misdirected green cards for others;

M. Delay in Updating U.S. Citizenship Designation in Records – Some naturalized citizens cannot apply for passports because naturalization cannot be verified.

Many of these problems are not new. More discussion and recommended solutions are provided in the report.

USCIS Revenue

While an entire section is devoted to USCIS funding and budgets, revenue-related statements recur throughout the report because of the centrality of that issue across all USCIS operations. Under current funding structures, USCIS is unable to maximize efficiency and make USCIS a true world-class customer service provider. Of even greater concern, funding needs distract from implementing processes that would enhance national security.

Up-front Processing

The report highlights the value of up-front processing of applications for USCIS benefits. This is a key Ombudsman recommendation. Modeled on the Dallas Office Rapid Adjustment (DORA) pilot program, such a process could dramatically improve customer service and efficiency, while deterring fraud and enhancing national security. Up-front processing modifies current USCIS processing procedures to complete as many actionable items on a case as possible when USCIS accepts the application/petition for processing.

Data from the DORA pilot program, when projected against USCIS national statistics, demonstrate the tremendous savings that could be achieved. Those statistics also illustrate how the practice of obtaining interim benefits by individuals who abuse the process can be virtually eliminated.

Recommendations

This report discusses the Ombudsman's 13 formal recommendations to the USCIS Director during the reporting period, which include:

- A. Extend the validity periods of refugee travel documents and process I-131 applications within six weeks (the average U.S. passport processing time) (Recommendation # 16);
- B. Eliminate the "Return Service Requested" postal meter mark to reduce the quantity of mail returned to USCIS and improve the likelihood that customers will receive critical correspondence and documents from USCIS on a timely basis (Recommendation # 17);
- C. Provide more and better information regarding the availability of visas in certain nonimmigrant categories (Recommendation # 18);
- D. Standardize asylum decision delivery processes and modify the asylum pickup decision delivery process for purposes of efficiency and convenience to USCIS customers (Recommendation # 19);
- E. Change Administrative Appeals Office operations and practices to be more transparent (Recommendation # 20);
- F. Use of Notice of Action Form I-797 by the Asylum Division to reduce the need for USCIS customers to make repeat visits to an asylum office (Recommendation # 21);
- G. Issue Notices to Appear (NTAs) whenever a green card application is denied and the applicant does not have a lawful immigration status (Recommendation # 22);
- H. Eliminate fingerprint requirements for all active duty military personnel who are applying for naturalization (Recommendation # 23);

I. Amend current USCIS asylum adjudication procedures to eliminate duplicative processes, discourage abuse, and update procedures to follow the provisions of the Homeland Security Act of 2002 (Recommendation # 24);

J. Issue multi-year EADs in cases where USCIS knows that processing times exceed one year and amend regulations and processes to eliminate gaps in employment authorization currently experienced by many applicants (Recommendation # 25);

K. Accept DNA testing to improve accuracy of decisions on family-based visa petitions and reduce delays in adjudicating those petitions (Recommendation # 26);

L. Implement up-front processes nationally (Recommendation # 27);

M. Establish an online address change process to improve customer service and USCIS efficiency (Recommendation # 28).

Each of these recommendations, along with the fifteen recommendations from previous years, is discussed in detail within the report. The report also provides a summary of USCIS responses to each of the recommendations and any progress on implementation of the recommendations.

Case Problems

During the reporting period, the Ombudsman expanded services to individuals and employers by developing guidance for all USCIS officers and employees regarding the office's mission and the criteria for accepting individual inquiries. The Ombudsman also refined communication processes between this office and USCIS to standardize transmission of information on case problems. In addition, the Ombudsman improved the systems to collect data and identify problems and solutions.

Looking Forward

The Ombudsman expects to continue urging implementation of up-front application processes, while identifying potential solutions to the USCIS funding dilemma. In addition, the Ombudsman expects to improve the office's public outreach.