

**BEST PRACTICE**

*The Ombudsman commends the Newark, NJ District Office for implementing a same-day naturalization process. This process saves resources both for USCIS and the applicant. At the same time, communities still can hold large ceremonies subsequent to the individual oath ceremony.*

*The Ombudsman understands that same-day naturalization also is available in Charlotte, NC and a number of other offices and strongly recommends that USCIS continue the expansion of this valuable program.*

- **Quality Assurance.** After the INS breakup, the Internal Audit Division of INS was absorbed into Customs and Border Protection (CBP). Since that time, USCIS quality assurance (QA) has been the responsibility of the Chief of QA and Production Management for service center and district office operations.<sup>36</sup> In most offices at the local level, USCIS directors and officers-in-charge vest an adjudications officer with responsibility for overseeing quality assurance. The officer reports to a supervisor, district director, and/or officer-in-charge who do not have adequate training in standardized QA procedures. This situation has contributed to the continuing lack of standardization of processes.

The Ombudsman's 2005 Annual Report (at p. 17) discussed a February 2005 USCIS initiative to standardize USCIS decision-making processes to increase the processes' integrity. USCIS established working groups to examine this goal. The Ombudsman endorsed USCIS efforts to promote the work of the Standardization Decision-Making Project and participated as an observer at several working group meetings. Unfortunately, after a few months, USCIS abandoned the Standardization Decision-Making Project without explanation.

#### **D. Pending I-130 Petitions**

As of April 2006, USCIS had 1,129,705 pending I-130s, Petitions for Alien Relative, with most pending for many years. However, over the last few years, completion rates per hour for these petitions have decreased, despite stated successes in backlog reduction and the increased use of technology. As explained above at section II.A at p. 9, USCIS excluded most of these pending I-130 petitions from its backlog count.

Three factors appear to be responsible for increased Form I-130 processing times. First, in May 2002, USCIS began requiring Interagency Border Inspection Systems (IBIS) name checks for all Form I-130 petitioners and beneficiaries. The IBIS check added time to the I-130 adjudication process, yet USCIS did not allocate additional resources or change its processing methods to offset this additional processing step. Second, with processing delayed, customers are more likely to have moved but USCIS cannot, or did not, update addresses across all relevant

<sup>36</sup> The Office of Refugee, Asylum and International Operations is responsible for its own quality assurance monitoring.

databases.<sup>37</sup> Finally, the Ombudsman learned in March 2006 that at least one service center was issuing blanket RFEs for certain long pending I-130s regardless of the completeness of the file. As a consequence, USCIS spent additional resources to respond to inquiring customers who did not understand the nature and requirements of these RFEs and sent in duplicate documents.

*RECOMMENDATION AR 2006 -- 03*

*The Ombudsman recommends that USCIS process I-130 petitions as soon as they are received. This would prevent the substantial cost involved in storing and retrieving the applications as well as the resources expended for follow-ups, customer inquiries, address changes, etc.*

**E. Interim Benefits**

Identified in last year's report (at pp. 5-9) as a pervasive and serious problem, the issuance of interim benefits continues to be a concern. Generally, USCIS issues interim benefits – EADs and advance parole documents (international travel documents) – to individuals who have green card applications pending with the agency.<sup>38</sup>

Despite their temporary nature, EADs allow individuals to obtain other federal and state forms of identification such as Social Security cards and drivers' licenses. These documents enable an individual to secure property and obtain credit in the United States. Further, these documents create an appearance of legitimacy to their presence in the United States, although legal status is not yet fully determined. It is not uncommon for individuals to receive EADs for years, only to have the underlying green card application ultimately denied.

USCIS case backlogs have made EADs valuable in their own right because the benefits confer many of the privileges that the green card provides, including to live and work in the United States. Realizing that EADs are almost automatically approved, many individuals who only want employment authorization file green card applications simply to obtain the interim benefits rather than from a genuine desire to be a lawful immigrant.<sup>39</sup> A robust screening process, wherein USCIS reviews basic eligibility requirements before accepting green card applications, would result in the rejection of such fraudulent or frivolous applications.

**Thousands of Ineligible Green Card Applicants Receive EADs.** In 2004, the Ombudsman recommended an up-front processing model (see sections IV and V.27) that would eliminate the need to issue EADs in most instances. USCIS implemented a pilot program to test a version of this model in Dallas, which became known as the Dallas Office Rapid Adjustment program (DORA). It is unclear why USCIS has failed to recognize the success of the program in providing efficient processing while eliminating the receipt of EADs by most ineligible applicants.

<sup>37</sup> See section V.28 for the Ombudsman's recommendation on change of address issues.

<sup>38</sup> See 8 C.F.R. §§ 223, 274a.13(d).

<sup>39</sup> See GAO, Additional Controls and a Sanctions Strategy Could Enhance DHS' Ability to Control Benefit Fraud, GAO-06-259 (Mar. 2006), at 18; <http://www.gao.gov/new.items/d06259.pdf>.