backlogs grew, USCIS became reliant on the filing fee revenue to fund other unfunded programs. By expecting USCIS to be largely self-funded through fees, Congress created competing demands for USCIS management. USCIS must ensure revenue streams are adequate for the entire agency. At the same time, eliminating backlogs and improving USCIS efficiency risks the agency cutting off a significant percentage of its revenue. Unless alternative revenue sources are identified that are not dependent on slow processing or a backlog of cases, USCIS will have difficulty foregoing fee-based revenue without running afoul of antideficiency laws.[52] Under the current USCIS financial structure, USCIS simply cannot afford to eliminate the backlogs or slow processing of regular applications.

Based on the findings of Secretary Chertoff's Second Stage Review, the Ombudsman suggests that Congress consider a revolving fund account or other appropriated funding source for USCIS. A revolving fund used to defray current costs would be replenished from future fees and would: (1) enable the agency to test innovative processes; (2) address unexpected program requirements from new legislation; (3) avoid potential temporary anti-deficiency concerns; and (4) encourage USCIS leadership to innovate processes instead of continuing programs which do not enhance customer service, efficiency, and national security, but nevertheless generate essential revenue.

H.   Information Technology Issues

The USCIS Information Technology (IT) Transformation Initiative, now part of USCIS' overall transformation program, is presented as a comprehensive effort to provide USCIS with a modern, world-class digital processing capability to enhance national security, improve customer service, and increase efficiency. However, USCIS has devoted considerable resources to various types of transformations since the 1990s with minimal progress. In addition, there are questions whether all field offices will obtain technology updates if dependent upon available funds. The effective and efficient deployment of IT systems to all field offices remains a major challenge for USCIS.[53]

Three broad IT areas of concern are: (1) most USCIS adjudications processes are paper-based; (2) existing USCIS information management systems do not provide robust data analysis tools necessary to monitor productivity and make changes when necessary; and (3) most USCIS information management systems are stand-alone systems with little or no information interconnectivity.

Paper-Based Adjudications. In comparable private sector business processes, digital technology speeds turnaround times and improves the quality of decisions. However, USCIS customers generally file paper applications and petitions, and officers must transfer paper files

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[52] *See supra* note 8.

[53] *See generally* DHS IG Report "USCIS Faces Challenges in Modernizing Information Technology," The Ombudsman notes that USCIS still has not implemented many of these and other IT-related recommendations.

between different offices and locations before adjudications can be completed. Additionally, USCIS spends millions of dollars each year moving paper files between offices.[54] An electronic file system would provide real-time access to relevant documents and case histories, and substantially reduce the cost of adjudicating cases. USCIS' current e-filing initiatives require the agency to print the e-filed applications and place them in paper folders for regular paper-based processing.

Lack of Data Analysis and Reporting Tools. Existing USCIS information management systems do not permit adequate case tracking and reporting. In addition, they do not provide USCIS with the ability to analyze data in a meaningful way. Generally, USCIS file tracking systems provide information on the physical location of a file, but not on its contents. Moreover, USCIS information management systems are generally legacy INS stand-alone systems that do not allow USCIS employees to make operational assumptions and adjust to trends derived from the captured data. Reporting capabilities for these legacy systems are often very limited. Their inadequacies are highlighted by efforts to use them for operations far beyond what was contemplated when they were designed and deployed. For these reasons, USCIS is unable to manage its workflow proactively and provide customers with real-time case status information.

Specific case tracking and reporting problems include:

- **Backlog Reduction**. USCIS has been unable to provide precise information on the number of cases pending at its offices, particularly for employment-based green card cases, in part due to antiquated and inadequate information management systems. For over two years, the Ombudsman has had an outstanding data request to USCIS for this information. While USCIS has provided estimates, the Ombudsman understands that the agency is unable to provide this basic data.[55]

- **Form-Centric Versus Person-Centric Systems**. USCIS systems remain form-centric (based on the benefit sought, rather than on the individual seeking it). The adoption of a person-centric system would improve customer service, while simultaneously enhancing national security, by allowing USCIS to rapidly update information about an individual's employment, address, family status, and other important data points.

- **CLAIMS Case Management System**. The Computer Linked Application Information Management System (CLAIMS), versions 3 and 4, is the primary case management system for USCIS. CLAIMS is not user-friendly; it is a proprietary, antiquated system developed and deployed by a contractor in the early 1990s. The ability to access and update CLAIMS is limited to certain staff

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[54] *See id.* at 10.

[55] The President's Council of Economic Advisors reported in the "Economic Report of the President: Transmitted to the Congress February 2005 Together with the Annual Report of the Council of Economic Advisers" that USCIS had 271,000 employment-based pending applications for green cards with about 191,000 of them backlogged. *See* http://www.gpoaccess.gov/eop/2005/2005_erp.pdf. USCIS could not confirm this data for the Ombudsman.

at particular offices. Information in CLAIMS is often incomplete and inaccurate. At this time, USCIS still does not possess a real-time case management system accessible to all USCIS employees.

> *BEST PRACTICE*
>
> *The Boston District Office created the Standardized Automatic Tracking System (STATS), now also used in Atlanta, which is an automated data reporting system to streamline reporting, improve productivity, perform data analysis, and ensure the integrity of reported data. This system replaces the manual G-22 reports and manual daily log sheets for immigration officers to report case productivity.*

Lack of Interconnectivity Between USCIS Stovepipe Systems. USCIS IT systems do not support integrated and efficient business processes. Security checks and adjudications require USCIS immigration officers to check many systems that are not interconnected. These antiquated "stove pipe" information management systems do not share data and are expensive to modify. It also is difficult for systems users who must log into and out of numerous systems, while trying to review a single case. In addition, some of the systems time out, disrupting officers' thought processes as they seek to collect, verify, and collate information.

The lack of interconnected systems leads to duplicative work: (1) USCIS immigration officers in different offices may be conducting and resolving background and security checks on the same individual; (2) an officer may conduct and resolve a hit that was finished weeks or months earlier by another officer; or, (3) one person may conduct a check on a temporary file (T-file) while another one performs identical checks on the main file (A-file).[56]

In the 2005 Annual Report (at pp. 12-13), the Ombudsman suggested that USCIS explore "off the shelf" technologies used by the private sector. USCIS apparently explored these technologies during this reporting period, but they appear not to be in use. USCIS initiated a number of projects to explore consolidation of data, *e.g.* the Digital Dashboard, which would provide USCIS immigration officers one-stop access to all necessary information. These projects provide management tools, which USCIS currently does not have, for making necessary decisions.

USCIS has chosen not to provide these important tools, which would enable managers, supervisors, and officers to do their jobs and account for work completed. The agency remains reliant on legacy INS systems that have proven inadequate and problematic for customer service, USCIS efficiency, and national security. Improvements to USCIS' information management systems must enhance and streamline all USCIS business processes rather than perpetuate duplicative and inefficient ones. At the same time, these systems must be flexible to accommodate new technologies and the requirements of changing demands on immigration processing.

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[56] For example, this situation arises when an EAD application is in a T-file and the supporting green card application is in an A-file.

Inadequate Connectivity between USCIS and Other Agencies or Departments.
Inadequate connectivity between USCIS and other agencies, such as ICE or CBP, or other
departments such as DOS, DOJ – EOIR, DOL, and the Social Security Administration (SSA),
often leads to duplicative work. For example, an immigrant entering the United States must go
to a SSA office to apply for a Social Security card. The SSA has to contact USCIS to validate
the entry and authenticity of the immigration documents. Instead, USCIS, CBP, and SSA should
work together so that an immigrant or an employment-based nonimmigrant is issued such a card
upon entry into the country.

Another example is the lack of direct connectivity between USCIS' approval of a petition
and DOS requiring an original approval notice to issue a visa. Resources that could be used to
focus on certain security problems are instead used to do the same work in different government
entities.

I.   Limited Case Status Information Available to Applicants

USCIS' lack of communication with its customers continues to be a significant problem.
In the 2005 Annual Report (at pp. 13-14), the Ombudsman observed: (1) limited customer
access to USCIS immigration officers who have knowledge of individual cases; (2) questionable
accuracy of the information provided; (3) insufficiently detailed information provided to answer
a specific inquiry; and (4) the practice of providing minimal information in response to customer
inquiries. The effect is that "[c]ustomers resort to generating numerous telephone calls to USCIS
and/or making frequent visits to USCIS facilities and finally opt for congressional assistance in
determining the status of pending cases."[57]

> *CASE PROBLEM*
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> *In 1997, the applicant filed an application to adjust status based on the
> applicant's refugee status (Form I-485). In 2002, the applicant learned from
> USCIS that the application was lost. The applicant reapplied in early 2003, but
> later learned that USCIS could not locate this second application. The applicant
> applied a third time in 2005. When the applicant tried to obtain a case status
> update at the applicant's local USCIS office, USCIS told the applicant that the
> agency approved the green card, but sent it to an address where the applicant
> lived ten years ago, not the address stated on the third application. Next, the
> applicant filed for the I-90 replacement card.*
>
> *At the time of the applicant's inquiry with the Ombudsman in 2006, the
> application for the replacement of the green card remained pending with USCIS.*

INFOPASS. The Ombudsman's comments in the 2005 Annual Report (at pp. 13-14)
regarding INFOPASS remain valid. INFOPASS added a valuable on-line service to allow some
applicants to secure an appointment time with a USCIS field office representative. However, in

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[57] Ombudsman's 2004 Annual Report, at 6.