



U.S. Citizenship and Immigration Services

Backlog Elimination Plan

Fiscal Year 2005, 3rd Quarter Update
September 6, 2005



U.S. Citizenship
and Immigration
Services

Prepared for the United States Congress

The Honorable James Sensenbrenner
Chairman, House Judiciary Committee

The Honorable John Conyers
Ranking Member, House Judiciary Committee

The Honorable John Hostettler
Chairman, Subcommittee on Immigration, Border Security and Claims
House Judiciary Committee

The Honorable Sheila Jackson Lee
Ranking Member, Subcommittee on Immigration, Border Security and
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The Honorable Thad Cochran
Chairman, Senate Appropriations Committee

The Honorable Robert Byrd
Ranking Member, Senate Appropriations Committee

The Honorable Judd Gregg
Chairman, Senate Appropriations Committee
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The Honorable Arlen Specter
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The Honorable David Obey
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The Honorable Harold Rogers
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The Honorable Martin Olav Sabo
Ranking Member, Subcommittee on Homeland Security
House Appropriations Committee

The Honorable Peter King
Chair, House Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, House Committee on Homeland Security

Message from the Acting Deputy Director

I am pleased to present the U.S. Citizenship and Immigration Services (USCIS) Fiscal Year (FY) 2005 Third Quarter Update to report on our continued progress on Backlog Elimination efforts. With fifteen months remaining in the backlog elimination period, USCIS is prepared to meet challenges head-on. Recent success, such as that described in this report will serve as the springboard that will help us maintain a high level of productivity with attention to quality and process improvement while never forgetting our national security responsibilities.

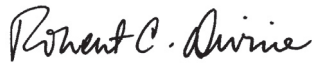
Previous quarterly reports have covered ongoing USCIS efforts in streamlining processes, pilot initiatives, fraud assessment, and information technology developments. Additionally, the Second Quarter Report addressed the Homeland Security Act Section 478 reporting requirements in detail. This report will focus solely on the progress toward backlog elimination targets that USCIS has made during the third quarter of FY 2005. USCIS will continue to report on the initiatives on an annual basis.

The Third Quarter FY 2005 Update shows a continuing trend towards eliminating our backlog. Completions have increased and outpaced receipts by about 374,000 cases. Cycle times have been reduced in several key areas. And, for the first time since September 2001, USCIS does not have a backlog in Petitions for Alien Workers, Form I-140.

But, let us be clear: significant challenges await in FY 2006. USCIS expects to increase production in both applications for adjustment of status (Form I-485) and applications for naturalization (Form N-400). These workloads require the highest level of adjudicative scrutiny and time. These are serious benefits, and we are serious about seeing that they are administered judiciously. We must apply risk management principles to apply our resources most wisely, but we will not sacrifice integrity in the interest of production.

USCIS has made careful progress by working smarter, utilizing technology systems to assist adjudications, and reducing redundant processes. This progress will serve as a catalyst to increase production in ensuing months, support national security initiatives, and honor our commitment to the President, the Congress, and the American people.

Robert C. Divine



Acting Deputy Director
U.S. Citizenship and Immigration Services



Production Update

Background

The USCIS quarterly report is designed to provide Congress with an update on the progress USCIS has made in its effort to eliminate the backlog of pending applications for immigration benefits by the end of FY 2006. This report will cover the progress made during the third quarter of FY 2005.

USCIS continues to define "Backlog," generally, as the number of pending cases that exceed acceptable or target pending levels for each case type. Acceptable pending levels are determined for each distinct case type by totaling the number of cases received during the target cycle-time period (usually six months). USCIS removes from its backlog total those pending applications that it is unable to complete due to statutory caps or other bars and those cases where a benefit is not immediately available to the applicant or beneficiary (such as "non-ripe" Form I-130, Relative Alien Petitions where a required visa number is not available). Backlogs calculated for each case type are then totaled to determine the aggregate backlog such that backlog volumes are not improperly subsidized across case types.

USCIS believes that this definition most accurately quantifies the volume of pending applications that exceed target pending levels due to USCIS processing delays that adversely affect eligible applicants.

Current technology systems employed by USCIS District Offices and Service Centers are unable to produce reliable aging reports from which average wait times or processing times can be calculated. That said, USCIS believes that "Cycle Time," pending expressed in months of receipts, in conjunction with the first-in-first-out adjudication policy comes close to approximating average processing time. As USCIS approaches the end of the backlog elimination timeline, we will identify within the backlog, where possible, those cases that USCIS is unable to complete because of factors outside its control, such as those awaiting FBI name check responses or awaiting customer response to requests for information.

At the end of the third quarter of FY 2005, the total backlog is 1.18M. This is a slight increase from the 1.17M at the end of the second quarter of FY 2005. The reason for this increase is due in large part to the enactment of the REAL ID Act of 2005. This Act eliminated a previously existing long-standing statutory cap on applications for asylees to register permanent status or adjust status. Without consideration of the REAL ID Act, the USCIS backlog would have decreased from 1.17M cases at the end of the second quarter to 1.01M at the end of the third quarter. The REAL ID Act caused USCIS to add an additional 173,892 cases into its backlog, resulting in a total backlog at the end of the third quarter of 1.18M cases.

Removal of Asylum Adjustment Cap

Completions of Form I-485, Application to Register Permanent

Resident or Adjust Status, filed by individuals granted asylum in the United States, had previously been capped by statute at 10,000 per year. In the past, the asylee adjustment of status workload had been included in the total Form I-485 figures for pending and completions. These applications had not been added to backlog volume because USCIS was statutorily prohibited from completing more than 10,000 per year. With the enactment of the REAL ID Act of 2005 the annual cap has been lifted, and these cases are suddenly ripe for adjudication and thus included in the definition of "backlog."

USCIS is committed to complete this additional workload in addition to its current backlogs by the end of FY 2006. This quarterly report reflects the addition of approximately 174,000 I-485 Asylee cases to the backlog figure and includes those cases in the completion targets for that form for the remainder of FY 2005 and FY 2006. Analysis has determined that resources for this new workload are available from those originally earmarked to work Form I-130, Relative Alien Petitions, for which there is not a visa number currently available. Although those "non-ripe" cases were removed from the backlog calculation in July 2004, USCIS had planned to achieve a six-month cycle time in this workload by the end of FY 2006. The removal of the Asylee Adjustment cap has required that resources that were to be applied to the I-130 non-ripe workload will now be redirected toward the Asylee Adjustment workload. Thus, a certain volume of Form I-130 non-ripe cases will necessarily remain pending at the end of FY 2006.

As a result, completion targets have been amended to include the potential receipts and backlog of Form I-485. The backlog at the end of the third quarter for Form I-485 Asylee Adjustment stands at 173,892 applications. Form I-485, Asylee Adjustment, is now a part of the regular reporting cycle along with the other 16 BEP forms.

Applications Held In Abeyance

An alien may file an application for adjustment of status to permanent residence when a visa number is available. If a regression of priority dates occurs, USCIS is legally prohibited from granting permanent residence for pending adjustment applications affected by the regression. By long-standing tradition, USCIS holds such cases in abeyance until visa numbers become available.

The July 2005 Visa Bulletin issued by the Department of State indicated that family-based visa numbers for unmarried sons and daughters (over age 21) from Mexico of United States citizens (F1) regressed more than ten years, and employment-based visa numbers for skilled workers (EB3) became unavailable worldwide. This reflects a revision by the State Department of its assessment of the level of demand for limited visa numbers in the affected categories. These two significant shifts in visa number availability in July 2005 have had an effect on the number of Applications to Register Permanent Resident or Adjust Status, Form I-485, that USCIS could complete under the statute. Those applications for which no

Production Update (continued)

visa number is available are considered pending, but not part of the backlog.

USCIS uses data extracted from current legacy technology systems to compute the backlog according to the definition provided earlier. In doing so, cases meeting certain criteria (e.g. non-ripe Forms I-130, and Forms I-485 held in abeyance due to visa number regression) are added to acceptable pending only when distinctly identified. Current technology systems do not provide the required granularity to identify each case that meets these criteria. The result is that backlog is overstated by the number of pending applications that USCIS is unable to identify as meeting criteria that would exclude them from backlog.

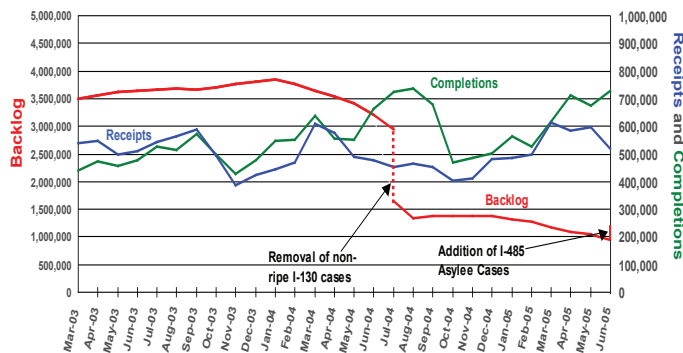
At the end of the third quarter, 16,675 cases were removed from the USCIS Form I-485 backlog since visa numbers are not available for these applicants. Although these cases have been temporarily removed from the backlog, they will be completed once visa numbers are available. USCIS is not able to identify pending family-based or employment-based Form I-485s in District Offices that are being held in abeyance due to visa number regression. As a result, these volumes of applications remain in the backlog total. USCIS is exploring means to identify such cases in order to calculate backlogs more accurately.

Completions, Receipts, & Backlog

USCIS is encouraged by the production levels realized during the past six months and believes that this is part of a larger historical trend of quarter-to-quarter increases in productivity during the fiscal year. The progress made since the establishment of USCIS is impressive and bears witness to the beginning of the end for application backlogs.

The chart below shows the progress made since the establishment of USCIS.

Receipts, Completions, and Backlog: All Backlog Elimination Plan Forms



FY 2005 target cycle times were already met or exceeded by June 2005 in 14 of the 17 application form types tracked by the BEP. Previously, USCIS tracked progress in 16 distinct form-types, but with the addition of Form I-485, Asylee Adjustment of Status, USCIS now tracks 17 types.

The table below has been adjusted from the second quarter report to provide backlog totals by form-type. This data has not been furnished previously, but USCIS believes that the make up of the backlog is equally important as its total volume and relating cycle times.

Cycle Time (in months) & Backlog Progress by Form Type

Form No.	Form	End of 3rd Quarter FY '05 Cycle Time	End of 3rd Quarter FY '05 Backlog	End of FY '05 Target Cycle Time	End of FY '05 Target Backlog
I-485	Adjustment of Status ¹	15.2	442,738	15	424,453
I-485	Adjustment of Status (Non-Abeyance Cases)	15.0	-	15	-
I-485	Asylee Status	59.1	173,892	-	-
I-129	Nonimmigrant Worker	1.1	0	2	0
I-539	Extend/Change Nonimmigrant Status	2.6	0	4	20,978
I-90	Replacement Green Card	2.8	0	8	104,097
I-130	Relative Alien Petition	9.6	152,447	16	593,600
I-131	Advance Parole	2.1	0	3	0
I-131	Refugee Travel Document	3.5	7,081	7	47,562
I-140	Immigrant Worker	5.9	0	7	6,696
I-751	Removal of Conditional Status	9.5	30,328	11	73,052
I-765	Employment Authorization Document	2.8	0	3	0
I-821	Temporary Protected Status	4.8	0	6	0
N-400	Naturalization	12.2	289,284	10	220,929
N-600/643	Certificate of Citizenship	7.0	3,948	7	4,962
I-589	Asylum Application	11.5	70,476	14	74,041
I-881	NACARA 203 Application	11.9	12,905	9	6,846
I-867	Credible Fear Referral	0.1	0	<1	0
All Forms		8.0	1,183,099	-	1,577,216

¹ Includes I-485 Regular, I-485 Refugee, and I-485 IndoChinese Applications

Below is a brief review of FY 2005 third quarter data:

FY 2005 Q3 Data as compared to:

Completions exceeding filings	374,000
Q2 Filings	UP 6%
Q2 Completions	UP 23%
BEP Completions Target	UP 23%

Overall Year-to-Date Completions compared to:

BEP Target	UP 2.8%
FY '05 Cycle Time Targets Met	14 of 17

Production Update (continued)

The following chart provides quarterly completion volumes for each case type during the first three quarters of FY 2005.

Form No.	Form Name	FY '05 Quarterly Completion Target	1st Quarter FY '05 Completions	2nd Quarter FY '05 Completions	3rd Quarter FY '05 Completions
I-90	Application to Replace Resident Card	147,151	174,896	194,571	228,640
I-129	Nonimmigrant Worker	105,818	97,400	100,453	109,444
I-130	Relative Alien Petition	396,404	202,617	279,772	433,696
I-131	Advance Parole	63,964	63,647	65,301	63,342
I-131	Refugee Travel Document	29,534	43,135	39,533	27,744
I-140	Immigrant Worker	26,767	26,780	37,204	30,251
I-485	Application to Adjust Status ¹	209,676	195,181	234,268	256,071
I-485	Asylee Adjustment of Status	2,500	2,205	5,124	8,665
I-539	Application to Extend/Change Status	57,875	55,799	66,174	61,314
I-751	Removal of Conditional Status	44,815	44,032	52,636	53,871
I-765	Employment Authorization Document	365,799	346,638	393,013	483,301
I-821	Temporary Protected Status	24,586	10,262	19,278	121,153
N-400	Application for Naturalization	190,914	142,635	162,659	192,556
N-600/ N-643	Certificate of Citizenship	14,971	14,604	16,023	14,732
I-589	Asylum	23,433	28,676	34,781	19,318
I-881	NACARA 203	4,776	4,399	6,334	4,318
I-867	Credible Fear Removal	1,271	2,489	3,046	2,645
Total		1,710,256	1,455,395	1,710,170	2,111,061

¹ Includes I-485 Regular, I-485 Refugee, and I-485 IndoChinese Applications

Building on improved production in the second quarter, monthly completion levels through the third quarter reflect an encouraging upward trend. Completion levels for Form I-485, Application to Register Permanent Resident or Adjust Status, and Form I-130, Petition for Alien Relative, were largely responsible for this trend. Further, the backlog for Form I-140, Immigration Petition for Alien Worker, was eliminated for the first time since September 2001. For the Fiscal Year to date, USCIS production exceeded target levels by 2.8%.

As indicated in the previous quarterly report, Forms I-485 and N-400 take longer to complete than other BEP forms. A completion for such a form type represents a greater effort in backlog elimination than a completion for a more quickly completed form, such as, the Form I-765, Application for Employment Authorization. It is important to note that the high number of Form I-485 and Form N-400 completions means that backlog elimination efforts were actually greater than the completions figure suggests.

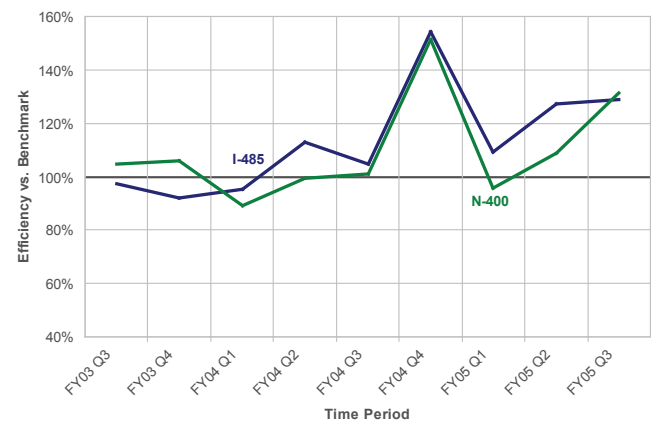
Equally important is to frame the progress made toward backlog elimination in terms of increased efficiency. USCIS is not simply throwing additional resources at tired, outdated processes. For the past fifteen months, USCIS has outlined in quarterly updates, initiatives that will streamline processes and increase efficiency.

Among the many initiatives, USCIS has:

- Piloted new processes to find more efficient methods of operations;
- Updated policies and procedures to eliminate duplicative efforts;
- Initiated systems sweeps to replace inefficient manual queries to increase productivity while at the same time bolstering process integrity;
- Reallocated staff to align resources with workload; and,
- Redistributed workloads to offices with excess capacity.

In the June 16, 2004 *Backlog Elimination Plan Update*, USCIS indicated that significant increases were required to eliminate backlogs. At that point, benchmark productivity levels were established based on the previous 12 months of production data. Analysis of production data from FY 2004 and FY 2005 demonstrates that the initiatives referenced above had a dramatic affect on productivity. Overall, USCIS has been 35% more efficient during the first three quarters of FY 2005 than during the same period in FY 2003.

The following chart tracks efficiency in two key form types against the benchmark (indicated as 100%) since the third quarter of FY 2003. Here efficiency is measured in terms of USCIS-wide completions per adjudicator hour for Forms I-485, Adjustment of Status, and N-400, Naturalization.



The period over which the benchmark measurement was set is April 2003 to March 2004. During that time period, USCIS has implemented initiatives such as revisions to policy to eliminate needless requests for evidence to update documentation. Also, USCIS revised interview criteria to enable more cases to be completed at initial review. These and other initiatives played a large role in increasing the efficiency of USCIS.

Production Update (continued)

Quality Assurance

Since the agency's creation, USCIS has sought to improve its performance. Completion rates, which are based on the time it takes to complete a particular form, have been consistently improving. This has allowed USCIS to increase its output, based on the same capacity. It should be noted, however, that although the work is being done more efficiently, a high level of quality has been sustained.

It is imperative that the integrity of the immigration system not be compromised in the effort to stimulate additional productivity. Efforts to benchmark and assure quality are at the heart of every production initiative. The current USCIS quality assurance program consists of an internal process validation through random samples of completed work.

For cases reviewed during the second quarter of FY 2005, USCIS achieved a 99.7% accuracy rate for both overall processing and critical processing, exceeding the minimum acceptable accuracy rates of 96% and 99% respectively. In all cases, corrective actions to prevent future problems were implemented. It was also verified that in applications where errors were detected, no applicant received a benefit for which he/she was not eligible.

Conclusion

Since the high point of the backlog in January 2004 of 3.8 million applications, USCIS has streamlined existing processes and procedures, increased the use of technology systems to assist the adjudicative process, and reenergized its workforce of nearly 15,000 men and women. The progress has been steady and impressive. By the end of the third quarter of FY 2005, the backlog has been reduced to 1.18 million cases. But, that is not good enough. There lie ahead challenges for the remainder of FY 2005 and for FY 2006. We will rely upon the cumulative effort, dedication, and initiative of our workforce to forge ahead to eliminate the backlogs, support national security initiatives, and renew our commitment to ensure the integrity of America's immigration system.