

citizens. A sibling petition will often take many years to process, whereas a spousal petition can be processed within a few months. However, the system will report the same processing time for both applicants.

CASE PROBLEM

In late 2004, the applicant and the applicant's minor child filed an application for a green card based on the applicant's marriage to a U.S. citizen. The applicant entered the United States in K-1 status. About one year after the filing for a green card, USCIS invited the couple for an interview at a local USCIS office. One month before the scheduled interview, the Case Status Online system indicated that the interview was cancelled and, therefore, they did not attend the interview. Subsequently, USCIS invited the applicant to take fingerprints at an Application Support Center (ASC) the following month. Shortly after receipt of that notice, USCIS denied the green card applications of the applicant and the minor child for failure of the married couple to attend the interview. Yet, the minor child later received a notice to attend a green card application interview, although USCIS had already denied the child's application based on the mother's alleged failure to attend the interview. The family contacted the Ombudsman for assistance during the reporting period.

J. Coordination and Communication

Effective interagency and intra-office coordination and communication is vital to providing good public service and improving the efficiency of operations. However, issues and concerns addressed in the 2005 Annual Report (at pp. 14-15) remain and should be addressed.

1. Field Offices/Service Centers

CASE PROBLEM

In 2001, the applicant properly filed a green card application with a service center based on the applicant's refugee status. Shortly thereafter, the service center transferred the application to a local USCIS district office to speed adjudication. After the applicant notified USCIS of an address change, USCIS transferred the applicant's file to another local office with jurisdiction of the case, but the file never arrived. USCIS then informed the applicant that the file was rerouted to the service center where the application was filed originally. Since then, the applicant has been unable to obtain case status information. The applicant contacted the Ombudsman in early 2006.

In the 2005 Annual Report (at pp. 14-15), the Ombudsman identified the transfer of files between offices as a problem. Although the introduction of the National File Tracking System (NFTS) has helped, the problem of transferring bulk files from one facility to another persists. Inadequate communication between service centers and district offices causes poor coordination. For example, files are transferred without notification to the receiving office.

CASE PROBLEM

In 1998, a legal permanent resident filed an I-130 petition for a relative. In 2003, the petitioner became a naturalized citizen and requested an upgrade to the original petition. In late 2003, USCIS transferred the file to a different service center and in mid-2004 to yet another service center to speed up adjudication. Subsequently, a congressional inquiry revealed that USCIS possibly transferred the file one more time back to the service center where the petition was filed originally. The beneficiary will soon age out. In 2006, the petitioner contacted the Ombudsman for assistance in receiving case status information as previous inquiries to USCIS were unanswered.

In addition, because field offices are more accessible than service centers, they sometimes receive customer inquiries for cases pending at service centers. However, USCIS policies requiring that communication between offices go through supervisors create bottlenecks and obstacles to exchanging information needed to respond to public inquiries.

At the management level, there are few formal avenues to address issues between the field offices and service centers. In most locations, regularly scheduled meetings do not occur between service center and field office employees. Each office has its own chain of command to USCIS Headquarters.

CASE PROBLEM

In September 2005, the applicant applied for the renewal of an EAD by using USCIS' e-filing procedures. After the application had been pending for over 90 days, the applicant visited the local district office to obtain interim work authorization. There, USCIS informed the applicant that it had approved the EAD application in November and could not grant an interim work authorization because the new EAD was issued. As the applicant never received the card, and because the applicant's previous EAD had expired, the applicant was unable to work. USCIS told the applicant to file for a replacement EAD card. The applicant submitted an inquiry to the Ombudsman in 2006.

During the reporting period, USCIS stated that it began a pilot program to address the statutorily required management rotation program.⁶¹ The Ombudsman's review of the USCIS'

⁶¹ The following is the statutory provision requiring this program:

“(4) Managerial Rotation Program

(A) In general

Not later than 1 year after the effective date specified in section 455, the Director of the Bureau of Citizenship and Immigration Services [USCIS] shall design and implement a managerial rotation program under which employees of such bureau holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, as a GS-14 or above, shall—

(i) gain some experience in all the major functions performed by such bureau; and

report to Congress leaves many unanswered questions on this program. While it appears that some managers are participating in a pilot program, the Ombudsman understands that the managerial rotation program proposal has not yet been approved by USCIS leadership.

At the immigration officer level, communication among immigration officers is minimal. Immigration officers often do not accept decisions and actions made by other immigration officers as cases are transferred. For example, when a case is transferred from one USCIS field office to another because the applicant changes address, the immigration officer at the receiving field office rarely accepts previous preliminary findings or decisions. Such *de novo* review duplicates efforts, adds expense, and causes delays in the adjudication process, which often results in applicants paying additional fees for interim benefits.

CASE PROBLEM

USCIS approved the applicant's green card application and informed the applicant that the green card would be mailed within several days. When the applicant did not receive it, the applicant filed an Application to Replace Permanent Resident Card (Form I-90). When the applicant still did not receive the green card, the applicant inquired with the local USCIS office. The information officer at the local office indicated that USCIS had an incorrect address on file, which could explain why the applicant did not receive the card. The officer corrected the address and advised the applicant to file another I-90. A few days later, the applicant received a letter confirming the address change. Several weeks later, the applicant received a letter from a different USCIS district office, which stated that USCIS forwarded the application to the appropriate service center for processing and that no further action was required by the applicant. In addition, USCIS returned the biometric fee.

Shortly thereafter, USCIS returned the second I-90 application and indicated that it was not properly completed. USCIS instructed the applicant to submit the I-90 application to a different service center, which the applicant did. The applicant never received acknowledgement of the filing and submitted another I-90. Next, the applicant received a USCIS request to return the previously issued green card. The applicant promptly responded indicating that the applicant never received the green card because USCIS sent it to the incorrect address.

About three months later, at the time of the inquiry with the Ombudsman in March 2006, the applicant still did not have a green card.

(ii) work in at least one field office and one service center of such bureau.

(B) Report

Not later than 2 years after the effective date specified in section 455, the Secretary shall submit a report to Congress on the implementation of such program.” 6 U.S.C. § 271(a)(4) (Homeland Security Act §451(a)(4)).

2. Headquarters/Field Office Coordination

As reported in the Ombudsman's 2005 Annual Report (at p. 15), USCIS needs to improve dissemination of policy and procedural guidance to field offices and ensure it is current. Guidance sent to field offices often is not distributed to immigration officers or added to training curricula. As a result, immigration officers apply regulations and Headquarters guidance inconsistently based on personal knowledge or local interpretation of national policy.

It is vital that employees in the field offices receive uniform training materials and updated guidance from Headquarters to provide consistent service to USCIS customers nationwide. A nationally-managed and continuous career development and training program for employees would mitigate the problems of staff turn-over and improve the quality of customer service.⁶²

Another coordination issue involves the ASCs. These centers capture fingerprints and other biometrics of applicants. Although some ASCs are co-located with USCIS field offices, contract specifications limit the ability of district directors to utilize the ASC contract staff for similar administrative duties within the district office. Consequently, overworked USCIS immigration officers cannot ask for support from co-located ASC contract staff. The problem appears to be related to nationally implemented contracts which do not account for local variations in offices that vary in size and scope. The shortcomings of these nationally implemented contracts and their impact on customer service merit further review to be undertaken in the next reporting period.

RECOMMENDATION AR 2006 -- 07

The Ombudsman recommends that USCIS should incorporate into its ASC contract the ability to use the underutilized ASC staff in co-located facilities to assist field office operations.

3. USCIS, Employers, and Other Government Agencies

Employers and other government entities (e.g., the SSA and state departments of motor vehicles) increasingly rely upon USCIS to verify the immigration status of applicants for employment and various federal and state benefits. USCIS' capacity to communicate and coordinate with employers and government agencies at the federal, state, and local levels has not kept pace with demand. The situation only will worsen as more entities require this information under current and proposed legislation.

CASE PROBLEM

An applicant applied for change of status, which USCIS granted. However, USCIS did not update its database to reflect the change of status. As a result, the applicant was unable to obtain a Social Security number from the SSA. The applicant sought the Ombudsman's assistance at the beginning of 2006.

⁶² See *infra* section II.K.

CASE PROBLEM

A petitioner filed a Form I-824 for USCIS to notify a U.S. Embassy/Consular Section of an immigrant petition approved by USCIS. USCIS Case Status Online indicated that USCIS approved the petition in late 2004 and transferred the case to the requested consulate. However, neither the petitioner nor the petitioner's attorney received notification of approval. In addition, the consulate informed the petitioner that it never received the case from USCIS and that further inquiries should go to USCIS. Petitioner's inquiries with USCIS did not elicit a response. The petitioner contacted the Ombudsman during the reporting period for assistance.

K. Training and Staffing

A key to timely and professional delivery of immigration benefits is a properly trained and flexible workforce. USCIS training and staffing shortfalls remain pervasive and serious problems.

BEST PRACTICE

The Los Angeles District Office has developed its own extensive adjudicator training materials and devoted substantial time to training its officers, even though limited training dollars are available. This has resulted in a better trained staff with a positive attitude inspired by the District Director and her dedicated management team. In addition, they regularly review lists of concerns raised by the community and Los Angeles office staff. They prioritize and set deadlines for correcting the problems and meet weekly to review progress on resolving them.

The Ombudsman considers Los Angeles to be the best run large USCIS field office.

1. Training

In the 2005 Annual Report, the Ombudsman noted (at pp. 18-19) that the USCIS training program essentially maintained the system provided by INS. USCIS offers basic training for certain job types to most of its operations staff at formal courses conducted at the USCIS Academy located at the Federal Law Enforcement Training Center (FLETC). This basic job training is predominately knowledge-based. It offers little in the way of skills training and almost no performance testing or certification of the employee's ability to accomplish tasks successfully. As previously reported, training after graduating from FLETC is provided only as local offices perceive a need and as they are able to allocate resources.

The USCIS Office of Training and Career Development (OCTD) directs the USCIS Academy staffing and operations at FLETC. Although it has authority to direct training and career development for several thousand immigration officers serving worldwide, this important