

The Citizenship and Immigration Services Ombudsman assists individuals and employers as they encounter problems with their applications to U.S. Citizenship & Immigration Services (USCIS) for immigration benefits. A mishandled benefit application or petition, like a single misstep by an applicant, petitioner, employer, or attorney, can lead to denial, loss of status, accrual of unlawful status, ineligibility for a future immigration benefit, or removal from the United States. Some foreign nationals attempt to navigate this difficult process alone. Others rely on their employers or hire costly attorneys. Given this complex situation, how can USCIS better serve all of its customers -- immigrants and non-immigrants seeking opportunities in the United States; naturalization applicants trying to become U.S. citizens; and asylees and refugees hoping for a better way of life in the United States? To answer this question, by statute, the Ombudsman submits an annual report to Congress each June without prior review or comment by Department of Homeland Security (DHS) or other executive branch employees.

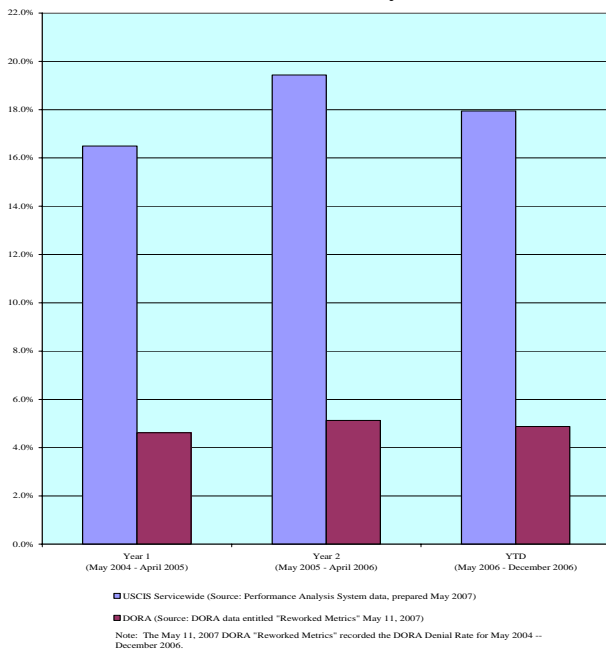
The Ombudsman's 2007 Annual Report -- the fourth since the Ombudsman's office began operations in July 2003 -- makes 25 new recommendations to improve USCIS operations for the benefit of everyone involved in the immigration process. The report's highlights are summarized below.

KEY THEMES

Up-front Processing and the Dallas Office Rapid Adjustment (DORA) Program (Annual Report pp. 78-84)

To reduce the number of fraudulent applicants considered for interim benefits, the Ombudsman recommends that USCIS complete security checks prior to application submission and continues to recommend up-front processing of immigration benefit applications. The DORA pilot program has shown that up-front processing also improves customer service and efficiency by allowing USCIS officials to review applications for completeness before they are accepted for processing.

DORA & Servicewide Denial Rates (May 2004-Dec 2006)



DORA data indicate that this up-front review reduces the number of interim benefits issued to ineligible applicants. During the reporting period, USCIS expanded DORA to the El Paso and Oklahoma City offices, but USCIS support for DORA's expansion has been lacking. As the pilot enters its fourth year, USCIS must decide whether to implement it nationwide or end it.

USCIS Transformation (Annual Report pp. 5-6)

USCIS Transformation, which encompasses IT modernization efforts, forms revision, development of person-centric case management, and other initiatives, is vital to the agency's future success.

However, USCIS has devoted considerable resources to various types of modernization efforts since the 1990s with minimal progress. The success of the current USCIS transformation initiative requires decisive leadership, focused management direction, and committed resources. There should be input from customers and stakeholders and credible performance measures. At the same time, the Ombudsman hopes the transformation program does not divert attention and resources from resolving problems that could be fixed in the near-term with readily available IT solutions.

Transparency (Annual Report p. 3)

Much work remains for USCIS to make its operations transparent to the public. Complex forms and instructions, miscommunications with customers, the backlog redefinition, and an inability to ensure timely and accurate case processing are all issues that require attention.

Outreach Efforts and Communications with Stakeholders
(Annual Report pp. 102-106)

To obtain feedback from individuals, employers, and stakeholders, the Ombudsman and his staff visited 40 USCIS facilities during the reporting period. The Ombudsman also: (a) initiated the creation of a Virtual Ombudsman System, an online suite of Ombudsman services, to be available during FY 08; (b) organized a series of pilot teleconferences in which USCIS applicants and stakeholders discussed problems encountered with USCIS programs and offices; and (c) established an email address to receive and monitor trends, and for the public to make suggestions for improving USCIS.

PERVASIVE AND SERIOUS PROBLEMS

FBI Name Checks
(Annual Report pp. 37-45)

FBI name checks, one of the security screening tools used by USCIS, may be the single biggest obstacle to the timely and efficient delivery of immigration benefits. The problem of long-pending FBI name check cases worsened during the reporting period.

- As of May 2007, USCIS reported 329,160 FBI name check cases pending;
- Approximately 64% (211,341) of those cases have been pending more than 90 days and approximately 32% (106,738) have been pending more than one year;
- There are now 93,358 more name check cases pending than last year, and 31,144 FBI name check cases pending more than 33 months as compared to 21,570 last year;

Pending FBI Namechecks

Age of Pending Response	Total Count (May 4, 2007)	Total Count (May 17, 2006)
< 3 months	117,819	82,636
3 - 6 months	55,749	33,450
6 - 9 months	28,029	20,047
9 - 12 months	20,825	16,845
12 - 15 months	14,133	15,064
15 - 18 months	13,931	10,636
18 - 21 months	11,035	8,144
21 - 24 months	12,398	8,325
24 - 27 months	11,765	9,754
27 - 30 months	6,600	4,435
30 - 33 months	5,732	4,896
> 33 months	31,144	21,570
Total Pending	329,160	235,802

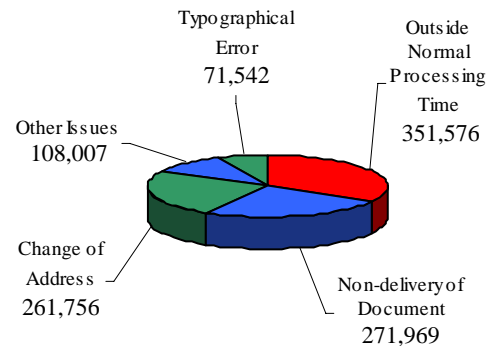
Customer Service
(Annual Report pp. 21-31)

During the reporting period, USCIS made important strides in customer service, beginning with two new contracts to improve its toll-free customer service line.

Nevertheless, stakeholders continued to report concerns to the Ombudsman regarding: (a) limited access to USCIS immigration officers who are knowledgeable enough about specific cases to resolve them efficiently; (b) questionable accuracy of information provided by USCIS call center representatives; and (c) the practice of providing minimal information in response to customer inquiries.

Volume of phone calls received by the National Customer Service Center (NCSC) forwarded by the NCSC to USCIS field offices for further action, by subject: (May 2006 – April 2007)

(Source: CIS Ombudsman 2007 Annual Report)



Complexity of the Immigration Process
(Annual Report pp. 7-11)

In addition to the Immigration and Nationality Act (INA), there are myriad other laws, regulations, policies, and procedures that affect whether and in what manner a foreign national may enter the United States to seek temporary status, permanent residence, or U.S. citizenship. Many of the pervasive and serious problems detailed in this report are interconnected and stem from the complexity and opaque nature of the immigration rules.

Backlogs and Pending Cases
 (Annual Report pp. 11-16)

USCIS customers continue to face lengthy and costly waiting periods for benefits. Through USCIS employees' dedication and leadership, there has been a substantial reduction in the backlog. Unfortunately, the agency's redefinition of the backlog raises questions about the significance of its backlog reduction efforts. Regardless of how those cases are defined, whether under current USCIS control or not, they are cases that must eventually be completed. A realistic plan must be established to address this issue.

USCIS Cases Excluded from the USCIS "backlog"

Totals	March 2007 (most recent data available)	As of end of Sept. 2006 (End of FY 06 and "backlog" elimination goal)
Pending Customer Action	137,405	150,122
Unripe Due to Limits on Annual Immigration	869,544	823,439
Pending Other Agency Action	309,791	264,262
FBI Name Check Cases	295,495	255,831*
TOTAL -- Pending Cases Not Included in "Backlog"	1,316,740	1,237,823

Sources: USCIS Production Status Report (Mar. 2007); *USCIS Production Status Report (Nov. 2006); USCIS Response to the Ombudsman's 2006 Annual Report (May 18, 2007), at 4-5.

Funding of USCIS
 (Annual Report pp. 46-51)

USCIS is self-funded from immigration benefit application fees. These fees pay for USCIS services and programs such as military naturalization and refugee/asylum adjudications, for which there are no fees. Funding concerns, not operational efficiency, often drive USCIS policy. The Ombudsman realizes that customers and stakeholders may find USCIS' new fee rule burdensome. The Ombudsman will monitor the fee rule's effects on applicants. To solve USCIS' funding challenges, the Ombudsman continues to propose that USCIS establish a revolving fund account replenished by future receipts.

USCIS Fee Revenue FY 2006

(Source: USCIS FY06 Fee collections)

Form	Total Revenue (millions)
I-765 (Employment Authorization Application)	\$241
N-400 (Naturalization Application)	\$233
Biometric Fees -- Photograph and Fingerprint Fee	\$165
Premium Processing (for I-129s)	\$160
I-485 (Green Card Application)	\$160
I-130 (Family Immigrant Petition)	\$141
I-90 (Green Card Replacement Application)	\$122
I-129 (Temporary Employment)	\$79
I-131 (Travel Document Application)	\$62
I-539 (Extension or Change of Temporary Status)	\$46
I-751 (Removal of Conditional Residence)	\$27
I-140 (Employment Immigrant Petition)	\$26
Life Act (74)- 245(i) (Penalty Fee for Immigrant Petition)	\$39
I-290B (Notice of Appeal to the Administrative Appeals Office)	\$18
I-600A (Application for Advance Processing of Orphan Petition)	\$15
N-600 (Petition to Classify Orphan as an Immediate Relative)	\$15
I-129F (Fiancé(e) Petition)	\$11
I-687 - over 18 years of age (Application for Status as a Temporary Resident)	\$10
Subtotal	\$1,570
All Other Forms and Miscellaneous Revenue	\$79
Grand Total	\$1,649

Employment-Based (EB) Green Card Applications
 (Annual Report pp. 32-37)

In FY 06, over 10,000 visas were lost because of slow processing of EB cases, even though USCIS had an estimated 100,000 to 150,000 pending applications for employment-based green cards. As of May 2007, the State Department estimated that 40,000 EB visas may be lost in FY 07 if USCIS does not increase the processing rate for green card applications. The Ombudsman attributes the slow rate of adjudications to inaccurate statistics and inefficient USCIS management of its workload. The problem will become significant in the coming fiscal year if there is a dramatic increase in EB green card applications, and a significant backlog is likely to develop if this problem goes unaddressed.

Workforce Issues
 (Annual Report pp. 70-76)

USCIS completed a strategic plan for human resources development and recruitment, but substantial workforce staffing and training challenges remain. Approximately one-third of its supervisory and management staff will reach retirement age in 2010. If comprehensive immigration reform is enacted, USCIS must avoid duplicating the problems created when temporary employees were hired to address backlog reduction.

**Business Process Standardization
(Annual Report p. 51)**

The Ombudsman is encouraged by USCIS efforts to standardize adjudicative processes and operational procedures. However, the Ombudsman continues to observe and receive feedback from applicants, employers, and stakeholders that processing times and adjudications remain inconsistent.

**Ombudsman Accomplishments
(Annual Report p. 4)**

During the reporting period, the Ombudsman made formal and informal recommendations to USCIS. Some of the areas addressed by the recommendations include:

- Making USCIS more transparent in its operations;
- Enhancing customer access to information;
- Ensuring adequate notice for changes to USCIS policy and procedures;
- Addressing Freedom of Information Act backlogs.

The Ombudsman's recommendations address many of the identified pervasive and serious problems with USCIS that, if solved, would increase USCIS efficiency, improve customer service, and enhance national security. To date, the Ombudsman has made 71 recommendations, 32 formal and 39 which were contained in the 2006 and 2007 Annual Reports.

To identify problems and collect data, the Ombudsman held numerous meetings with internal and external stakeholders. The Ombudsman also met with representatives from the Departments of State, Commerce, Justice, and Labor to address interagency coordination.

Since the inception of the office in 2003, the Ombudsman and his staff have visited 168 USCIS facilities, including field offices, service centers, and other facilities to see first-hand the issues that individuals and employers encountered such as the:

- Impact of immigration processing backlogs on families and employers;
- Lack of standardization in immigration adjudications;
- Imprecise and confusing instructions on requests for information for cases; and
- Ongoing problems due to long pending security name checks.

LOOKING FORWARD

The Ombudsman will continue to:

- Identify and propose changes to problems and address issues that individuals and employers have with USCIS;
- Gather information and feedback from USCIS, individual applicants, and other external stakeholders through frequent site visits to USCIS facilities and regular meetings with community-based organizations, employer groups, research facilities, and the professional immigration law community;
- Expand assistance to individuals and employers by continuing to develop the "Virtual Ombudsman's Office System;"
- Maintain and expand activities that promote interagency cooperation and holistic approaches to immigration issues in support of the DHS mission.



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