

**RESPONSE TO THE CITIZENSHIP AND IMMIGRATION SERVICES  
OMBUDSMAN'S 2007 ANNUAL REPORT  
JANUARY 2008**

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Since its establishment in March 2003, U.S. Citizenship and Immigration Services (USCIS) has made tremendous strides in improving the level and quality of services to its customers, while ensuring strict and continuous adherence to security measures and to the letter and spirit of the Immigration and Nationality Act.

The 2007 Annual Report of the Citizenship and Immigration Services Ombudsman (CISO) discusses certain areas that have been the focus of improvement for USCIS since its inception. Specifically, USCIS has strived to improve upon technology, transformation and modernization, customer service, adjudicative processes, backlog elimination, and training and development of its workforce. USCIS has been resolute in its efforts to seek new and innovative solutions to issues that hindered its predecessor agency, the Immigration and Naturalization Service (INS).

In response to CISO's 2007 Annual Report, USCIS provides this update to its efforts over the past year to improve services and processes geared toward fulfilling the agency's goal to "Secure America's Promise as a Nation of Immigrants."

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### **Transformation**

In February 2006, USCIS created a new Transformation Program Office (TPO) to lead the agency's development of a 21<sup>st</sup> century operating environment. While CISO's Annual Report noted that TPO's goals are based on Information Technology (IT) modernization, forms revision, and digital processing capabilities, the comprehensive Transformation Program also includes well-laid plans to transform the supporting IT infrastructure, current business processes, and staff capabilities to enable end-to-end electronic processing of immigration benefits. In accordance with the acquisition strategy that USCIS selected, specific project activities will be finalized once the Transformation IT Services Contract has been awarded. (See Concept of Operations at [http://www.uscis.gov/files/nativedocuments/TransformationConOps\\_Mar07.pdf](http://www.uscis.gov/files/nativedocuments/TransformationConOps_Mar07.pdf))

TPO is currently conducting four pilot programs that focus on modernization and improvements in the areas of case processing and systems updating, biometrics management, and information sharing:

- **Adoptions Processing Pilot:** This pilot program will validate the workflow capabilities of Commercial-Off-the-Shelf (COTS) software to manage electronic processing of one business line (i.e., petitions filed in the foreign adoption process).
- **Unique Identity Pilot:** This pilot will link biometrics to biographic data and freeze the identity of an individual throughout the USCIS immigration process.
- **Biometrics Management Pilot:** This pilot will improve USCIS's biometrics management of 10-print images and other biometrics data (photographs and 2-print images).
- **Paperless Data-Sharing Pilot:** This pilot will allow USCIS to scan, digitize, and make electronic files available to all authorized users.

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## Backlog Elimination

USCIS focuses on active case management to achieve its backlog elimination and production objectives. Most resources are applied to cases that are ready for adjudication. Those cases not yet ready for adjudication are carefully monitored and controlled. Examples of cases not ready for adjudication are: cases pending law enforcement security checks, naturalization test re-exams, naturalization candidates awaiting scheduling of a judicial ceremony, and cases in which USCIS is waiting on an applicant or petitioner to respond to a request for evidence that is needed to complete the adjudication. USCIS's internal production plans and reports, which include both net and gross application numbers, are considered when developing and assessing future production plans.

USCIS has devoted significant planning and resources to managing and improving production. The USCIS Backlog Elimination Plan was launched in FY 2002. Before July 2007, the agency saw a significant decrease in both the overall number of pending cases and processing times. The gross backlog of all applications decreased from 3.8 million in May 2004 to just over 1.1 million in July 2006. In addition to decreasing the total number of pending cases ready for adjudication, USCIS worked persistently to reduce processing times. Through the Backlog Elimination Plan, the processing time for N-400s (applications for naturalization) fell from a previous high of 14 months in February 2004 to approximately 5 months in September 2006.

While USCIS continues to make process improvements to eliminate the backlog of cases and prevent new backlog, events in the summer of 2007 brought a significant increase in the number of applications and petitions filed that resulted in a corresponding increase in the pending workload. This dramatic increase in immigration applications was triggered by: (1) a significant year-long increase in naturalization applications that peaked in the fourth quarter, (2) applicants filing ahead of the increase in fees effective on July 30, 2007, and (3) an unexpected increase in employment-based (EB) adjustment-of-status applications. This influx of applications and petitions created a delay in receipting sometimes referred to as a "front log".

On May 30, 2007, USCIS issued a final rule to increase the fees charged for immigration applications and petitions consistent with the law. This fee increase was necessary to ensure continued improvement in USCIS's ability to process applications and petitions as well as to fund critical infrastructure development. Proactive management steps accompanied this effort to ensure that this process would be successful; however, the agency experienced a substantially larger influx of applications than USCIS originally predicted. In July and August, nearly 2.5 million applications and petitions of all types were received. This compared to 1.2 million applications and petitions received in the same time period last year. This fiscal year we received 1.4 million applications for naturalization, nearly double the volume we received the year before. We estimate that this significant workload will result in application completion times temporarily reaching:

- 16 to 18 months for naturalization applications
- 10 to 12 months for adjustment of status applications
- 9 to 10 months for immigrant petitions for relatives and workers

To address this additional workload, USCIS has expanded office hours, added shifts, allocated overtime for both contract and Government employees, and realigned resources to ensure that all applications were processed as quickly and efficiently as possible. Additionally, USCIS has developed a response plan that relies on staffing increases, key process changes, and a greater leveraging of technology in FY 2008.

USCIS also took great care to receipt all cases in chronological order according to their postmark dates, and prioritized certain types of applications to ensure that legal obligations were met. A critical target was to ensure that all applications to adjust status (I-485) were receipted in a timeframe to allow processing of an application for an Employment Authorization Document (EAD) within 90 days of filing. The next major target was, and continues to be, the receipting of applications for naturalization (N-400) to ensure that customers receive citizenship in a timely manner. USCIS resolved the receipt delay of adjustment-of-status applications in November 2007 and is on track to receipt the remainder of the applications and petitions—mainly naturalization applications and family based petitions—by February 2008.

In June 2007, recognizing the impact that a receipt delay would have on customers, USCIS began advising the public on its website of the status of receipting progress. USCIS also developed and executed a Risk Mitigation and Communications Plan to ensure effective communication with stakeholders. USCIS published frequently asked questions (FAQs), analyzed calls from customers and updated FAQs accordingly, participated in the CISO public conference call on the receipt delay, and provided CISO with responses to questions that were published on the CISO website.

USCIS is prepared to address this new influx of applications by drawing on the knowledge and experience developed through execution of our five-year Backlog Elimination Plan. The agency has already identified a number of strategies to improve efficiencies and production. USCIS is intent on meeting its commitment to customers and to achieving optimal processing times. (USCIS will share its work plan to address the backlog with the CISO office and hopes a collaborative approach will bring about additional strategies that will benefit its customers.)

Another major initiative aimed at backlog elimination and workload concentration was the realignment of the USCIS office structure. In November 2006, USCIS announced a new configuration of the management structure of Regional, District, and Field Offices designed to provide a more balanced and responsive command and control structure. The organizational structure of the former INS consisted of three regions and 33 districts. However, while the workload and workforce distributions were geographically matched, this field office alignment was not geographically balanced. For example, one region had a workforce that was almost as large as the other two regions combined, and some of the largest districts held workforces that were up to 50 times larger than other districts.

To provide more balanced structure, USCIS has now established new district boundaries, in which each district will manage a better distribution of both workload and personnel. In addition, USCIS has established a new Southeast Regional Office in Orlando, Florida, to more effectively accommodate the larger immigration benefit workload in this part of the country. Furthermore, two new districts have been created (in Sacramento and Tampa) adding a greater level of service to applicants and petitioners in those areas of California and Florida that were previously under the jurisdiction of larger districts.

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### **Training/Workforce Development**

Because the USCIS workforce is its most important resource, major efforts are underway to improve the recruitment, training, and development of agency employees. As an integral part of USCIS's efforts to provide high-quality, ongoing staff education and training opportunities, the USCIS Director and the Office of the Chief Human Capital Officer developed the USCIS Academy. The USCIS Academy consists of five main components: BASIC, LEAD, Back-to-School (TAP), Continuous Learning (Professional and Workforce Development), and Advanced Immigration Training, which are intended to promote professional growth and development among all levels of USCIS staff.

**BASIC:** The newly redesigned USCIS Officer Corps training program, BASIC, was implemented in September 2007. BASIC will cultivate a workforce that honors public service, boasts unparalleled immigration expertise, operates with absolute vigilance in matters of national security, displays sensitivity where human factors are involved, and exemplifies the highest standards of professionalism and ethical conduct. In addition, a standardized and informative New Employee Orientation Program has been developed.

To build upon traditional classroom learning, the new BASIC includes a practical training segment that will allow all new officers an opportunity to work with live cases and interact with real customers prior to returning to their assigned worksites. By cross-training the Service Center and Field Office workforces, USCIS is developing a well-rounded Officer Corps that is prepared to provide consistent decisions on benefit applications and petitions in accordance with applicable laws and regulations, a diligent awareness of security concerns, and an ever-present consideration of the effect of USCIS's decisions on those who are served.

**Leadership Education and Development (LEAD):** During FY07, more than 260 USCIS employees took advantage of professional development opportunities under the LEAD Program through educational offerings at a network of distinguished top-tier academic institutions. Building on the program's success in its inaugural year, LEAD will offer current and future USCIS leaders at a range of grade levels with enhanced opportunities to strengthen their strategic leadership, decision-making, and critical thinking skills. LEAD offerings bring the best interagency education to bear on the complex national security issues confronting USCIS and enhance collaborative leadership across organizational boundaries.

**Back-to-School Tuition Assistance Program (TAP):** To assist those USCIS employees who have not yet completed their undergraduate studies, the *Back-to-School* program will reimburse tuition expenses incurred at accredited institutions. Employees will also be reimbursed up to a certain amount for tuition incurred for individual academic classes and training, including executive education certificate programs and coursework leading to an advanced degree. Priority will be given to programs of study directly related to the employee's job, the mission of USCIS, or DHS interests.

**Professional and Workforce Development:** The USCIS Academy will offer opportunities for employees to broaden their knowledge of basic core skills and technical disciplines through online, in-house, and residential courses. This component of the Academy will also provide training for new supervisors, as well as refresher training for more seasoned supervisors.

**Advanced Immigration Training and Seminars:** To further cultivate and enhance the core expertise of USCIS's workforce, Advanced Immigration Seminars will be developed and offered on a regular basis.

USCIS is also actively circulating high-level supervisors and managers throughout other agency offices through management rotations and detail assignments. USCIS field managers are also rotated through USCIS Headquarters, providing an opportunity for employees to interact and provide "real-life" input from various perspectives. Sharing of employees, skills, and ideas will improve the communication and cooperative relationships among the various entities that comprise the agency.

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## Security

USCIS is committed to completing security checks to ensure immigration benefits are afforded only to those who are eligible. USCIS undertakes a number of security checks to achieve that outcome. Some required checks are within the control of the agency and can be completed in a timely manner. However, completion of the required Federal Bureau of Investigation (FBI) Name Check is not within USCIS's

control. While the majority of name check results are returned within a relatively short period of time, some cases wait much longer for their results. USCIS realizes that a considerable number of the agency's pending cases are awaiting only the completion of this security check. As such, a great deal of time and effort has been put forth in the past year to find ways to minimize the delays caused by the name check process. USCIS and the FBI are working together to resolve this sensitive issue and have already agreed on selected process changes that are expected to improve the effectiveness of the Name Check process from a national security and public safety perspective, while streamlining the process and clearing a substantial number of pending cases (and shortening the average process time for future cases) for final adjudication. This should result in considerable productivity gains and quickly help to reduce the backlog without jeopardizing national security. In addition, as a result of the higher FBI fees for namechecks, they are hiring additional staff and contractors for USCIS name check requests and ongoing reengineering efforts, such as increasing operator-to-operator collaboration between FBI and USCIS field personnel, should improve both the quality and responsiveness of the name check process going forward.

USCIS has also made tremendous strides in securing the U.S. workforce from those not authorized for employment through E-Verify (formerly known as the Basic Pilot Employment Eligibility Verification Program). In 2007, E-Verify was improved and expanded, providing a streamlined and completely electronic means by which many more U.S. employers can now electronically submit new employee information to verify and validate authorization for employment.

E-Verify improves USCIS's ability to help identify instances of document fraud and identity theft by incorporating a previously pilot-tested photo-screening tool allowing the employer to:

- View the exact photo that appears on the USCIS created document; and then
- Compare it to the photo on the document the employee presents as evidence of employment authorization during the Form I-9 (employment eligibility verification) process.

Furthermore, USCIS is making even greater use of this system by beginning to monitor E-Verify data for patterns to detect identification fraud, verification related discrimination, and employer misuse of the program.

To help U.S. employers become familiar with the E-Verify program, USCIS is conducting major outreach efforts with effective force multipliers such as human resource and employer associations.

In addition to providing a high level of security screening and integrity associated with immigration benefits and employment verification, USCIS has also undertaken a significant internal reorganization to focus on security within the agency itself. The Office of Security and Integrity (OSI) was created in March 2007. OSI has the expertise that allows the agency to focus more effectively on management and professional integrity, as well as on organizational security for its employees and facilities. USCIS understands that it must ensure that its own agency's security and integrity are beyond reproach and that its employees and facilities are secure. OSI will serve to elevate, and increase the visibility of, USCIS's internal security and integrity programs.

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## Communications and Customer Service Issues

USCIS is continually improving its visibility with the public and its ability to provide clear and concise information. USCIS has undertaken extensive revisions to various applications and petitions in order to make those forms more “customer-friendly” by more completely explaining the purposes of the forms, the necessary supporting documentation, and the appropriate filing locations.

Through changes made with the agency’s contractors, USCIS has experienced record levels of customer satisfaction with its National Customer Service Center. The 1-800 number service levels reached as high as 86 percent overall satisfaction. The average speed of answer for live assistance went from 30 minutes to less than a minute, and abandonment rates fell dramatically to a low of less than 1 percent.

USCIS is using technology to improve communication with its customers in a manner that is easy to access and navigate. In November 2006, USCIS launched a new and improved Web Portal on the official public website [www.uscis.gov](http://www.uscis.gov). This new portal serves as a “one-stop shop” for all information about U.S. immigration and citizenship. Visitors to the new [uscis.gov](http://uscis.gov) website can locate forms, file forms electronically, and sign up online for appointments at local field offices using InfoPass. The new site also features a built-in search engine to locate current information.

USCIS introduced a new Change of Address Online (CoA Online) tool that allows customers to update their mailing address at [uscis.gov](http://uscis.gov) and eliminate making an unnecessary call or visit to a local office. This enhancement ensures accountability of customers to inform USCIS of any changes of their mailing address. CoA Online was extensively tested through usability studies held at USCIS Headquarters and at a customer off-site location.

Additionally, the agency made several enhancements to its internal case management system to better track and manage customer service requests.

The agency launched a new Military Help Line this summer to directly assist service members and their families with USCIS benefits and services. Since its launch, USCIS has assisted more than 6,000 callers. USCIS worked directly with the Department of Defense to institute this help line and held training sessions. The agency also created a dedicated web page to address military-specific immigration issues.

As part of its educational efforts, USCIS successfully launched communication campaigns and distributed marketing material to promote CoA Online and the Military Help Line.

To improve communications with customers, USCIS conducted focus groups and informational sessions with customers, community-based organizations, interest groups, and employees to obtain feedback on the agency’s customer products, local offices, and accuracy of information provided by the telephone centers.

USCIS also has participated in many public events. These include Public Service Recognition Week, National Customer Service Week and Constitution Week, which are celebrated nationally. USCIS promoted and distributed educational products to inform the public on the agency’s mission.

To help more eligible applicants work toward the goal of U.S. citizenship, USCIS recently completed a major revision to its naturalization test. This revision was the result of professional evaluations and public input, and was administered to thousands of volunteer applicants to test its effectiveness. The result is a naturalization test that contains more substantive information with emphasis on American civics and history.

In the past year, USCIS has conducted naturalization ceremonies at several memorable venues including Mount Vernon, Walter Reed Army Medical Center, U.S. State Department, aboard U.S. Navy aircraft carriers, and at various overseas locations, including war zones. Such notable locations provide even greater significance to this already momentous occasion.

As a special feature in certain naturalization ceremonies this past year, USCIS began recognizing great contributions of naturalized citizens by bestowing Outstanding Americans by Choice Awards. Recipients have included congressional members, heads of major corporations, and community leaders. By presenting these awards at naturalization ceremonies, America's newest citizens can see what is possible to achieve with their newly acquired status.

USCIS recently created a publication especially for newly naturalized citizens. Released in April 2007, *The Citizen's Almanac* contains several documents that serve as the fundamental basis for the rights and responsibilities as citizens of this country, and provides the newest Americans with a basic understanding of what it means to be citizens of the United States. *The Citizen's Almanac* is now distributed at all naturalization ceremonies.

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## **Funding and Financing**

CISO's 2006 Annual Report outlined concerns related to USCIS dependency on, and shortcomings of, fee-based financing. The report recommended that Congress consider a revolving fund account or other appropriated source of funding as a means of overcoming perceived financing shortcomings. In the 2007 Annual Report, CISO reiterated that USCIS consider a revolving fund, as this might help resolve "many of the USCIS revenue and funding problems<sup>1</sup>".

USCIS agrees with many of CISO's past and present concerns regarding resource challenges and the critical need for investment in USCIS staff and infrastructure. However, past challenges in raising investment resources were not due to the inadequacy of the fee-financing system. Indeed, an effective fee program can provide the right amount of resources for USCIS when those resources are needed as long as that program is supported through careful and comprehensive planning that is backed by credible budget execution and control.

During the past year, USCIS conducted the first comprehensive review since 1998 of activities funded by the Immigration Examinations Fee Account. As a result, on May 30, 2007, USCIS published in the Federal Register a Final Rule adjusting the Immigration and Naturalization Benefit Application and Petition Fee Schedule to provide sufficient funding to allow USCIS to strengthen the security and integrity of the immigration system, improve customer service, and modernize business operations for the 21st century. Specifically, the new fee structure enables USCIS to:

- Improve the integrity of the immigration system by increasing fraud prevention and detection efforts and expanding national security enhancements;
- Reduce processing times for all immigration applications by an average of 20 percent by the end of FY 2009;
- Address performance gaps identified by the Government Accountability Office, DHS Inspector General, and CISO;

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<sup>1</sup> CISO Annual Report 2007, page 51.

- Upgrade facilities and provide better training to ensure a skilled workforce; and
- Automate USCIS business operations and modernize information technology (IT) infrastructure, reducing unacceptable paper-based processes.

With these investments, USCIS is not expected to face fiscal challenges for the near term. Should fiscal challenges arise, however, a revolving fund would not offer a viable solution. The supposed benefit scenario suggests that USCIS would have a ready means of tapping quickly into available source of funding to address needs as they arise. By extension, the scenario suggests that price schedule revisions could not be implemented as quickly as would be necessary, or that the Congress would not be moved to approve unique and focused discretionary appropriations for particular USCIS needs as it has done in the past. Drawing down resources from a revolving fund, be it discretionary or mandatory in nature, would have a direct implication on the governmental spending levels (and resulting jurisdictional review), irrespective of the timing of any potential fee replenishment.

CISO's FY07 report suggests the USCIS response to the FY06 recommendation was inadequate because it focused on budgetary scoring issues. However, it is precisely such scoring issues that dictate the potential benefit of a fund approach. The likely application of a fund presents challenges that would undermine perceived benefits. The agency believes the comprehensive adjustment in the application and petition price schedule provides the best means to ensure a stable revenue source for operations, including infrastructure investments, for the foreseeable future.

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### **Going Forward**

USCIS thanks CISO and his staff for their analysis and evaluation of the agency's processes, and the suggestions provided in the 2007 Annual Report. USCIS will respond separately to the new recommendations set forth in the Ombudsman's report.

In its first 4 years as an agency, USCIS has made tremendous progress and improvements in process and service. This is primarily due to the hard work, dedication, and ingenuity of its workforce as well as comments and suggestions from those the agency serves. USCIS is developing ambitious strategies for future improvements and modernization that focus on providing efficient service and communication, developing a highly trained workforce, and ensuring the safety and security of the nation.