


C. Processing Times

CASE PROBLEM

A green card application filed in late spring 2003 with a service center remains pending. The applicant filed his fourth EAD in the fall of 2006. In January 2007, the applicant needed the EAD to continue employment, but had not yet received it more than 90 days after filing. As advised by USCIS, the applicant visited the USCIS field office to obtain an interim EAD. At the field office, USCIS told the applicant it no longer issues interim EADs. USCIS gave the applicant a form to request an interim EAD, which the applicant filed with the service center but received no response.²⁸ The applicant contacted the Ombudsman in February 2007. The applicant's green card application remains pending, while the interim EAD was approved late. 

On August 23, 2006, USCIS announced changes that would improve the reporting methodology for processing times of immigration benefit applications and provide “customers more accurate information that better reflects current processing time and USCIS service level commitments.”²⁹ The Ombudsman disagrees that this change provides better information.


Previously, USCIS benefit processing reports indicated the specific application or petition type and the receipt date for the currently processed cases. For example, if February 1, 2007 was the green card processing date on the website, any application filed prior to February 1 already would be, or was about to be, processed. If USCIS takes approximately four months to process these applications, an applicant could expect that on or about June 1, 2007, an application filed on or about February 1, 2007 would be completed.


Under the new USCIS approach, the agency reports processing “goals” instead of the processing time. The online processing times no longer indicate whether USCIS is adjudicating cases more quickly than the USCIS processing goal. If the USCIS processing goal for the green card is 180 days, the USCIS website would show approximately 180 days before today's date, or an earlier date. In the example, if today is June 1, 2007, the posted processing date would be December 1, 2006, even if the actual applications processed were filed on or around February 1, 2007. The website would not reflect the more recent February date indicating a faster processing time.

²⁸ In general, if USCIS does not adjudicate an EAD application within 90 days, an applicant may request an interim EAD. See Memorandum, Aytes, Elimination of I-688B, Employment Authorization Card, (Aug. 18, 2006). The procedures adopted by this field office in the Case Problem appear to be inconsistent with the procedures outlined in the policy memorandum. According to this Memorandum, the Immigration Information Officer should have contacted the service center to obtain information; the service center should have attempted to provide a status inquiry in 30 minutes to provide the applicant with a response. The memorandum does not contemplate that a field office would give an applicant a form to make the inquiry.

²⁹ USCIS Public Notice, “Improved Procedures for Reporting USCIS Processing Time of Immigration Benefit Applications on the USCIS Website,” (Aug. 23, 2006). <http://www.uscis.gov/files/pressrelease/PRCSSTimes082306PN.pdf> (last visited June 3, 2007).

COMMENT FROM OMBUDSMAN'S TELECONFERENCE

One caller mentioned that USCIS posts processing times as six months (if the processing is six months or less) or the exact processing time if it is greater than six months. This makes planning difficult. For example, fiancé(e) petitions once took several months, but now are completed in one month. For one month completions, the posted processing time will be six months. 

Another caller said it would be helpful to get guidance on the real processing times for I-130s. 

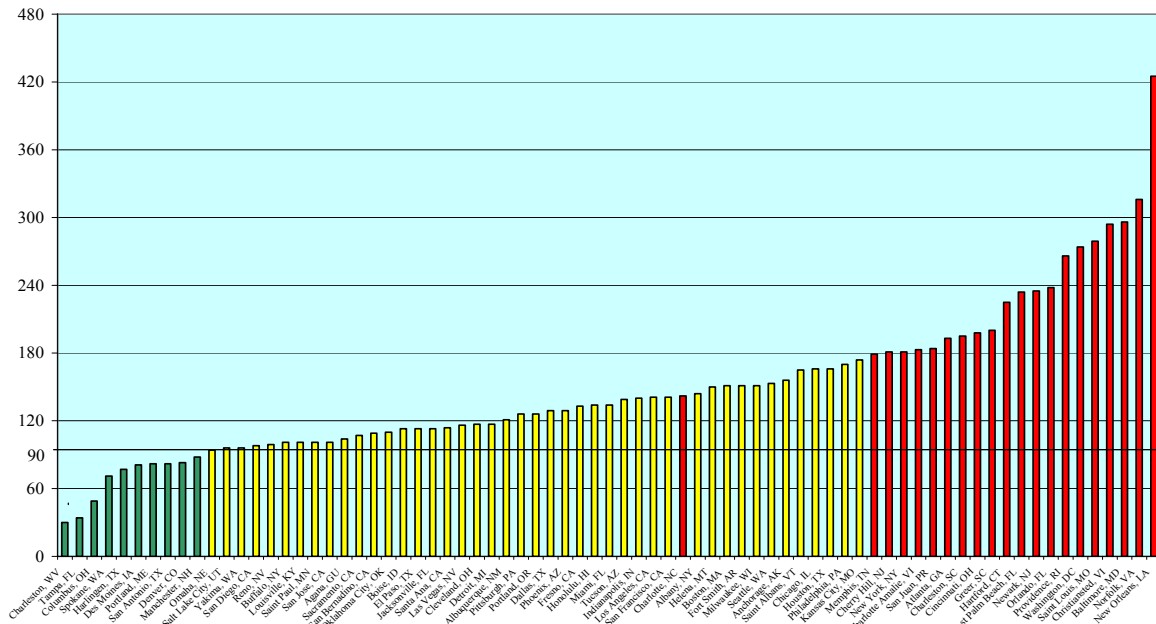
Under the new reporting guidelines, green card applicants may think that all offices take at least 180 days to process applications and, consequently, apply unnecessarily for interim benefits, which are allowable after 90 days. Under the old reporting guidelines, applicants could determine if processing times were greater than 90 days and, therefore, apply for an interim benefit. This saved time and resources both for the applicant and the USCIS office receiving the application.

In response to these concerns expressed by the Ombudsman in August 2006, USCIS committed to: (1) use a processing time of 90 days for green card applications; and (2) provide the actual processing time where the processing time is over 90 days.³⁰ However, despite written assurances by the USCIS Operations Director, the agency continues to use the 180-day processing time on its website.

USCIS indicated that it will continue to maintain precise data on processing times for internal management purposes. The Ombudsman recently requested data on precise processing times, but instead was given data on cycle times that show future processing potential.

³⁰ See Email from USCIS Operations Director to the Ombudsman (Aug. 25, 2006).

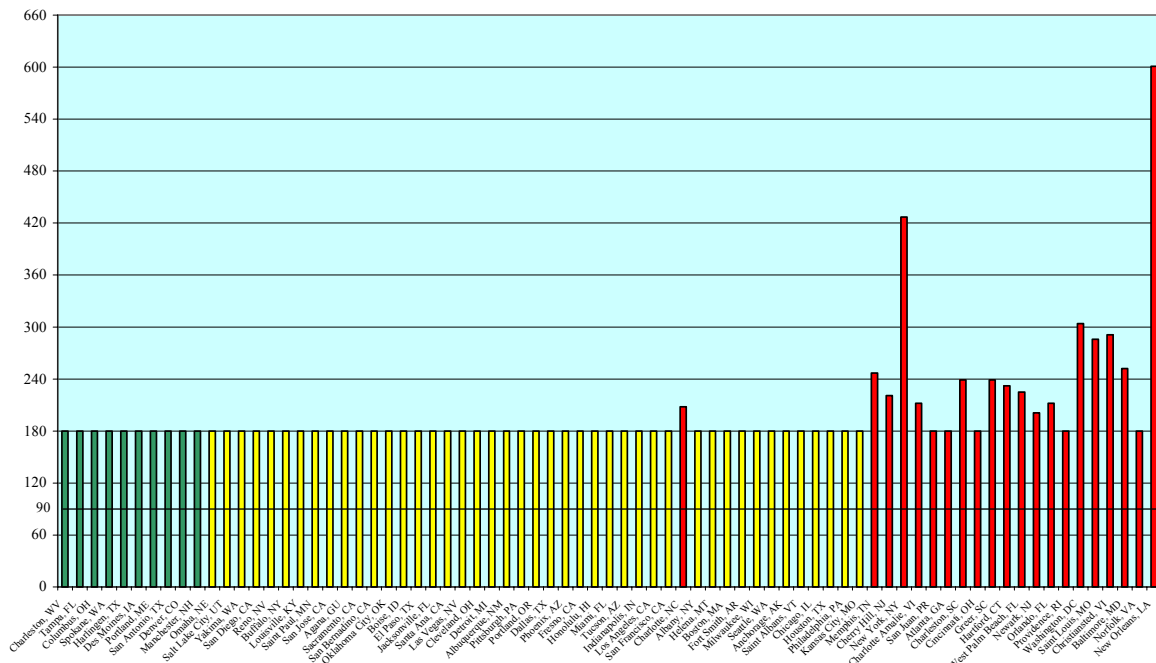
Figure 2: Field Office Green Card (I-485) Cycle Times (Days), March 2007



Notes: USCIS uses a calculation to derive “cycle times,” which is based on pending and receipt data from the Performance Analysis System (PAS). The processing times posted on the USCIS website combine the cycle times and in some cases, dates reported by field offices based on local conditions such as a transfer of cases into an office. If an office is at or below the six month target cycle time, USCIS posts the cycle times and in some cases, dates reported by field offices based on local conditions such as a transfer of cases into an office. If an office exceeds the 180 day target time, USCIS posts the cycle time or a date reported by the local office. Any office that exceeded the 180 day limit for either its processing time or cycle time has been marked red for both the processing and cycle time chart.

Sources: USCIS Performance Management Division and PAS.

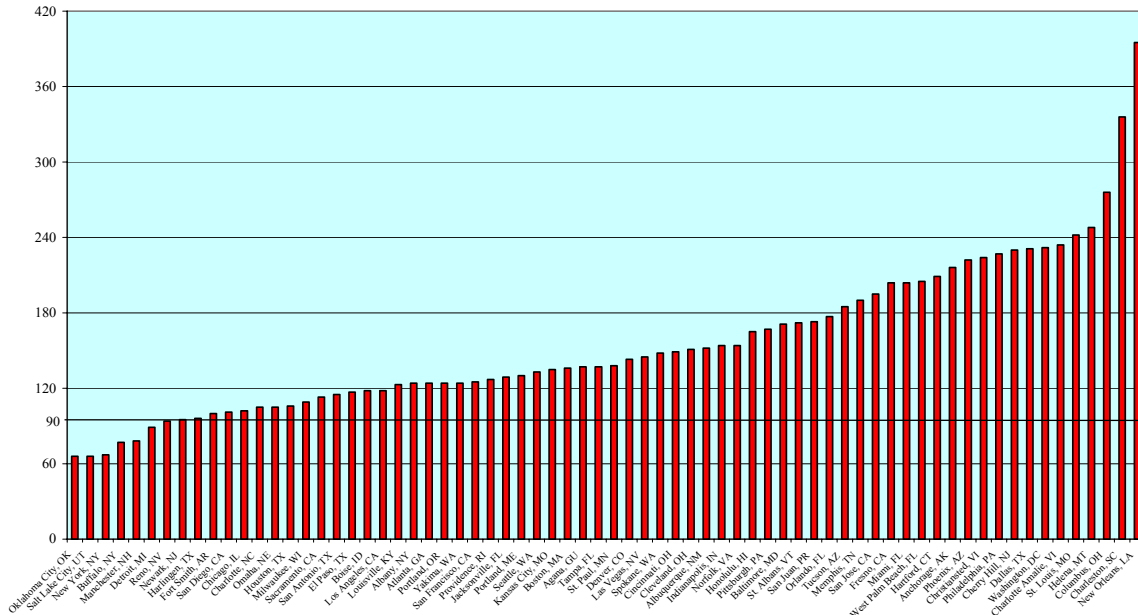
Figure 3: Field Office Green Card (I-485) Processing Times on USCIS Website (Days), March 2007



Note: See Figure above.

Sources: USCIS Performance Management Division and PAS.

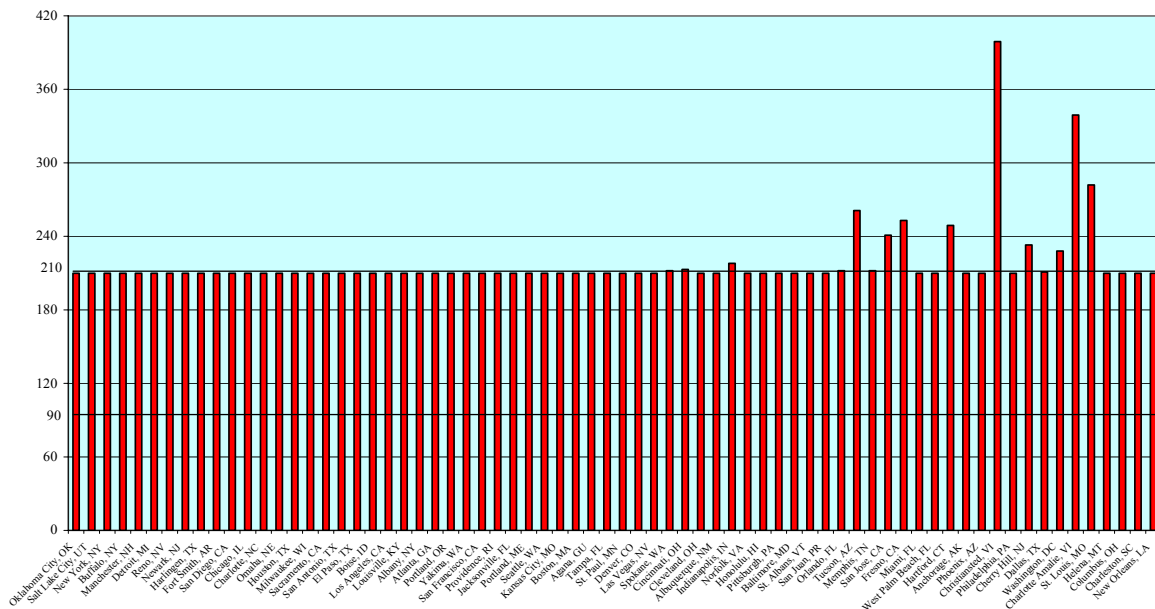
Figure 4: Field Office Naturalization (N-400) Cycle Times (Days), March 2007



Note: See I-485 Cycle Times Graph.

Sources: USCIS Performance Management Division and PAS.

Figure 5: Field Office Naturalization (N-400) Processing Times on USCIS Website (Days), March 2007




Note: See I-485 Cycle Times Graph.


Sources: USCIS Performance Management Division and PAS.

The current processing time reporting provides less information to customers and makes the processing times more opaque. Transparency inherently leads to more efficient government services and greater accountability. USCIS should strive to be transparent and provide as much information to customers as possible.

CASE PROBLEM

In 2004, a foreign national and his U.S. citizen wife applied for removal of the conditions of residence using Form I-751 (Petition to Remove the Conditions of Residence) at a field office. The petition was forwarded to a service center. Over 25 months later, the petition remained pending. Without providing the applicant any reason for the delay, USCIS informed him that his file was transferred to another service center. The individual contacted the Ombudsman in the middle of 2006 because the case was outside normal processing times. The case eventually was approved. 

RECOMMENDATION AR 2007 --03

Currently, USCIS provides processing times based on agency goals, rather than actual processing time as it previously provided. In addition to the agency's responsibility to be transparent, green card applicants in particular should know if applications will be processed within 90 days, rather than the 180-day target time, to avoid applying unnecessarily for interim benefits. The Ombudsman recommends that USCIS return to providing the public with actual processing times for each field office. 

D. Customer Service

During the reporting period, USCIS made important strides in customer service. USCIS increased the number of appointments available via INFOPASS and began two new contracts in the effort to improve its toll-free customer service line.