

**RECOMMENDATION AR 2007 --12**

*USCIS currently uses substantial resources to issue and review RFEs for information that already was submitted or was unclear in the original application instructions. While the agency in its 2006 Annual Report Response (at p. 17) indicates that it continues to work to improve the clarity of form instructions, the Ombudsman recommends that USCIS develop:*

*(1) Clearer application instructions so that applicants provide the required documentation at the outset;*

*(2) Transparent and easily understandable rejection criteria; and*

*(3) RFEs written in simple, more direct language with less legalese and personalized to the recipient for the limited instances in which RFEs would be issued.*

**K. Coordination and Communication**

In its 2006 Annual Report Response (at p. 14), USCIS indicated that “[c]oordination and communication between and among all USCIS offices has improved as technology [expanded].” The Ombudsman commends USCIS for providing “a great deal more information . . . to officers today than even just a year ago.” While there has been improvement, the issues and concerns expressed in the Ombudsman’s 2005 and 2006 Annual Report mostly remain. Coordination and communication continues to be one of USCIS’ biggest challenges, as observed by the Ombudsman during visits to field and service center offices during the reporting period.

**1. Field Offices/Service Centers**

Ineffective coordination and communication between field offices and service centers continues to be a serious and pervasive problem. Offices are not standardized in how they function, and communication between offices is difficult at best. Moreover, unconnected information systems inhibit employees from getting the information in a timely way to resolve issues and adjudicate cases. Lack of timely information inevitably causes processing delays and customer dissatisfaction. For example, each of the four service centers and the NBC continue to operate separate computer Local Area Network (LAN) systems with no connectivity to each other. Applicants file employment-based green card applications with one of two service centers, which forward applications requiring interviews to field offices nationwide. The field offices do not have access to the service center’s LAN system and, therefore, cannot: (1) update the LAN record with case completion information; or (2) connect to the LAN system to produce the green card. The field office must return the paper file to the service center to complete these tasks.


The investment must be made to equip all offices with the tools necessary to well serve the public. For example, the Ombudsman has suggested numerous times that USCIS establish telephone-based direct link connections into the LAN at field offices to allow them to do the

necessary tasks stated above and to research and obtain service center related information. The service centers have hundreds of these connections, while the field offices have none.

In addition, officer-to-officer communication between the field offices and service centers is minimal. Immigration officers often do not accept decisions and actions of other officers as cases are transferred. Such *de novo* review duplicates work already completed, causes delays in the adjudication process, and causes hardship, inconvenience, and expense to applicants and employers.


File transfer between offices continues to be a problem. Tracking, timeliness, and the loss of files continue to be concerns.

*COMMENT FROM OMBUDSMAN'S TELECONFERENCE*

*A caller mentioned that some cases are lost when transferred from one service center to another.* 

While the National File Tracking System (NFTS) has improved the file transfer process, the apparent lack of communication and coordination within USCIS is troubling. For example, once the application arrives in the field, there is no tracking of the file. The Ombudsman understood that beginning in May 2007, service centers would transfer cases to the NBC which would then disseminate the cases to the field to allow for better tracking. However, as of the writing of this report, this change has not yet occurred.

*CASE PROBLEM*

*The applicant applied for an employment-based green card in late 1997. In early 2001, a service center where the application was filed transferred it to a local office. The local office interviewed the applicant and his wife and, subsequently, transferred the application back to the service center. Next, the service center transferred the file back to the local office and, in the middle of 2003, the couple had another interview. The local office transferred the file again to the service center. Subsequently, the service center again transferred it to the local office in late 2004. Since then, the applicant and his wife have been unable to obtain case status information. In early May 2007, the Ombudsman learned that the file had been at the National Records Center and was sent back to the local office at the end of 2006. The case remains pending.* 


## **2. USCIS Headquarters/Field Office Coordination**

There appears to be a continued lack of communication and coordination between USCIS headquarters and the field. For example, in attempting to determine the total number of family and employment-based cases at field offices, headquarters cannot rapidly obtain the information because every office has its own tracking system using different criteria. The Ombudsman

routinely hears from field office staff that many suggestions forwarded by staff to headquarters are ignored.

Immigration Information Officers, adjudicators, and other employees are often not getting information about changes to procedures or receiving accurate data. This lack of communication and coordination hinders their capability to provide accurate information to the customer and complete cases in a timely manner. This is particularly difficult for IIOs who are the front line employees expected to know the answers to difficult questions. As noted by one IIO, immigration attorneys and consultants often know about legal and procedural changes before IIOs have the information or instructions from USCIS headquarters. The result is delay, additional expense, frustration, and hardship for the customer.

*RECOMMENDATION AR 2007 -- 13*

*The Ombudsman recommends that the USCIS budget for each headquarters element include sufficient funds for detailed visits with field office and service center line and supervisory staff to enable headquarters to better understand the needs of these offices.* 

In AR 2006 – 07, the Ombudsman recommended that USCIS incorporate into its ASC contract the ability to use the underutilized ASC staff in co-located facilities to assist field office operations. USCIS rejected this recommendation in its 2006 Annual Report Response (at p. 15):

USCIS has been expanding the role of the ASCs. A prime example is that the ASCs are being used to assist with the process of renewing [green cards]. However, it is important to ensure that the ASCs remain tightly focused on their core mission of identity verification and biometric collection. USCIS does not plan to modify contracts to allow local USCIS managers to individually assign other forms of work not described specifically in the Statement of Work.

The Ombudsman reiterates the concerns identified previously and again suggests that USCIS reconsider its position in the interest of efficiency and good government.

### **3. USCIS Relations with Stakeholders and Other Government Agencies**

Meaningful coordination and communication is essential between USCIS and other relevant government agencies and employer groups, yet it is lacking.


USCIS personnel who handle records have expressed concern to the Ombudsman about the poor adherence to file handling procedures by CBP and Immigration and Customs Enforcement (ICE). While training in NFTS and records handling procedures were provided to CBP and ICE, continuous training is necessary. USCIS and the customer would benefit greatly from regular communication and coordination with other such entities.

**RECOMMENDATION AR 2007 -- 14**

*The Ombudsman recommends that USCIS define a program to ensure proper handling and monitoring of its records. The program should be assigned to a USCIS headquarters office element.* 


As described in last year's annual report (at p. 39), USCIS still needs to work on better communication and coordination with employers and government agencies at the federal, state, and local levels. At the same time, the necessity for such coordination and communication with these groups is rapidly increasing.

**CASE PROBLEM**

*A U.S. citizen petitioner filed a Form I-130 for her husband in August 2006 and the petition was approved in December 2006. The petitioner received the approval notice, which indicated that the notice was forwarded to the DOS National Visa Center (NVC). The petitioner waited the necessary period of time, called the NVC, and was told the case was not at the NVC. In early 2007, the petitioner filed Form I-824 (Application for Action on an Approved Application or Petition) with USCIS at an additional \$200 fee, to forward the petition to the NVC. This interagency transfer should have occurred without the filing of the I-824. As of the writing to the Ombudsman, the application remained pending.* 

**CASE PROBLEM**

*In 2006, an applicant filed for waiver of the two-year foreign residency requirement (Form I-612, Application for Waiver of the Foreign Residence Requirement of Section 212(e)) and submitted a green card application based on marriage to a U.S. citizen. Later that year, the applicant received conflicting information on the case location. First, USCIS said it was forwarded to a service center, then that it was forwarded to a local office, and then to another local office, which was the office with jurisdiction. The applicant made an INFOPASS appointment at the local USCIS office. The IIO stated that USCIS did not know the location of the application, DOS was responsible for adjudication of the waiver, and the inquiry should be directed to DOS. Next, USCIS scheduled the couple for a green card interview. At the interview, USCIS told them that it could not proceed without DOS' response on the waiver. The applicant contacted DOS, which said that it did not have the necessary paperwork from USCIS. In early 2007, USCIS contacted the applicant and directed her to file a new waiver form.*

*The applicant indicated to the Ombudsman that she cannot renew her driver's license because the green card application is pending for more than one year and the application receipt is over a year old. The applicant is fearful that her green card application will be denied and without an EAD her job may be in jeopardy. *

**4. Interaction Among Headquarters Entities**

The recent announcement by Director Gonzalez regarding senior management rotation is encouraging. At least four senior policy and management officials rotated into new positions within USCIS.<sup>64</sup> This action should expand their experience and enhance communication and coordination within USCIS. The Ombudsman notes that the process by which senior staff were selected and rotated should be transparent to ensure that such career-enhancing opportunities are fairly distributed and fit the needs of the agency.

Despite these promising rotations, effective communication issues still exist among different USCIS headquarters entities. During the reporting period, the Ombudsman observed several situations in which a headquarters entity was not aware of the actions of another entity. For example, during a visit to a digitization facility, the Ombudsman learned that USCIS acquired 500 licenses for a program to access the digitized files for USCIS, CBP, and ICE, instead of an enterprise license to provide access to the many tens of thousands of prospective users of the system. The Ombudsman understands that this occurrence was due to the lack of coordination between two key headquarters operational units. The recent managerial rotations described above, combined with a focus on “enterprise decision-making” that transcends subjects and personalities, will assist in preventing these types of problems in the future.

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<sup>64</sup> Email from USCIS Director to the Ombudsman (Apr. 30, 2007).