



U.S. Citizenship
and Immigration
Services

December 27, 2005

Mr. Prakash I. Khatri
USCIS Ombudsman
Mail Stop: 1225
Washington, DC 20528-1225
Via E-mail to: cisombudsman@dhs.gov

Re: Recommendation to USCIS to (i) revise 8 CFR § 223.3(a)(2) to extend the period of validity for refugee travel documents from 1 year to 10 years and (ii) establish a policy of adjudicating I-131 applications for refugee travel documents and reentry permits within 6 weeks, the same amount of time it takes a U.S. citizen to acquire a passport

Dear Mr. Khatri:

This is in response to your office's recommendation that USCIS extend the validity period of refugee travel documents to 10 years, and establish a policy of adjudicating all applications for refugee travel documents and reentry permits within 6 weeks, the current timeframe for issuance of a U.S. passport.

Ten-year refugee travel documents

With respect to this first part of your recommendation, the refugee travel document is only issued to a person granted refugee status or asylum in the U.S. Under the current statutory construct both refugee and asylum status are limited to one year, at the end of which the individual must apply for adjustment of status to permanent residence.

Consistent with this statutory construct USCIS provides that refugee travel documents are to be valid for one year, or to the date the refugee or asylum status expires. USCIS continues to believe that it would be inappropriate given the current statutory construct to issue a refugee travel document beyond the person's status. Given a travel document is valid for ten years runs counter to the entire statutorily mandated process to review the status of these individuals after a year. It would also confuse customers with respect to when their status expires and when they should apply for permanent residence.

Clearly there was a stronger rationale for the change your office has recommended when the legislative cap on asylee adjustments existed. The cap resulted in customers applying at the end of their year in asylum status, but then, because of numerical limitations, being in limbo for years because we could not, due to the cap, approve their applications. It was indeed argued by some that, once a cap-subject asylee filed an application to adjust status to permanent residence, USCIS should have issued longer-term interim documentation, whether that be refugee travel documentation or other evidence of status. However, the *Real*

ID Act's removal of this numerical limitation obviates the need for multi-year travel documents. Once Congress passed this legislation, USCIS responded by immediately re-defining these cases as ripe for adjudication, and, consistent with our backlog elimination strategy, developed plans to process all the pending applications that had been held in abeyance.

Our plan will eliminate this backlog quickly enough that even an interim process to grant a refugee travel document for 2 years to even this limited group would be inappropriate.

There is the ongoing issue that today a person's travel document expires the day their status expires, which is one year from being given that status. Customers who file close to or after that date do under the current construct run the risk of their status and travel documentation expiring because of when they chose to file their adjustment application. We admit that extending the validity of a refugee travel document would reduce the chance that this would occur. Again, however, having this document extend beyond their status could confuse customers as to when they need to file their application for permanent residence. Many customers already do not file promptly, and the resultant confusion a longer travel document might cause could exacerbate this problem. A delay in filing also creates potential issues with respect to status in the interim.

Over the years there has been a periodic debate about whether there should be a legislative change to admit refugees as permanent residents given that the U.S. often actively participates in their resettlement here. In this respect their situation is far different from that of asylees, where the status is intended to be temporary. For asylees, adjustment to permanent residence is predicated on whether the situation that caused them to be granted asylum has continued for a year.

Within the current statutory construct that requires both refugees and asylees to apply after a year for permanent residence, we believe the current regulation with respect to the validity of refugee travel is appropriate. We do recognize the lag that can result should customers file close to or after their one-year status expires. Thus, in part predicated upon your recommendation, as part of our Transformation Initiative we plan to explore modification of the relevant application forms and notices to allow and encourage asylees and refugees to file their adjustment application several months before their status expires.

Processing all refugee travel document and reentry permit applications within 6 weeks

In this regard your recommendation equates these travel documents for refugees, asylees and permanent residents to U.S. citizens and the U.S. passport, and points out that: "A U.S. citizen applying for a passport pays less than a non-citizen does to obtain a refugee travel document or reentry permit, and is able to obtain the passport in no more than 6 weeks, and usually sooner."

The Department of State offers two levels of service for U.S. passports. Their processing time goal for normal (routine) processing is, as your office points out, 6 weeks. They also offer expedited service, for an additional fee.

Our goal for FY 2006 under the President's Backlog Elimination Initiative is an average processing time for applications for processing reentry permits and refugee travel documents is 3 months. Like your office, however, we recognize that timely processing is particularly critical when it comes to travel documents, and thus we have set an internal average processing time goal of 2 months. As of the end of October, our average processing time for these products is currently 1.8 months, which is slightly less than 8 weeks.

Mr. Prakash Khatri – Extend the Validity for Refugee Travel Documents
Page 3

Our objective over time is to reduce this processing time. Nevertheless, we have to balance our efforts in this regard with efforts to eliminate backlogs in other product areas. In addition, we must recognize that there are some important differences with the U.S. passport process for U.S. citizens that stem from the fact these individuals are not U.S. citizens. Since their status is not an inherent right, we must take the opportunity to conduct background checks to ensure that other action with respect to their status would not be appropriate.

As part of our Transformation Initiative, we do hope to be able, like the Department of State, to let customers choose between several service level options because we recognize that no matter how fast the average, some customers need expedited service.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Divine". The signature is written in a cursive style with a large, prominent initial "R".

Robert Divine
Acting Deputy Director, USCIS

cc: Michael Jackson, Deputy Secretary