

Recommendation #20
Administrative Appeals

On December 6, 2005, the Ombudsman recommended to USCIS *that the Administrative Appeals Office make available to the public through publication of a regulation or otherwise the appellate standard of review, the process under which cases are deemed precedent decisions, the criteria under which cases are selected for oral argument, and the statistics on decision making by the Administrative Appeals Office.*

On December 16, 2005, USCIS responded to the Ombudsman's recommendation. We agreed that the public should be given more information regarding the appellate standard of review, the criteria under which cases are selected for oral argument, and the AAO decision-making statistics. However, USCIS also stated that any internal agency deliberations regarding which decisions are chosen to become adopted/precedent decisions should not be made public until the final decision is reached.

The Ombudsman did not have any follow-up to the USCIS response and we consider this recommendation closed.