



U.S. Citizenship  
and Immigration  
Services

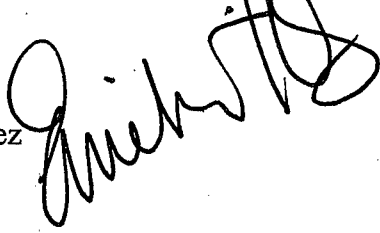
## Interoffice Memorandum

To: Prakash Khatri  
USCIS Ombudsman

From: Dr. Emilio T. Gonzalez  
Director, USCIS

Date: AUG 7 2007

Subject: Response to Recommendation #32, Deferred Action



### Ombudsman Recommendation

Your office has recommended several changes in the way USCIS currently handles deferred action cases. The specific recommendations are that USCIS should:

1. Post general information on deferred action on its website;
2. Maintain statistics on the issuance and denial of deferred action requests; and
3. Designate a headquarters official to review grants and denials of deferred action requests on a quarterly basis to ensure that like cases are decided in like manner.

### USCIS Response

USCIS appreciates your interest in the issue of deferred action. As you know, deferred action is a discretionary administrative act that is exercised in appropriate cases. Each proposed recommendation listed above is addressed separately below:

1. Post general information on the website.

Deferred action is a discretionary action initiated at the discretion of the agency or at the request of the alien, rather than an application process. Since deferred action requests are reviewed on a case-by-case basis and granted only in extraordinary circumstances, USCIS does not believe that general information about the deferred action process would be a meaningful addition to the website.

2. Maintain statistics on the issuance and denial of deferred action requests.

Future deferred action grants will be monitored by the Regional Directors and reported quarterly to Headquarters.

3. Designate a headquarters official to review grants and denials of deferred action requests on a quarterly basis to ensure that like cases are decided in like manner.

USCIS does not believe that a review by Headquarters of these decisions is necessary or beneficial. Decisions on deferred action requests are made by the Regional Director upon recommendation by the appropriate District Director. USCIS is satisfied that the deferred action review and approval process within USCIS contains the appropriate levels of review.

Additionally, USCIS recognizes that field guidance clarifying when a request for deferred action is properly before USCIS or the Immigration and Customs Enforcement (ICE) would be beneficial. USCIS intends to work with our colleagues at ICE on this matter in issuing such guidance.