




U.S. Citizenship
and Immigration
Services

Interoffice Memorandum

To: Prakash Khatri
USCIS Ombudsman

From: Dr. Emilio T. Gonzalez
Director, USCIS 

Date: August 21, 2006

Subject: Response to Recommendation #27, Up-front Processing

Recommendation to USCIS that it implement up-front processing of immigration benefits beginning with those for family-based adjustment of status applications for the following reasons: 1) to enhance security and process integrity; 2) to improve customer service; and 3) to increase USCIS efficiency.

This recommendation is very similar to the recommendation made by the Ombudsman in 2004, (recommendation number one, dated June 18, 2004). USCIS has responded previously to that recommendation and is seeking to alleviate the Ombudsman's concerns by conducting an in-depth study and analysis that will compare the benefits of his recommendation to those of other processes utilized by our offices to process applications for adjustment of status. USCIS agrees with portions of the Ombudsman's recommendation and acknowledges that there are benefits to completing adjustment of status applications within 90 days of filing.

First and foremost, USCIS is concerned with ensuring that we have completed all background checks on applicants prior to approval of their adjustment of status application. The creation of our *National Security, Records and Verification Directorate*, and the work of our *Fraud Detection and National Security* team is evidence of our emphasis on national security. In addition, USCIS, along with *Immigration & Customs Enforcement (ICE)*, is placing more emphasis on pursuing removal of an alien when we deny an application.

It is our goal to be able to process cases in ways that do not lead to interim benefits but instead lead to prompt, high quality decisions that reflect a full understanding and sensitivity to the national security and public safety of the United States and its citizenry. Our backlog elimination effort has caused a great reduction in the number of interim benefits that we issue. This reduction of the backlog means not only that fewer individuals

receive interim benefits while waiting for the adjudication of their application, but also individuals who pose a threat to our nation are being removed much sooner than in the past.

With respect to procedure, in addition to the reduction in our backlog, we are able to schedule an applicant at the Application Support Center (ASC) for their biometrics soon after they file their application. We initiate the background checks almost immediately after we receive the application. Our commitment to the security and integrity of our process is further represented by the fact that we now conduct an average of 135,000 background checks each day, which totals over 33 million different background checks for the approximately 7 million applications that we receive per year.

We also reduce the issuance of interim benefits through comprehensive prescreening of adjustment of status and related applications. We are reviewing two methods of achieving this prescreening, one is the 90 day process recommended by the Ombudsman and the other is a method that USCIS has developed.

The method recommended by the Ombudsman, the Dallas Office Rapid Adjudication (DORA) process, currently operating on a voluntary basis in our Dallas district office, allows customers to schedule an appointment to submit their application at the same time that they are interviewed. This allows the office to identify deficiencies and place the case in suspense while the customer corrects them or to reject the application in its entirety.

The alternate method developed by USCIS allows the customer to submit their application directly to the lockbox where the fees are processed within 24 hours. The application is then sent to the *National Benefits Center* where background checks are conducted and the staff reviews the application and identifies any deficiencies. If necessary, additional information is requested and the case is placed in suspense, which stops the processing clock and eligibility for an Employment Authorization Document (EAD). The customer is scheduled for fingerprints at the ASC so that criminal checks can be conducted.

As cases are ready, interviews are scheduled where appropriate, with the goal to conduct the interview and make a decision on the base application before the customer becomes eligible for interim employment authorization or related benefits. This is referred to as a 90 day process because day "90" on the processing clock is when the customer would otherwise become eligible for benefits based on the pending adjustment of status application. As we continue to reduce our backlogs, our goal is to have most of our offices operating under this 90 day process by the end of the calendar year.

The primary difference in the two methods is that in the DORA pilot, an adjudications officer does much of the work that support staff normally handles in the centralized process, including interviewing cases where an interview would not otherwise be necessary. While the interview is conducted early, which potentially allows certain additional deficiencies to be identified, it is also done before fingerprinting, and thus prior to having the results of certain criminal and other security checks, which creates potential vulnerabilities and can result in a second interview being necessary. In both the DORA and the alternate 90 day method, the application can most often be adjudicated prior to the individual's eligibility for employment authorization.

Each model has certain advantages. The end result - adjudication prior to issuance of interim documents - is the same for both methods. We have not made a definitive decision as to which model to adopt nationally. However, we are committed to a process that handles cases efficiently and effectively, meeting all quality requirements in a way that protects the national security and public safety of the United States.

In order to conduct a comprehensive assessment, we plan to expand the DORA pilot to make it the exclusive filing process in Dallas, and to expand it to two additional locations. Once this has been established, we will then conduct a full analysis of both methods to decide which to adopt nationally. This official analysis should then eliminate any potential distortion caused by the fact that up until that point, the DORA process had been an optional filing method for the applicant. Once completed, USCIS will share the results of the analysis with the Ombudsman.