



Homeland
Security

Engagement Readout

The CIS Ombudsman's Webinar Series: 2022 Annual Report

On July 19, 2022, the Department of Homeland Security's (DHS) Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) hosted a webinar highlighting its 2022 Annual Report to Congress.

During this engagement, the CIS Ombudsman's staff provided an overview of the 2022 Annual Report and shared recommendations made to U.S. Citizenship and Immigration Services (USCIS) for improving the administration of immigration benefits and services. The CIS Ombudsman tracks USCIS' progress on recommendations made in previous Annual Reports. USCIS determines whether to accept and implement CIS Ombudsman recommendations; the agency may act on some recommendations immediately, while others may take years to result in change.

Below are the topics and some of the recommendations discussed:

The Avalanche Impact of Backlogs: 2021 in Review. USCIS has frequently had to confront the impacts of its backlogs, but neither the backlogs nor their impacts have been as severe as the ones the agency currently faces. Lengthy processing times and the high numbers of unadjudicated cases—a result in part of the pandemic's unprecedented effect on USCIS' operations, employee attrition, and insufficient revenue—have had a massive adverse “snowball” effect on the agency's operations as well as on its customers and stakeholders. USCIS' commitment to mitigating its backlogs of cases, as evidenced by setting aggressive processing goals for the end of FY 2023, must be matched with a full commitment to eradicating the worst of these pain points for applicants and petitioners so that they may continue to work, travel, obtain evidence of status, and be able to access expedited processing, when eligible.

The Need for More Flexibility in Renewing Employment Authorization. Delays in renewing employment authorization documents (EADs) interrupt employment for noncitizens while simultaneously hampering the ability of U.S. businesses to employ their workforce continuously. We recommend that USCIS build on existing efforts to mitigate the impact of EAD delays by increasing flexibility in the EAD renewal process, including for certain nonimmigrant spouses; continuing to identify occupations where EADs might be expedited in the national interest; further leveraging technology in support of EAD adjudications; allowing

more flexibility in the Form I-9, *Employment Eligibility Verification*, process; and eliminating the need for a separate EAD application in certain circumstances.

Increasing Accessibility to Legitimate Travel: Advance Parole. Due to processing delays, adjustment of status applicants find it difficult to receive advance parole documents in a timely manner, which has led to more requests for USCIS to expedite Form I-131, *Application for Travel Document*, and to issue advance parole for emergencies. The Annual Report presents several recommendations to reduce barriers to travel and enable USCIS to better manage the process of providing advance parole.

Improving Access to the Expedite Process. USCIS operations have been affected by the pandemic and insufficient resources, resulting in longer processing times for expedite requests. We include several recommendations for making the expedite request process more efficient, standardizing guidance on the process, and increasing efforts to collect data on the number of expedite requests USCIS receives as well as approval and denial rates.

Initiating a Discussion on Ways to Address the Affirmative Asylum Backlog. The asylum backlog has grown to more than 430,000 pending cases, with devastating impacts on asylum seekers and their family members. We offer recommendations to address the affirmative asylum backlog and identify new operational approaches to improve the quality and efficiency of asylum adjudications without compromising integrity or fairness.

Eliminating Barriers to Obtaining Proof of Employment Authorization for Asylum Applicants in Removal Proceedings. Asylum seekers, particularly those in removal proceedings, encounter significant barriers to obtaining proof of employment authorization, both while their Form I-589, *Application for Asylum and for Withholding of Removal*, is pending and after an immigration judge grants asylum. We outline several recommendations aimed at improving coordination and decreasing delays in processing EADs and providing evidence of status.

USCIS' Digital Strategy: Nearing an Inflection Point. While there is more work to be done, we are optimistic that USCIS' digital strategy is nearing an inflection point. We offer several new recommendations focused on developing an application programming interface (software that allows for communication and exchange of information between two systems); digitizing Form I-912, *Request for Fee Waiver*; conducting a nationwide online filing and myUSCIS promotion campaign; and exploring ways to incentivize online filing.

The CIS Ombudsman will continue to collaborate with USCIS on these recommendations to effect meaningful change. Visit the CIS Ombudsman's [Annual Report to Congress](#) page to read the highlights and the full Annual Report.

More than 370 stakeholders joined this webinar (attorneys/legal representatives – 29%, government workers – 24%, employers – 11%, petitioners/applicants – 11%, advocacy groups – 6%, and others – 19%). Participants submitted written questions and comments and the speakers addressed as many as possible during the engagement. Below is a sample of the questions received:

- What are the efforts being undertaken by USCIS or the CIS Ombudsman related to cases where the principal applicant's adjustment of status is approved but derivative applicants are still waiting for adjudication?
- Has the CIS Ombudsman engaged with USCIS on the need to review form length in furtherance of the agency's goal of reducing processing times and the overall case backlog?
- Has the CIS Ombudsman engaged with USCIS concerning reinstating walk-in availability at local field offices to facilitate the expeditious handling of emergency requests?
- Is the CIS Ombudsman aware of the current trend out of the USCIS Vermont Service Center involving rejections of mailed Forms G-28, *Notice of Entry of Appearance as Attorney or Accredited Representative*, Forms AR-11, *Alien Change of Address Card*, and supplemental and amended filings that are related to humanitarian cases? The filings being rejected are accompanied by a form letter stating, "the submission you seek to make may be made by other means."

While there were many questions directed to the CIS Ombudsman, there were also questions specifically for USCIS, which will be taken into consideration for future discussions with agency leaders.

Speakers from the CIS Ombudsman's Office

- Phyllis Coven, CIS Ombudsman
- Bertha Anderson, Chief of Public Engagement
- Elissa McGovern, Chief of Policy
- Ciro Parascandola, Assistant Chief of Policy
- John Rotterman, Senior Advisor
- Fatimah Mateen, Senior Advisor
- Michael Onka, Senior Advisor
- Monica Toro, Senior Advisor
- Frederick Troncone, Senior Advisor