



Annual Report 2024

Citizenship and Immigration Services Ombudsman

Executive Summary

June 28, 2024



Homeland
Security

2024 Acting Ombudsman's Message



I am pleased to present the Office of the Citizenship and Immigration Services Ombudsman's (CIS Ombudsman) 2024 Annual Report to Congress. This Report, submitted annually by June 30, details the "most pervasive and serious problems encountered by individuals and employers" in dealing with U.S. Citizenship and Immigration Services (USCIS) and identifies potential solutions to resolve these problems.¹

As the Acting CIS Ombudsman and a career official, I am honored to lead a team of approximately 45 professionals who bring tremendous experience and expertise to the office. We perform our mission—assisting individuals and employers who are experiencing problems with USCIS—through casework, public engagement, and policy work.

Applicants and petitioners submit to the CIS Ombudsman requests for case assistance through an online portal. Once received, our immigration law analysts review these requests and USCIS systems; research law, policy, guidance, and other authorities; and then contact USCIS field offices, service centers, and other facilities, as warranted, to resolve the issue.

Our casework, like that of USCIS, has increased significantly in recent years. In Fiscal Year (FY) 2023, USCIS received 10.9 million filings;² in FY 2018, that number was 8.5 million.³ In FY 2023, our office received 23,585 requests for case assistance; in FY 2018, we received just under 12,000. This year, we project we will receive more than 30,000—another record for our office. In real numbers, the volume of requests we receive is small compared to USCIS; however, for our small team the numbers are substantial, and the growth is momentous.

Individuals and employers come to us for a range of issues, from erroneous rejections of filings and denials to typographical errors on secure documents (Green Cards and Employment Authorization Documents) and mailing issues. There is no USCIS application or petition type we do not handle and no USCIS office with which we do not interact. Our work touches all USCIS activities, from workers seeking employment authorization, to families seeking reunification with loved ones, to those seeking the ultimate benefit USCIS bestows, the privilege to be called a U.S. citizen.

Notably, this year we received almost 7,000 requests for case assistance from individuals who are seeking parole for family members under the new processes through which nationals of Cuba, Haiti, Nicaragua, and Venezuela (CHNV) and their immediate family members may request to come to the United States in a safe and orderly way. Many of the requests are heart-wrenching; individuals detail the danger, hunger, and desperation that family members face in their home countries. Their stories are a reminder every day of the importance of the work we do. We have shared messages on social media and updated our website to be as clear as possible about the specific situations where we can help with these CHNV parole cases. In this Report, we discuss the challenges in conveying processing time information for this new program and the importance of transparency so that expectations for applicants and petitioners are properly set and agency resources can be dedicated to adjudicating cases, rather than responding to customer inquiries.

² USCIS News Release, "Completing an Unprecedented 10 Million Immigration Cases in Fiscal Year 2023, USCIS Reduced Its Backlog for the First Time in Over a Decade" (Feb. 9, 2024); <https://www.uscis.gov/EOY2023> (accessed May 23, 2024).

³ USCIS Annual Statistical Report FY 2022, p. 5 (Apr. 20, 2023); https://www.uscis.gov/sites/default/files/document/reports/FY2022_Annual_Statistical_Report.pdf (accessed May 23, 2024).

¹ Homeland Security Act of 2002 § 452(c).

In the past year, we made enormous strides in our public engagement efforts. For the first time since our office's inception in 2002, Congress provided resources to onboard regional representatives (referred to in our authorizing statute as "local ombudsmen"). Our regional representatives cover the northeast, southeast, central, and western regions, mirroring the USCIS field operations regions. With the establishment of these positions, we want the public to see our local engagements not as just a one-time event, but as a means to build a more sustained capacity for soliciting the public's feedback. As we look ahead, these positions will help foster collaboration and understanding between stakeholders and the agency. At the same time, our headquarters public engagement team continues to expand our reach through social media, webinars conducted with USCIS, and national engagements. In 2023, we participated in 132 engagements and met with 207 unique organizations, which allowed us to reach more than 4,800 stakeholders in 48 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

As for our policy work, it is displayed through this Annual Report, but is only part of what we do. In addition to the Report and our formal recommendations, we make informal recommendations to USCIS throughout the year, sharing the trends and challenges we are seeing through our casework and stakeholder engagement and proposing operationally sound suggestions to address or ameliorate these issues. We connect with USCIS at all levels, from regular meetings with the Office of the Director to meetings with program offices and directorates to site visits at USCIS facilities throughout the country. Over the last year, we visited all four of USCIS' regional offices and were very grateful for the opportunity to not only engage with field leadership in each location, but also with other representatives from across the agency. One of the most important aspects of these visits is the ability to meet with USCIS employees, who face daily challenges and yet innovate in so many ways to help the organization work toward meeting its goals.

In the CIS Ombudsman's 2023 Annual Report, our recommendations were designed to help USCIS prepare for the downstream impacts of a growing and critically important humanitarian workload, while also addressing challenges stemming from long-standing processing delays. This year's Report provides recommendations on many of the concrete problems—processing time information, backlogs specifically for provisional waivers for family members of U.S. citizens and lawful permanent residents, and employment authorization card production, among others—that individuals and employers face when applying for

immigration benefits. The recent implementation of a final rule to adjust immigration and naturalization benefit request fees for the first time since 2016, along with technological advancements that enhance the customer experience and expand operational capabilities, are important steps forward to help the agency ensure it has the resources it needs. Our Report seeks to build upon these developments and help USCIS to become nimbler and more efficient. We also begin to explore fundamental issues that impact the agency's ability to respond to new workloads, shifts in priorities, and backlogs.

Preparing this Report would not have been possible without the support of USCIS and its senior leadership, as well as regional, district, and field office directors and heads of other USCIS facilities, as well as the many USCIS employees who welcomed us during site visits throughout the year. I do want to thank Director Ur Jaddou for her continued partnership and engagement with our office. Director Jaddou's leadership has been influential in the agency's ongoing collaboration with the CIS Ombudsman over the last several years, and I am grateful for the work our teams have accomplished together to solve difficult problems.

Unfortunately, for the first time in almost a decade, we are unable to provide in this Report, as required by statute, an inventory of what USCIS has and has not acted on from last year's Annual Report because the agency has not yet issued its response to our 2023 Annual Report.

Finally, I want to thank my colleagues in the CIS Ombudsman's Office. Our work can feel overwhelming at times due to the volume of casework and the breadth and depth of challenges individuals and employers face when navigating the legal immigration system, but our team is resilient and demonstrates a steadfast commitment to our mission of helping people. I salute their work and extend my heartfelt gratitude.



Nathan Stiefel
(Acting) Citizenship and Immigration Services Ombudsman

Executive Summary

In this 2024 Annual Report, the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) reviews the events and issues of Calendar Year (CY) 2023, as well as some of the key developments that occurred in early 2024. The Report contains:

- An overview of the CIS Ombudsman’s mission and services;
- A review of U.S. Citizenship and Immigration Services’ (USCIS) programmatic and policy challenges during the reporting period; and
- A detailed discussion of the most pervasive and serious problems encountered by individuals and employers, recommendations to the agency for addressing them, and suggestions for best practices in the administration of immigration benefits.

Year In Review

CY 2023 was, for USCIS as well as the CIS Ombudsman, a time of working to reduce backlogs and corresponding processing times. USCIS succeeded on many fronts, reducing processing times overall and the backlog of pending cases past those processing times by 15 percent. The agency poured efforts into this despite the many competing priorities confronting it. However, although USCIS met its processing time goal in 9 form types and reduced cycle times for all but 1 of the 25 forms it identified in March 2022, 14 form types still remain outside processing time goals. Competing priorities continue to impact its ability to fully achieve its mission to uphold America’s promise as a nation of possibility.

This Annual Report examines several of those challenges and makes 33 recommendations to improve operations, assist in fixing processing and policy issues, and address some of the agency’s largest challenges.

Return to Basics

No Longer on the Defensive: Recommendations for a Proactive Approach to Collecting Biometrics from Asylum Applicants in Removal Proceedings

USCIS assists with the processing of defensive asylum applicants through taking their biometrics for background and security checks—an activity for which it does not receive funding but to which it devotes resources. In recent times, this has been a challenging task for the agency, resulting in the development of a frontlog of

applications waiting to be receipted in, impacting immigration courts and proceedings needing results for individual applicants. Although USCIS applied innovations to successfully reduce the frontlog by the end of Fiscal Year 2023, the delays revealed customer service gaps, including recurring barriers for defensive asylum applicants seeking to resolve their scheduling issues.

To enhance customer service for these applicants, USCIS may wish to consider several actions, such as:

- Provide defensive asylum applicants with estimated wait times for when they will receive receipts and biometrics appointment notices;
- Offer defensive asylum applicants additional customer service avenues to resolve recurring issues, including a way of verifying previous biometrics appointments before submitting a duplicate asylum application in frustration or fear that the first is lost;
- Clarify its own internal procedures for resolving biometrics reschedule requests submitted by defensive asylum applicants;
- Improve coordination between USCIS and U.S. Immigration and Customs Enforcement (ICE) to resolve procedural issues, such as how to process dependent applicants that “age-in” to the biometrics requirement;
- In addition, USCIS could assist ICE in becoming more self-reliant on processing biometrics for cases within its jurisdiction by reusing biometrics previously captured by the Department of Homeland Security during previous encounters or when serving the applicant with a Notice to Appear before the immigration court; and
- Alternatively, if USCIS must continue to manage this responsibility, it could allow defensive asylum applicants who need biometrics appointment notices to file online.

Reexamining the Administration of the English Portion of the Naturalization Test

In December 2022, USCIS announced a major naturalization test redesign effort, acknowledging its current approach to assessing whether an applicant meets the educational requirements for naturalization had the potential to create barriers to that goal. However, stakeholders expressed concern that the proposed revisions had the potential for creating more barriers than those they were intended to address. While USCIS has not yet taken any action with regard to the test redesign implementation effort as initially proposed in the Federal Register in December 2022, there are things the agency can consider to improve the testing of English

as it determines the eligibility of applicants for naturalization. Among these:

- Stop the practice of using questions from Part 9 of Form N-400, *Application for Naturalization* (April 1, 2024 edition) to assess an applicant's understanding and speaking of English and use instead the personal information requested in Parts 1 to 8;
- Clarify the USCIS Policy Manual to allow applicants to use translation and interpretation services during the naturalization interview if: 1) the applicant has passed the understanding and speaking English test, and 2) the interviewing officer finds that the applicant does not understand the questions related to unusual and complex eligibility issues (such as criminal offenses, fraud concerns, torture, genocide, etc.) after repeating and rephrasing them or that the concepts either do not exist in the applicant's language or lack cultural context;
- Provide study materials that define legal and technical terms used on Form N-400 to the public to prepare for the naturalization eligibility interview;
- Collect more data about: 1) when an officer stops the interview at a particular question on the Form N-400 after determining the applicant was unable to understand or speak English, and 2) test passage rates by field offices; and
- Finally, increase transparency by posting collected data on the USCIS website.

USCIS' Prioritization Dilemmas: Lessons from the Form I-601A Backlog

USCIS must always balance workloads and, of necessity, prioritize some workloads at the expense of others for operational, legal, or policy reasons. The current backlog of Forms I-601A, *Application for Provisional Unlawful Presence Waiver*, however, serves as a stark reminder of the consequences of prolonged deprioritization of a workload, regardless of the reason. The CIS Ombudsman has observed the following through the lengthy time the I-601A was given a lesser priority, and has the following thoughts on how the agency might improve future such situations:

Lesson 1: Prolonged deprioritization of certain forms can result in disproportionate drawbacks compared to benefits. The overdue review of Form I-601A processing delays that contributed to the creation of the Humanitarian, Adjustment, Removing Conditions, and Travel Documents (HART) Service Center recognized this. USCIS should regularly examine the costs of prioritization decisions and take proactive measures to prevent backlogs from escalating. Establishing internal metrics that prompt these reviews, such as median processing times exceeding a certain threshold, would encourage the agency to evaluate the effects of its decisions and take action to mitigate potential worsening of processing times for certain deprioritized forms.

Lesson 2: Forms that are repeatedly deprioritized may ultimately need to be shielded from competing priorities. The limited number of forms currently adjudicated at the HART Service Center reduces the risk of Forms I-601A being sidelined due to higher priorities. Maintaining dedicated resources for Form I-601A processing is essential for backlog reduction of this product line as well as others that are impacted. When combined with periodic reviews of prioritization decisions, this strategy may ensure that certain forms receive the necessary attention needed for meaningful backlog reduction.

Lesson 3: Establishing a virtual service center with a remote workforce should facilitate progress towards fully electronic filing and digital processing capabilities. In addition, the HART Service Center has demonstrated the advantage of this approach in attracting and hopefully retaining employees. USCIS should continue offering remote opportunities to address similar backlogs, including those benefit requests where an in-person interview is discretionary. While digitization efforts are necessary to enable this approach, expanding online filing to additional form types, such as the Form I-601A, will optimize the agency's remote resources.

Beyond the Basics

Lost Mail and the Challenges of Delivering USCIS Documents

Problems with mail delivery during an immigration case are, unfortunately, not uncommon. Delayed or lost notices can lead applicants or petitioners to miss required actions, resulting in delays or denials, the impact of which can range from inconvenient to severe. While USCIS has made significant strides in improving ways to interact without the intermediary of the U.S. Postal Service (USPS) since we first wrote about this almost a decade ago, that interaction is still required and is still subject to delays and diversions.

The CIS Ombudsman believes USCIS can take further steps to improve its mail delivery process, including the following:

- Continue to add forms for online filing and make online notices the default for all individuals;
- Allow the Contact Center to send an electronic copy via email to all eligible individuals who contact them about a missing notice or request for evidence (RFE);
- Revisit a "hold for pickup" program for secure identity documents;
- Provide clear and specific guidance to the public about how and when to submit a change of address request;
- Encourage individuals to use USPS's *Look Up a ZIP Code* tool to verify their mailing address and to use the USPS-verified address on their application form;

- Update guidance to require USCIS lockbox data reviewers, Contact Center representatives, officers, and any other USCIS staff verifying an address to use USPS's *Look Up a ZIP Code* tool to update the address to the appropriate format in USCIS systems;
- Consider issuing digital versions of short-term travel documents, such as those authorizing travel for individuals under Temporary Protected Status (TPS) and Consideration of Deferred Action for Childhood Arrivals (DACA) recipients;
- Send text and email alerts to individuals regarding the delivery of their immigration documents; and
- Renew its working relationship with USPS to allow both agencies to quickly address any issues or delays in the delivery process.

Meeting the Growing Demand for Employment Authorization Documents

The growth in demand for Employment Authorization Documents (Form I-766/EADs) over the past several years has presented challenges to USCIS, just in terms of sheer numbers. USCIS has taken many steps to strengthen the use of EADs and to mitigate their superfluous production. More, however, will likely need to be explored as the agency continues to see those needing EADs rise. Given the increasing importance of EADs and the growing volume of applications, the CIS Ombudsman recommends that USCIS consider the following actions:

- Increase card production capacity to keep pace with demand;
- Consider options to mitigate the reproduction of cards due to undeliverable mail, data input errors, or photo quality;
- Increase national education campaigns and amplify online information to improve public understanding of acceptable employment eligibility verification documents and mitigate the potential for discrimination against noncitizens with proof of employment authorization other than an unexpired EAD; and
- Explore ways to reduce the number of cards USCIS needs to produce.

Clarifying Processing Times to Improve Inquiries and Manage Expectations

Limiting case inquiries to those cases that are “outside normal processing times” based on a threshold the agency sets is a necessary protocol for USCIS, allowing the agency to focus on processing cases while still permitting customers whose cases are true outliers to get attention. The agency’s posting and presentation of these concepts and wait times, however, are confusing and frustrating, even to frequent users of USCIS services. Among the options for consideration by USCIS to improve its presentation and use of processing times information:

- Take actions to improve the general processing times tool;
- Take actions to improve the case inquiry date tool;
- Take actions to improve myProgress;
- Take actions to improve information on forms with no processing time;
- Develop new methodologies to support public processing times information, set customer expectations, and reduce unproductive inquiries; and
- Notify customers of case processing transfers.

And, Finally, Some Thoughts

Looking Backward, Looking Forward: Thoughts on the Future of USCIS

Finally, in this “thinkpiece” from the CIS Ombudsman, we offer some perspective on the challenges USCIS has faced recently, and ideas for consideration as the agency tries to move forward past them. We offer these simply as observations for the consideration of those charged with leading the agency and keeping its many moving parts fully focused on achieving its increasingly complex mission.



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