



**USCIS Response to the Citizenship and  
Immigration Services Ombudsman's  
2023 Annual Report to Congress**

# A Message from the Director

I am delighted to provide the formal response issued by U.S. Citizenship and Immigration Services (USCIS) in relation to the 2023 Annual Report presented by the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) to the United States Congress. The purpose of our response is to provide a comprehensive analysis of the main concerns outlined in the Annual Report and to elucidate notable accomplishments of our agency throughout the designated reporting timeframe.



In the Annual Report, the CIS Ombudsman thoughtfully discusses several topics of significant public interest, including:

- Backlogs in the long term: 2022 in review;
- The growing humanitarian mission of USCIS and its impact on future workloads;
- The use of requests for additional evidence in L-1 petitions;
- Temporary Protected Status: The impact and challenges of increased demand;
- A look back at USCIS' unprecedented Fiscal Year (FY) 2022 efforts to use all employment-based immigrant visas; and
- Improving the customer experience from the Contact Center to the field.

The Annual Report highlights areas within the agency that need improvements, in addition to addressing these crucial subjects. Our response provides a full overview of efforts aimed at addressing these issues, accompanied by practical and concrete solutions. In light of the exceptional challenges faced by USCIS in 2022, we reassert our dedication to carrying out our obligations to those pursuing immigration benefits.

USCIS expresses its gratitude for the CIS Ombudsman's thorough examination of the work carried out by USCIS. Efforts such as the Annual Report, together with continuous dialogue and interactions, allow the evaluation of areas in need of improvement and recognition of our significant achievements.

USCIS remains steadfast in its commitment to collaborate with the CIS Ombudsman to ensure that our applicants, stakeholders, and the American public receive the highest level of service possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director



**U.S. Citizenship  
and Immigration  
Services**

Nathaniel Stiefel, Acting Ombudsman  
Citizenship and Immigration Services Ombudsman  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Stiefel:

I would like to extend our appreciation to the Office of the Citizenship and Immigration Services Ombudsman for the comprehensive analysis presented in the 2023 Annual Report to Congress. This report primarily examines the procedures, regulations, and activities of the U.S. Citizenship and Immigration Services (USCIS).

The 2023 Annual Report provides a comprehensive illustration of the impact of existing backlogs and the subsequent ripple effects on individuals awaiting USCIS adjudications. To address this issue, USCIS has implemented a proactive approach to expedite the hiring process, enhance operational efficiency through technological advancements, and implement regulatory and policy modifications, all with the aim of diminishing the current backlog.

We acknowledge and appreciate your well-considered suggestions regarding the processing of Employment Authorization Documents (EADs) for nationals of designated countries with Temporary Protected Status (TPS). While we have taken steps to address backlogs, we are actively pursuing additional operational adjustments to improve our management of these populations in light of the increasing processing times.

The consideration of ideas aimed at enhancing the efficiency of employment-based adjustment of status applications is duly acknowledged. I understand your concern regarding the challenges experienced by individuals seeking benefits due to long statutory waiting times in the application process. The response provided demonstrates USCIS' dedication to addressing these challenges and implementing various strategies to optimize the utilization of employment-based immigrant visas.

Your positive recognition of our agency's continuing modernization initiatives is appreciated. The effective use of technology increases our operating efficiency. Our major digital achievements in Fiscal Year (FY) 2023 testify to this, laying the foundation for what we plan to do in FY 2024.

Finally, we want to express our appreciation for the Annual Report, which commends and highlights USCIS' progress. While we acknowledge the work that has been completed, we are fully aware of the substantial remaining workload and remain committed to eliminating our backlog and to enhancing our customer service, fostering stronger relationships with the general public and key stakeholders.

It gives me great pleasure to present USCIS' comprehensive response to the Annual Report for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou  
Director

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## **I. Legislative Requirement**

This document responds to reporting requirements set forth in the Homeland Security Act of 2002, codified at 6 U.S.C. § 272, which provides in relevant part:

- (f) Responsibilities of the Bureau of Citizenship and Immigration Services—  
The Director of the Bureau of Citizenship and Immigration Services shall establish procedures requiring a formal response to all recommendations submitted to such director by the Ombudsman within 3 months after submission to such director.

## **II. Introduction**

U.S. Citizenship and Immigration Services (USCIS) extends its appreciation to the Office of the Citizenship and Immigration Services Ombudsman (CIS Ombudsman) for the comprehensive analysis in the 2023 Annual Report to Congress (hereinafter referred to as Annual Report). USCIS places great importance on the examination of its activities by the CIS Ombudsman and appreciates the opportunity to respond to concerns and suggestions outlined in the Annual Report. Furthermore, USCIS has emphasized a number of accomplishments in our efforts to improve procedures and services for individuals seeking benefits during the Fiscal Year (FY) 2023 and in recent periods.

## **III. Backlogs in the Long Term: 2022 in Review**

The CIS Ombudsman's Annual Report provides an overview of the challenges that USCIS encountered in 2022. The report acknowledged the efforts USCIS made to meet the challenges, such as the hiring of additional staff, the implementation of technology solutions, and the expansion of online filing. The Ombudsman noted that despite these efforts, the unforeseen humanitarian events that took place in 2022, combined with the Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers interim final rule (Asylum Processing Rule), impacted USCIS' ability to reduce backlogs.

The Annual Report did not list specific recommendations for USCIS to address in this section, but it did state the CIS Ombudsman's belief that USCIS can meet these challenges with the correct balance of resource management and continued emphasis on technological improvements. Below are examples of USCIS' prioritization to address backlogs and reduce processing times; policy and regulatory changes; streamlined processing and technological solutions; and considerations to revising the fee-for-service model to fully recover operational costs, maintain adequate levels of service, and accommodate changing immigration needs:

**Examples of how the agency prioritized resources to address backlogs and reduce processing times.**

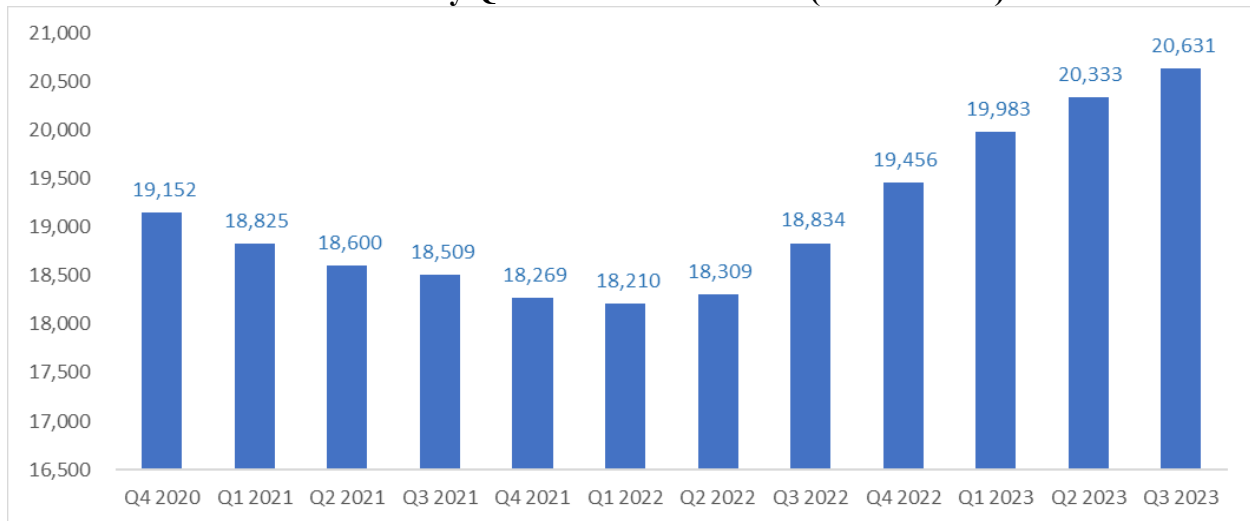
*USCIS Backlog: Current Trends & Staffing Resources*

USCIS recognizes that when there are backlogs, applicants, petitioners, and requestors experience longer wait times to receive a decision on their benefit requests. USCIS understands the impact that decision delays have on applicants, petitioners, and requestors, and recognizes that its core mission is to ensure the timely processing of immigration requests with fairness, integrity, and respect for all whom the agency serves.

Although USCIS’ net backlog grew to over 5 million cases by the end of FY 2022 (a 16% increase from FY 2021), the growth was less than in previous years (43% in FY 2021 and 26% in FY 2020). This was due to USCIS increasing the number of completed cases in FY 2022 and to the \$275 million in funding Congress appropriated to USCIS to address USCIS’ backlog and support the refugee program in FY 2022.

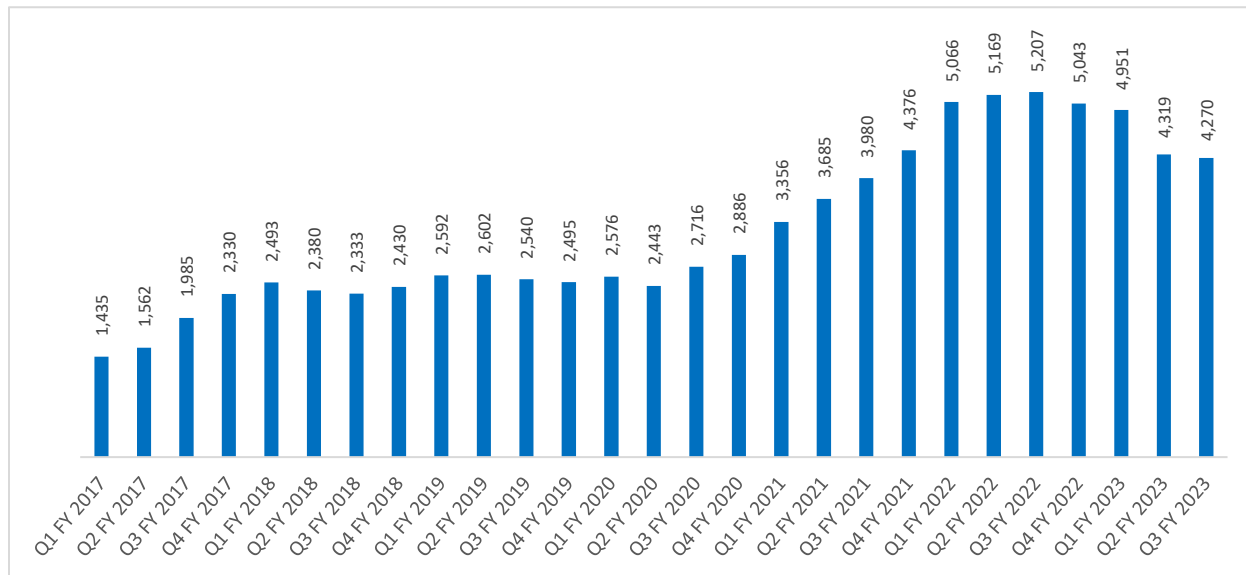
Accelerated hiring was a top priority to help reduce the backlog, meet operational requirements, and achieve USCIS’ mission. Due to attrition, prior budget constraints, and a hiring freeze initiated in 2020 that resulted in vacancies that could not be filled for nearly a year, USCIS leadership worked tirelessly in FY 2022 to rebound from those losses and fill additional Congressionally appropriated positions for backlog reduction. USCIS ended the calendar year 2022 with 19,983 staff onboard, and staffing levels grew to 20,631 by the end of FY 2023 Q3. (See Chart 1)

**Chart 1: USCIS Staff Onboard by Quarter and Fiscal Year (2020-Present)**



With the agency’s new onboard strength, USCIS backlog began to decrease each quarter in FY 2023. By the end of FY 2023 Q3, USCIS’ backlog was 4.3 million cases, a 16% decrease since the beginning of the fiscal year, and the first decrease in years. (See Chart 2)

**Chart 2: Net Backlog by Quarter, FY 2017-Q3 FY 2023 (in thousands)**



Source: USCIS, NPR, data queried August 2023.

USCIS cannot rely solely on staffing increases to eliminate the backlog and did not receive appropriated funding for backlog reduction in FY 2023. The Congressionally appropriated positions were absorbed by the Immigration Examinations Fee Account (IEFA), and fee-funded staff in the FY 2022/2023 fee rule are estimated to keep up with incoming cases, holding the net backlog at its current levels so appropriated staff and overtime can be used to reduce the backlog.

Recognizing the importance of appropriated funds for reducing the backlog, the FY 2024 President’s Budget included \$264 million to directly support backlog reduction.

*Managing Resources to Address the Asylum Backlog*

An area where the backlog continues to grow is the affirmative asylum caseload. USCIS received what was then a record 240,800 affirmative asylum applications in FY 2022 and has received approximately 545,300 affirmative asylum applications from October 1, 2022, through September 30, 2023. During the same period in FY 2023, USCIS received approximately 149,700 credible fear referrals.

USCIS temporarily diverted most asylum officers assigned to the affirmative asylum workload to credible fear screenings as the Department of Homeland Security (DHS) prepared for the May 11, 2023, expiration of the Title 42 public health Order concerning the COVID-19 pandemic, and this diversion of resources has largely continued through the end of FY 2023. This shift in resources extends the amount of time applicants must wait for their asylum interview and increases the affirmative asylum backlog.

USCIS has also trained and temporarily assigned employees from throughout the agency to conduct credible fear screenings. During the fourth quarter of 2023, USCIS reassigned a



small number of asylum officers to the affirmative asylum workload, primarily to address asylum applications filed by Afghan nationals paroled under Operations Allies Welcome (OAW), prioritized per statutory and settlement requirements. USCIS anticipates increasing affirmative asylum adjudication capacity for new receipts and the backlog once resources and operating conditions permit the robust return of personnel to the affirmative asylum caseload.

USCIS has undertaken multiple efforts to increase capacity to address the current asylum workload. During FY 2022, the Asylum Division completed a total of approximately 14,495 of the oldest asylum applications filed on or before January 31, 2018, beginning with the oldest applications and working forward. During FY 2023, the Asylum Division completed approximately 8,600 applications filed on or before January 31, 2018. USCIS is examining ways to continue to dedicate a similar number of staff to adjudicating the oldest pending asylum applications while also addressing time-sensitive border screening cases, new applications, and the expedited process for reviewing OAW asylum applications, as required by law.

### **Regulatory and Policy Changes**

USCIS is employing regulatory and policy changes to prioritize resources to reduce the backlog. Some of the key strategies throughout FY 2022 and FY 2023 through Q3 include:

#### *Extending Validity of Permanent Resident Cards*

On September 28, 2022, USCIS announced that it is automatically extending the validity of Permanent Resident Cards (PRC), also known as Green Cards, to 24 months for lawful permanent residents (LPR) who file Form I-90, Application to Replace Permanent Resident Card. LPRs who properly file Form I-90 to renew an expiring or expired PRC may receive this extension. Form I-90 receipt notices had previously provided a 12-month extension of the validity of the PRC.

On December 9, 2022, USCIS announced that it was updating the USCIS Policy Manual to allow USCIS to automatically extend the validity of the PRCs for LPRs who have applied for naturalization. The policy update explained that beginning December 12, 2022, a Form N-400, Application for Naturalization, receipt notice provides an automatic 24-month extension of the PRC and serves as valid, unexpired evidence of LPR status when presented with the LPR's expired PRC. This update has helped naturalization applicants who experience longer processing times and reduced the volume of Form I-90, Application to Replace Permanent Resident Card. LPRs who properly file Form N-400, Application for Naturalization, receive this extension without regard to whether they filed Form I-90.

On January 23, 2023, USCIS announced that it is extending the validity of PRCs for petitioners who properly file Form I-751, Petition to Remove Conditions on Residence, or Form I-829, Petition by Investor to Remove Conditions on Permanent Resident Status, for 48 months beyond the PRC's expiration date. This change started on January 11, 2023, for Form I-829, and on January 25, 2023, for Form I-751. This improvement allows for a more efficient use of staffing resources and accommodates current processing times for Form I-751, and Form I-829, which have increased over the past year.

### *Expanding Premium Processing*

On March 30, 2022, DHS published a final rule that aligns premium processing regulations with the Emergency Stopgap USCIS Stabilization Act.<sup>1</sup> The rule codified premium processing and adjudication timeframes provided by Congress and expanded the categories of forms ultimately eligible for premium processing services beyond the Form I-129, Petition for a Nonimmigrant Worker, and the Form I-140, Immigrant Petition for Alien Worker, to the Form I-539, Application to Extend/Change Nonimmigrant Status; the Form I-765, Application for Employment Authorization; and additional classifications under Form I-140.

USCIS began implementing, through a phased approach, premium processing availability of Form I-539, Form I-765, and the newly added classifications of NIW and E13 for Form I-140. This phased approach ensures USCIS compliance with the Emergency Stopgap USCIS Stabilization Act, which prohibits the expansion of premium processing if it will result in an increase in processing times for immigration benefit requests not designated for premium processing.

On May 24, 2022, USCIS expanded premium processing eligibility to Form I-140 filers under the employment-based (EB) classifications EB-1 and EB-2. This expansion of premium processing only applied to certain previously filed Form I-140s under an E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a national interest waiver (NIW).

On January 30, 2023, USCIS implemented the final phase of the premium processing expansion for Form I-140 under the EB-1 and EB-2 classifications. Unlike previous phases of the expansion, this phase applies to new (initial) petitions, in addition to all previously filed Forms I-140 under an E13 multinational executive and manager classification or E21 classification as a member of professions with advanced degrees or exceptional ability seeking a NIW.

On March 6, 2023, USCIS expanded premium processing to F-1 nonimmigrant students seeking Optional Practical Training (OPT) and F-1 nonimmigrant students seeking Science, Technology, Engineering and Mathematics (STEM) OPT extensions who had a pending Form I-765 and wished to request a premium processing upgrade. Beginning April 3, 2023, F-1 nonimmigrant students seeking OPT or STEM OPT and filing a new Form I-765, were permitted to file a concurrent premium processing request.

On June 12, 2023, USCIS expanded premium processing to certain F-1, F-2, M-1, M-2, J-1, and J-2 nonimmigrants who had a pending Form I-539. Beginning June 26, 2023, individuals seeking these statuses and filing a new Form I-539 were permitted to file a concurrent premium processing request.

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<sup>1</sup> See Implementation of the Emergency Stopgap USCIS Stabilization Act, 87 FR 18227 (Mar. 30, 2022).

*Improving Access to Employment Authorization Documents (EADs)*

In FY 2022, USCIS began streamlining many EAD processes, including extending maximum validity periods for certain EADs, and providing expedited EAD renewals for healthcare and childcare workers. On May 4, 2022, USCIS published a temporary final rule named “Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants.”<sup>2</sup> The rule aimed to ensure that the validity period for expiring EADs of qualifying applicants seeking renewal of their employment authorization and/or EADs was extended for up to 540 days to minimize gaps in employment authorization and documentation. On April 8, 2024, USCIS published a temporary final rule entitled Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants.<sup>3</sup> This rule immediately took effect and temporarily amends existing regulations to provide that the automatic extension period applicable to expiring EADs for certain renewal applicants who have filed a renewal EAD application increased from up to 180 days to 540 days from the expiration date on their EADs. People may submit public comments on the rule on or before June 7, 2024.

On September 20, 2023, DHS announced<sup>4</sup> a series of actions to increase border enforcement and accelerate processing for employment authorization applications. As a result, USCIS has accelerated processing for Form I-765, Application for Employment Authorization, filed by parolees who schedule an appointment through U.S. Customs and Border Protection’s (CBP) CBP One™ mobile application and by noncitizens who were paroled into the United States under the parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans. USCIS has made steady progress, and has decreased the median processing times for these applications from 90 days to under 30 days. To raise awareness about the availability of applying for employment authorization, USCIS has sent out more than 2.1 million emails and text messages to certain parolees, including those who were paroled into the United States using the CBP One™ app, and certain pending applicants for asylum.

*Extending the Maximum Validity Period of Certain EADs*

On September 27, 2023, USCIS increased the maximum validity period to five years for initial and renewal EADs for certain noncitizens who are employment authorized incident to status or circumstance, including those admitted as refugees, paroled as refugees, and granted asylum, as well as recipients of withholding of removal. USCIS also increased the maximum validity period to five years for initial and renewal EADs for certain noncitizens who must apply for employment authorization, including applicants for asylum or withholding of removal, adjustment of status under INA 245, and suspension of deportation or cancellation of removal. This policy change is intended to significantly reduce the number of new applications we receive for renewal EADs over the next several years, contributing to our efforts to reduce associated processing times and backlogs.

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<sup>2</sup> 87 FR 26614 (May 4, 2022).

<sup>3</sup> 89 FR 24628 (April 8, 2024).

<sup>4</sup> Department of Homeland Security, Fact Sheet: The Biden-Harris Administration Takes New Actions to Increase Border Enforcement and Accelerate Processing for Work Authorizations, While Continuing to Call on Congress to Act, available at: <https://www.dhs.gov/news/2023/09/20/fact-sheet-biden-harris-administration-takes-new-actions-increase-border>.

### *Interviews for Family-Based Adjustment of Status*

All adjustment of status applicants, including marriage-based applicants, must be interviewed by an officer unless the interview is waived by USCIS on a case-by-case basis and in accordance with 8 C.F.R. § 245.6. Adjudicators consider a number of factors when determining whether the interview may be waived based on the relevant evidence in the applicant's record. For family-based adjustment of status applicants, USCIS has been focusing its interview resources more strategically on those cases that require an interview, such as when an officer cannot confirm the applicant's identity, eligibility or admissibility based on immigration records available. This approach allows USCIS to focus interview capacity case, thus enhancing the integrity of the adjudication process. It also reduces adjudicative burdens on certain applicants, allowing cases to be adjudicated without interview when there is no need for an applicant to present themselves in person. This aligns with how USCIS generally determines when an adjustment interview will be waived, such as those who apply for employment-based adjustment of status and those who apply for adjustment of status as an asylee or a refugee, or under the Liberian Refugee Immigrant Fairness Act adjustment of status.

### *Prioritizing Humanitarian Application Processing*

In FY 2023, USCIS Service Center Operations (SCOPS) stood up the Humanitarian, Adjustments, Removing Conditions, and Travel Documents (HART) Service Center. The HART Service Center was created to prioritize and enhance the processing of certain humanitarian caseloads within USCIS and reduce related backlogs associated with these types of forms. The HART Service Center will initially focus on specific workloads within SCOPS, including VAWA-related Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant; Form I-730, Refugee/Asylee Relative Petition; Form I-601A, Application for Provisional Unlawful Presence Waiver; and bona fide determinations for Form I-918, Petition for U Nonimmigrant Status. By focusing on these forms first, the HART Service Center is building a foundation and establishing its processes. Through centralization of these form types, HART promotes cohesive and consistent adjudicative operations and enables a specially trained, dedicated workforce to focus solely on these immigration benefits. This will ensure our services are helping stabilize victims of domestic violence and other serious crimes and reunify families.

The HART Service Center currently processes paper-based filings and partners with existing service centers to support intake, receipting, and other paper-based activities and then adjudicates them within an ever-increasing electronic environment, as made available through a variety of scanning and IT systems development initiatives. The HART Service Center continues to exist as a hybrid service center and will transition ultimately to a 100% virtual service center across multiple time zones with no geographical location. In opening this center, SCOPS is committed to attracting, recruiting, and training a new generation of public servants to administer our legal immigration system and uphold our values.

## **Examples of how the agency streamlined processing inefficiencies and implemented technology solutions.**

USCIS continues to streamline operations that will improve processing times and contribute to the reduction of the backlog. Specifically, USCIS is undertaking several efforts to improve processing inefficiencies, which include:

### *Continuing Video Interviews to Increase Capacity*

In FY 2023, USCIS conducted more than 34,000 video-facilitated interviews, including over 30,000 naturalization interviews, 1,680 asylum interviews, and 2,600 initial refugee interviews in 56 countries. USCIS continues conducting video interviews of overseas military members and qualifying family members for naturalization, as well as video naturalization ceremonies, with the assistance of the Department of Defense. USCIS plans to continue to leverage video technology to conduct in-person interviews remotely, which also allows more efficient distribution of workloads and more consistent processing times across offices.

### *Leveraging Application Support Centers to Increase Interview Capacity*

USCIS is using the Application Support Centers (ASCs) to increase interview capacity to reduce the backlog without increasing the agency's physical footprint. USCIS is leveraging space and on-site contractor support for video interviews at five ASCs.

- Between April 2022 and February 2023, USCIS conducted a total of 2,843 video interviews at ASCs.
- USCIS conducted 2,301 video naturalization interviews at the San Francisco, California and Dallas, Texas North ASCs. USCIS conducted 542 Asylum/Credible Fear interviews at the Alexandria, Virginia; Buena Park, California; and Houston, Texas ASCs.
- USCIS is in the final planning stages of expanding video-facilitated interviewing capabilities to two additional ASCs: Bakersfield, California and Lubbock, Texas. This will allow for more direct access to N-400 interviews for our customers.

### *Leveraging Technology to Increase Efficiencies in Adjudications*

USCIS continues to convert paper-based benefit requests into electronic format for efficient adjudication. Through FY 2023 SCOPS initiated several digitization processes to include scanning efforts for Form I-918 Petition for U Nonimmigrant Status, and Form I-601A, Application for Provisional Unlawful Presence Waiver. The I-918 Family Pack (I-918, I-918A, I-918B, I-192, I-193, I-765 C14/A19/A20) ingestion is scheduled to be live in ELIS for adjudication by FY 2025 Q1. In FY 2023, USCIS initiated a transition of the Form I-140 to the USCIS Lockbox facilities for intake and digitization. I-140 Standalones ingested via lockbox went live in ELIS October 2023. I-907 Premium Processing concurrently filed with I-140 ingested by lockbox went live in ELIS November 2023. I-907 Premium Processing upgrades for pending I-140 ingested by lockbox went live in ELIS in December 2023.

SCOPS also introduced a centralized intake and scanning system at the Texas Service

Center (TSC) to handle responses to requests for evidence (RFEs) pertaining to the H-1B visa category. Digitization has enabled SCOPS to decrease processing time by efficiently scanning and uploading documents to cases thereby allowing adjudicators with more time to focus on rendering a decision. Most recently, Nebraska Service Center incorporated this functionality into their operations in February 2024.

On November 9, 2022, USCIS announced that Form I-589, Application for Asylum and for Withholding of Removal, is available to file online for certain affirmative asylum applicants. USCIS continues to accept the latest paper version of this form by mail. The option to file affirmative asylum applications online is part of USCIS' ongoing effort to minimize reliance on paper records and transition to a primarily electronic processing environment.

Throughout FY 2022 and FY 2023, USCIS continued its work moving more asylum application and adjudication processes into an electronic environment. USCIS leveraged technology tools for greater efficiency in asylum processing for both the public and for the workforce. In addition to implementing online filing of affirmative asylum applications, USCIS transitioned the acceptance of paper affirmative asylum applications from USCIS Service Center locations to USCIS Lockboxes, where the applications are received and scanned, enabling electronic adjudication in USCIS' asylum case management system, Global, and reducing time, space, and effort required for the management of paper files.

Notable improvements of the Global system include: (1) the creation of the Case Contents feature allowing staff to organize, find, and view electronic case documentation; (2) the creation of the Attorney Management System, enabling efficient, streamlined, and correct documentation of legal representatives; and (3) the addition of numerous notices to permit automatic, simplified notice creation and timely dissemination, and communication with applicants and legal representatives.

#### *Enhancing Customer Experience Technology*

USCIS is currently working on or has implemented several technology solutions that will increase processing efficiencies:

- An Online Biometric Services Appointment Rescheduling tool allows benefit requestors and their attorneys and representatives with a USCIS online account to reschedule most requests for biometric services appointments online, without having to call the USCIS Contact Center.
- An Enterprise Change of Address (ECO) online tool provides most<sup>5</sup> customers with a single unified experience for updating and changing their addresses (both

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<sup>5</sup> The ECOA serves the same audience as the predecessor Change of Address online tool and maintains the same exceptions, as follows: individuals protected under 8 U.S.C. § 1367 (persons who have pending or approved applications or petitions for Violence Against Women Act (VAWA) benefits as defined by INA 101(a)(51), T nonimmigrant status, or U nonimmigrant status and their beneficiaries or derivatives, U.S. citizens, civil surgeons, and legal representatives. USCIS also extends the provisions of 8 U.S.C. 1367 to abused spouses of certain persons applying for employment authorization under INA 106(a).

physical and mailing) and has significantly improved the speed and efficiency of updating addresses for pending cases. Additionally, it automated the current process, which required adjudicative resources to manually update addresses in the case management systems and allows USCIS to focus those resources on backlog reduction.

- Text-Ahead allows Immigration Service Officers (ISOs) the ability to send a text message before calling a customer to ask if they will be available to receive a callback. This functionality allows us to better service and stay connected with our customers.
- An Online Appointment Request Form allows for individuals requesting immigration benefits and their attorneys and accredited representatives to request in-person appointments at their local field office without having to call the USCIS Contact Center.
- The *myProgress* feature (formerly Personalized Processing Times) in *myUSCIS* has been expanded to include Form I-765, Application for Employment Authorization and Form I-131, Application for Travel Document as well as the Form I-821, Application for Temporary Protected Status and the Form I-485, Application to Register Permanent Residence or Adjust Status. Through their USCIS online account, the *myProgress* feature provides applicants, and requestors the ability to access personalized estimates of their wait time for major milestones on their cases, including their final case decision.

USCIS also recently expanded customer service options for benefit seekers protected under 8 U.S.C. 1367, including but not limited to, those with pending or approved Violence Against Women Act self-petitioners, U nonimmigrant status petitions, or T nonimmigrant status applications.<sup>6</sup> Once a protected person's identity has been verified through the enhanced verification process, USCIS Contact Center staff can respond to the inquiry and provide appropriate assistance to the customer. These procedures include critical safeguards to ensure that confidential and statutorily-protected information is only shared with appropriate individuals. Overall, this expansion effort provides timely and significant customer service support to a population who previously had limited access to these services.

In sum, even with these investments in hiring, policy and regulatory changes, and technology enhancements, it will take a sustained, multi-year effort to address the backlog and reduce processing times.

**Information on the agency's considerations to revise the fee-for-service funding model to accommodate changing immigration needs.**

USCIS periodically adjusts the fee-for-service funding model to stay current with changing immigration needs. The fee-for-service model employed at USCIS is set in the INA section

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<sup>6</sup> See *id.*

286(m), 8 U.S.C. § 1356(m). The fee-for-service model is required by law, as explained in various fee rules. See, for example, 89 FR 6194, 6205-6206 (Jan. 31, 2024). USCIS leverages appropriated funds when provided by Congress to address the backlog.

USCIS reviews the fee-setting model to fund our activities every two years as required by the Chief Financial Officers (CFO) Act of 1990. USCIS Office of the Chief Financial Officer (OCFO) reviews the best structure of the fees and policy considerations in each review. When developing new fee schedules, OCFO considers the Agency funding requirements to meet the forecast activity and staffing needs of the two-year forecast period.

On January 31, 2024, DHS published a final fee rule that went into effect on April 1, 2024.<sup>7</sup> USCIS conducted a comprehensive fee review, as required by law every two years, and determined that current fees do not recover the full cost of providing adjudication and naturalization services. The final rule adjusts the USCIS fee schedule to more fully recover our operational costs, which, in turn, will enable USCIS to reestablish and maintain adequate service levels. The final fee rule is expected to generate an additional \$1.14 billion per year on average compared with the current baseline. This additional revenue is necessary to match agency capacity and allow for additional resources and staff to better address projected receipt volumes and manage workloads to prevent the accumulation of future backlogs.

#### **IV. The Growing Humanitarian Mission of USCIS and its Impact on Future Workloads.**

The Annual Report outlines USCIS' increasing humanitarian mission, specifically focusing on the challenges associated with managing the workloads associated with various DHS parole processes. These processes include Operation Allies Welcome (OAW), Uniting for Ukraine (U4U), and the parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV). USCIS has also implemented re-parole processes for OAW parolees and certain Ukrainians initially paroled into the United States by CBP. Also highlighted in the Annual Report are the downstream ramifications of implementing these parole processes, and the financial impact of parole populations on USCIS, noting that the agency has been sustaining the costs associated with its humanitarian workloads through fee-paying customers. The CIS Ombudsman believes there is a need for additional funding to support USCIS' humanitarian workloads and suggests that Congress should redefine its support and oversight to ensure efficient resource utilization.

The CIS Ombudsman's recommendations to manage the growing humanitarian mission and impacts on future workloads, along with USCIS' responses, are provided below:

- 1. Develop streamlined mechanisms and approaches for workloads resulting from humanitarian parole programs by:**
  - **Establishing a more coordinated, population-specific approach for filing and processing immigration benefits for parolees who were accepted through these recent programs.**

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<sup>7</sup> 89 FR 6194 (Jan. 31, 2024).



- **Adopting the population-specific streamlined approach of these humanitarian parole programs and streamline future immigration filings from these populations.**

USCIS agrees and has implemented processing efficiencies for certain parole processes, including Form I-131 adjudications for Afghan and Ukrainian re-parole applicants and review of Form I-134A, Online Request to be a Supporter and Declaration of Financial Support for specific categories of nationals from Ukraine, Cuba, Haiti, Nicaragua, and Venezuela and their immediate family members so the growing number of requests under these processes can be timely processed. In addition, USCIS has provided robust guidance to Afghan re-parole applicants with instructions on how to file, frequently asked questions (FAQs), multiple large and small stakeholder engagements, and web updates with translations in Dari and Pashto. One area that will help facilitate faster processing times for parole requests submitted to USCIS is a comprehensive form revision to Form I-131, which is currently in process. The revised form will enable the agency to more easily tailor processes to specific populations.

For Afghan parolees, USCIS has streamlined the processing of their re-parole requests in the following ways:

USCIS is identifying Afghan parolees who have a pending Form I-485 or Form I-589 seeking lawful immigration status in the United States and is considering them for an extension of their initial period of parole on a case-by-case basis. USCIS initiates the requisite background checks based on the pending Form I-485 or Form I-589. If USCIS grants an extension of initial parole in its discretion, USCIS issues a notice extending the initial period of parole, and where applicable, the underlying (c)(11) EAD for an additional two years. This process eliminates the need for certain parolees to file a Form I-131 and Form I-765 while they seek a permanent path forward.

For certain Afghan parolees who have not filed a Form I-485 or Form I-589, USCIS revised Form I-131 to allow them to request a new period of parole (also called re-parole) and employment authorization concurrently, without the need for the applicant to file a separate Form I-765. USCIS adjudicates the employment authorization request upon approval of the re-parole request.

USCIS is also accepting and considering, on a case-by-case basis, parole applications for certain Ukrainians and their immediate family members displaced by the war in Ukraine who were initially paroled into the United States by CBP. Ukrainian citizens and their immediate family members may apply for re-parole by submitting [Form I-131, Application for Travel Document](#), online or on paper by mail, along with supporting documentation and the proper filing fee or [fee waiver request](#).

USCIS is also exploring other options to provide streamlined, efficient processing and reduced processing timelines while continuing to comply with the statutory requirement that requests for parole be determined on a discretionary case-by-case basis.

For example, as noted above, USCIS updated the Form I-131 so that Afghans paroled into the United States under OAW can request an employment authorization concurrently when they file Form I-131 requesting re-parole and without the need for the applicant to file a separate Form I-765. USCIS has further proposed an update to Form I-131, currently undergoing a comprehensive form revision process, which will allow all those filing Form I-131 with USCIS requesting re-parole to concurrently request consideration for employment authorization if their re-parole application is approved.<sup>8</sup>

Through system integration with EOIR, it is now possible for USCIS to obtain Form I-589 filing data within hours after the application is filed, ingest Form I-589 case information directly into our biometrics scheduling service, and to provide the applicant an ASC appointment notice in a fraction of the time as the current process allows. Further developing this automated solution is a top agency priority.

**2. Revise existing operational approaches and flexibilities in processing employment authorization document for parolees:**

- **To improve efficiency and reduce Form I-765 processing workloads, eliminate the need for a separate EAD initial application for individuals granted humanitarian parole under these programs. USCIS should consider adding to the enhanced humanitarian parole program a streamlined process for parolees to request their initial EAD while at the same time, they are attesting to their eligibility. After CBP allows the beneficiary to enter the United States, the beneficiary could attest again that they are now in parole status. USCIS could then confirm the status in CBP databases and save significant time and resources by issuing an EAD without having to separately adjudicate Form I-765.**
- **Maintain the current automatic extension periods of EADs as a safeguard for all populations in temporary status with lengthy EAD processing and add the humanitarian parole category to the list of employment categories eligible for an automatic extension. While it is a temporary solution, it would continue to benefit USCIS and applicants as the agency works to eliminate backlogs for pending EAD applications.**

USCIS has adopted this recommendation in part; however, there are limitations that prevent fully eliminating filing a Form I-765 or the background and security check requirements.

Under the regulations, the validity of an expiring EAD is automatically extended for applicants filing under certain employment authorization categories, provided that a renewal request is timely and properly filed based on the same employment authorization category shown on the face of the expiring EAD and that the employment authorization category does not require adjudication of an underlying application or petition before adjudication of the renewal application. Generally, parolees are required to apply for employment authorization based on an approved period of parole.<sup>9</sup> Because an approved period of parole is an

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<sup>8</sup> See 88 FR 85299 (Dec. 7, 2023).

<sup>9</sup> 8 C.F.R. § 274a.12(c)(11).

underlying requirement for this category of employment authorization, noncitizens paroled into the United States may only be granted employment authorization up through the validity of the authorized period of parole. At the end of the authorized period of parole, the noncitizen may file an application for re-parole, and their continuing eligibility for employment authorization is dependent upon the approval of the application for re-parole. Therefore, because their employment authorization category requires adjudication of an underlying application, parolees are not amongst the categories of noncitizens eligible for the automatic extension under the regulations.

Furthermore, because parolees are generally not among the categories of noncitizens who are employment authorized incident to their status, a Form I-766 EAD is generally required to establish employment eligibility. One exception is that USCIS has provided certain Afghan and Ukrainian parolees with the benefit of employment authorization incident to their parole, as we typically provide refugees who are employment authorized incident to status, and a no-fee initial EAD (and replacement of an initial EAD), as a matter of policy. Although not required by law, providing these parolees similar treatment to refugees aligns the policy with the spirit of legislation that states that Afghan and Ukrainian parolees covered by the legislation “shall be eligible for other benefits available to refugees admitted under section 207 of the Immigration National Act (8 U.S.C. § 1157).”

For eligible Ukrainian and Afghan parolees, their unexpired Form I-94 is an acceptable document they may present to their employer to show their identity and employment authorization for the purposes of Form I-9, Employment Eligibility Verification. This satisfies the Form I-9 requirement for up to 90 days from the date of hire (or in the case of reverification, the date employment authorization expires). After 90 days (or when the Form I-94 expires, if sooner), these parolees must present an unexpired EAD or unrestricted Social Security card and acceptable List B identity document from the Form I-9 Lists of Acceptable Documents (such as a state-issued driver’s license or identification card). Ukrainian and Afghan parolees must still file Form I-765, or request an EAD on Form I-131 when requesting re-parole, to receive a physical EAD that reflects employment authorization up through the validity of the most recently authorized period of parole.

Additionally, USCIS is working with our Executive Office for Immigration Review (EOIR) counterparts to address barriers applicants may face submitting biometrics when they are in removal proceedings. Currently, as part of filing a defensive asylum application at EOIR, the asylum applicant must mail (in paper) the first three pages of their Form I-589 filing to a USCIS Service Center per the Instructions for Submitting Certain Applications in Immigration Court and For Providing Biometric and Biographic Information to U.S. Citizenship and Immigration Services (Pre-Order Instructions) provided on the USCIS website so that USCIS can schedule their biometric services appointment. This manual process has created a significant backlog and increased wait times between when USCIS receives the first three pages of a defensive applicants’ Form I-589 and when the applicant is scheduled for an appointment at a USCIS ASC.

USCIS continues to identify ways to streamline our employment authorization application processes and will consider pursuing policy changes or regulatory action where appropriate to promote flexibility for both the agency and noncitizens seeking employment authorization.

- 3. Develop and implement a communications strategy for each parole program so that USCIS can provide information to parolees before their parole period expires.**
  - **USCIS can provide information to the parole populations at pre-set intervals, such as 3 months and 1 month before the parole period expires, until the agency can issue a final directive.**
  - **Improve and maintain targeted and specific information campaigns to better educate parolees on the alternatives available to them should they seek to extend their stay.**

USCIS' External Affairs Directorate's (EXA) Office of Public Affairs develops strategic communications plans and supporting communications products for each parole announcement with input from agency leadership, subject matter experts, and other EXA component offices. Dedicated web pages with detailed information about eligibility, availability, process, cost, and other related information have been created for each of the parole processes, allowing for ease of access and organized information in one place. These web pages are updated regularly with new information both in the content of the page and via alert boxes, drawing attention to larger, more impactful updates. The dedicated webpage also includes a FAQ section which addresses issues and concerns USCIS has received from various local and national engagements with stakeholders. Where possible, USCIS has provided narration in relevant languages to assist stakeholders access the parole application process.

EXA's Public Engagement Division (PED) within the Office of Citizenship, Partnership, and Engagement (OCPE) has focused on conducting outreach to stakeholders and applicants with a different outreach strategy based on a variety of factors, including long-term and immediate needs for each group.

#### Operation Allies Welcome (OAW)

- Upon arriving to the United States, USCIS provided an informational parole sheet to Afghan parolees that included information about the conditions of their parole, employment authorization, and possible immigration options for lawful status in the United States, such as asylum, special immigrant visa classification, and adjustment of status to lawful permanent residence. During USCIS' external engagements, knowing that Afghan parolees would be unable to return to Afghanistan in the near future, we provided information about long-term and possible permanent immigration benefits for which eligible Afghans could apply while emphasizing that their parole was only temporary and would expire after two years.
- Following DHS' June 8, 2023, announcement of the streamlined re-parole application process and the extension of initial period of parole process for

certain Afghans, USCIS has encouraged Afghan parolees to explore immigration benefits that would provide lawful status and, if needed, apply for re-parole, which could serve as a temporary bridge while pursuing a more permanent pathway to remain in the United States.

- The Afghan Support Centers have assisted thousands of Afghan nationals throughout the United States and have served as a vehicle to provide information about permanent immigration benefits such as asylum and adjustment of status to a lawful permanent resident, and to reinforce the importance of filing for re-parole, if needed. These support centers also provide USCIS with the opportunity to engage with local service providers and inform them of various immigration topics relevant to this population.

#### Uniting for Ukraine (U4U)

- U4U is part of the U.S. Government's response to Russia's unprovoked aggression in Ukraine. U4U created a streamlined parole process that allows displaced Ukrainian citizens and their immediate family members to come to the United States for a temporary period of time.
- USCIS focused its outreach efforts on potential U.S.-based supporters seeking to financially support Ukrainians and their families during their period of parole and providing these potential supporters with an understanding of the process to request to be a supporter.
- For beneficiaries who were paroled under the U4U process by CBP, USCIS provided information about obtaining an EAD, how Ukrainian parolees can avoid immigration and personal scams, and collaborated with interagency partners such as the U.S. Department of Health and Human Services, Office of Refugee Resettlement and the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section to ensure that parolees received the information they need to work and obtain benefits in resettlement.
- USCIS has also established a process to accept and consider, on a case-by-case basis, applications for re-parole for certain Ukrainians and their immediate family members displaced by the war in Ukraine who were initially paroled into the United States by CBP.

#### Processes for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV processes)

- Under the CHNV processes, USCIS again focused its outreach on U.S.-based supporters and explained the process and requirements to request to be a supporter by filing Form I-134A, Online Request to be a Supporter and Declaration of Financial Support.
- Similar to U4U, USCIS shared information with beneficiaries paroled under the CHNV processes about obtaining an EAD and how to avoid immigration and personal scams. Our outreach efforts have been targeted with emphasis in certain locations in Florida, which has seen the greatest number of arrivals.

- The volume of Forms I-134A filed by potential supporters under these processes for all four countries coupled with a monthly cap of 30,000 advance travel authorizations, has resulted in longer processing times for Form I-134A. To help address the demand relative to the monthly cap requirement, USCIS initiated a new review process that went into effect on May 17. Through this process, USCIS randomly selects about half of the monthly total allowed under the 30,000 cap, regardless of filing date, from the entire pending workload of Form I-134A to determine whether the case can be confirmed. USCIS then reviews the other half of the monthly total based on when the case was submitted under the first-in, first-out method, which prioritizes the oldest Forms I-134A for review.
- To help reduce processing delays caused by multiple filings by potential supporters on behalf of the same beneficiaries USCIS has informed potential supporters during outreach efforts not to submit duplicate Form I-134A filings. This has also helped USCIS manage the number of inquiries to the USCIS Contact Center and through the USCIS online account.
- Because beneficiaries paroled into the United States under these processes have over a year before their initial periods of parole will expire, USCIS has primarily focused its outreach efforts on immediate impacts.

Refugee Resettlement

- USCIS meets regularly with state refugee coordinators, state refugee health coordinators, and national resettlement agencies throughout the country during a meeting hosted by the U.S. Department of Health and Human Services, Office of Refugee Resettlement. The purpose of this interagency meeting is to provide updates and information about changes to the processes. It is also an opportunity to receive feedback from these groups who often flag state and local issues to USCIS.

**4. Establish specific asylum processing groupings for populations in these humanitarian parole programs:**

- **USCIS has the basis to parallel a similar approach in the asylum case preparation process using the population-specific method of the new humanitarian parole programs. While the determination to grant parole is done on a case-by-case basis review of each request, these humanitarian parole programs share pre-set criteria that allow them to be grouped because of the urgent circumstances for which the U.S. Government made parole available. USCIS Asylum Division can use these shared characteristics to group these cases by program, not to make a blanket decision, but to identify them as parolees, facilitate the process flow and track the allocation of resources.**

USCIS already considers the use of common claims of those similarly situated or with shared characteristics in the individual, case-by-case adjudication of asylum claims where it makes sense to do so.

For example, pursuant to Section 2502(a) of the FY 2022 Continuing Resolution, a citizen or a national of Afghanistan (or a person with no nationality who last habitually resided in Afghanistan) shall be eligible for expeditious adjudication of their asylum application if:

- The individual completed security and law enforcement background checks, and
- The individual was subsequently paroled --
  - Into the United States between July 31, 2021, and September 30, 2022, or
  - Into the United States after September 30, 2022, and:
    - Is the spouse or child of an individual who was paroled into the United States between July 31, 2021, and September 30, 2022, or
    - Is the parent or legal guardian of an individual who was paroled into the United States between July 31, 2021, and September 30, 2022, who is determined to be an unaccompanied child.
  - And their parole has not been terminated by DHS.

USCIS will further explore this recommendation, considering lessons learned from adjudicating asylum applications filed by Afghan applicants paroled into the United States under OAW.

As a longstanding practice, affirmative asylum applications are reviewed for trends commonly present in specific applicant populations, including relevant country of origin information and potential criminal, fraud, and national security indicators. This pre-interview focus can include research at the local and national levels, specialized training, and additional pre-decisional reviews.

- 5. Continue to leverage the need for recurring background and security checks.**
- **Expanding the suspension of biometrics requirement to re-parole applicants for extensions and employment renewal authorization filings. USCIS has temporarily suspended the biometrics requirements for certain applicants filing Form I-539, Application to Extend/Change Nonimmigrant Status, for change and extension of nonimmigrant status. As the agency focused its efforts on reducing backlogs, this tool allowed for operational improvements and reduced processing times. As such, since USCIS is committed to making that requirement permanent for I-539 applicants, the agency should seek to expand this practice into other filings and extensions.**
  - **Eliminating the multiplicity of biometrics collections is a vetting necessity as individuals advance in their immigration journeys. USCIS should instead take a systematic approach that focuses on the individual's entire filing history with the agency to quickly identify any material changes in their eligibility, status, and potential fraud and security concerns.**

USCIS is evaluating several operational improvements, including leveraging existing records and evidence, such as photos, to improve adjudication times and reduce the burden on the applicant.

Furthermore, USCIS is exploring multiple options for reducing potentially redundant biometric services appointments. Modern interoperability between Next Generation Identification (NGI), DHS IDENT, and USCIS systems may create opportunities for USCIS to leverage available information while reducing the need for additional ASC appointments.

USCIS continues to analyze and implement process changes to reduce the burden on customers while ensuring the integrity of our screening and vetting procedures.

**6. Consider seeking appropriated or discretionary public funds to address additional USCIS workloads caused by the humanitarian parole program:**

- **Continue to urge Congress to support USCIS' efforts to reduce its backlog and the costs associated with the agency's growing workloads in response to urgent humanitarian initiatives. While other agencies receive appropriated funding for similar humanitarian casework, USCIS must offset its limited resources to support the costs of delivering humanitarian-related benefits.**

USCIS continues to request appropriated funding for humanitarian workloads. In FY 2023, Congress funded the USCIS Refugee, Asylum, and International Operations (RAIO) International and Refugee Affairs Division (IRAD) through appropriations. The FY 2024 President's Budget is requesting RAIO's Asylum Division also become appropriated, as well as funding the Asylum Processing Rule and additional funds for backlog reduction. USCIS is monitoring the congressional budget process to see what is eventually passed and enacted as the FY 2024 appropriated budget for USCIS.

Furthermore, in FY 2022, congressional funding was provided for the processing of affirmative asylum applications filed by Afghan nationals paroled into the United States as part of OAW. This funding has been critical in processing the related affirmative asylum applications. In particular, it supported the execution of new interpreter contracts to support increased interviews of OAW asylum applicants in their native languages and helped establish new circuit ride interview locations in areas with a high concentration of OAW applicants.

USCIS also received \$275 million in appropriated funding for backlog reduction in the FY 2022 Consolidated Appropriations Act (P.L. 117-103). With this funding, USCIS was able to fund 644 new positions to address USCIS backlogs, including 152 positions to exclusively address the affirmative asylum backlog. In addition to the affirmative asylum backlog, these positions supported reducing backlogs for, among other things, naturalizations, employment authorization, and adjustment of status. In addition, to prevent future backlog growth, this appropriated funding was invested in expanding video interviewing; digitization of paper-based workloads; and enhancing call center tools and operations. During FY 2022, the Asylum Division completed a total of approximately 14,495 of the oldest asylum applications filed on or before January 31, 2018, beginning with the oldest applications and working forward. The FY 2023 President's Budget request to Congress included \$765 million to reduce USCIS application and petition backlogs, to support the increased refugee ceiling, and, critically, to fund asylum processing. The DHS Appropriations Act of 2023, signed into law (P.L. 117-328), did not include funding for appropriated positions for asylum



processing or reducing USCIS backlogs. Recognizing the importance of appropriated funds for reducing the affirmative asylum backlog, the FY 2024 President's Budget includes \$264 million to continue the great strides USCIS made in backlog reduction in FY 2022.

## **V. The Use of Requests for Additional Evidence in L-1 Petitions.**

Prior to the publication of the Annual Report, the CIS Ombudsman and staff conducted a study on USCIS' processing of L-1 petitions. The Annual Report detailed the results of the study and concluded that L-1 petitions receive a higher rate of RFEs compared to H-1B petitions. The CIS Ombudsman attributes this discrepancy to various factors that include, in part, lack of training, and an inconsistent application of the preponderance of evidence standard.

The CIS Ombudsman believes urgent attention is required to implement the recommended measures, which includes training for adjudicators, streamlining the petition process, updating RFE templates, and establishing a quality assurance program to address these concerns and ensure a fair and efficient adjudication process for L-1 petitions.

The CIS Ombudsman's recommendations regarding the use of requests for additional evidence in L-1 petitions, along with USCIS' responses to them, are provided below:

- 1. Develop and provide training that ensures adjudicators understand how to apply the preponderance of evidence legal standard to the evidence typically presented in each type of case by:**
  - **Designing new classroom training on the preponderance of evidence legal standard using actual cases.**
  - **Including in the new preponderance of evidence training how to properly evaluate each separate piece of evidence independently, and how the strength of each case must also be evaluated by applying a totality of the evidence presented approach.**

USCIS agrees that additional preponderance of evidence training may be beneficial for all adjudications personnel. USCIS is planning several trainings on standards and the burden of proof over the next months.

In addition, USCIS conducts a 100% review of new officer adjudications to ensure that they evaluate evidence appropriately under the preponderance of evidence standard based on the totality of the evidence presented in support of each petition.

- **Requiring a mandatory annual refresher training on the preponderance of evidence legal standard for all USCIS personnel who adjudicate cases, and their direct supervisors.**

USCIS will consider providing additional refresher training on the preponderance of evidence legal standard.

As noted in previous discussions with the CIS Ombudsman, USCIS Office of Chief Counsel (OCC) and the Training & Professional Development (TPD) Branch held training sessions on "Standards and Burden of Proof," in the months of August, September, and October 2023. This training was made available for all adjudicators and their supervisors to attend.

2. **Develop and provide annual training to ensure that adjudicators know how to comply with applicable regulations for L-1 extension cases. USCIS' OCC should work with the Office of Policy and Strategy and the relevant operational directorates to develop a separate, mandatory training module for adjudicators who are assigned, or may be assigned, to work on L-1 extension filings by the same employer for the same beneficiary and job position. The training module should cover:**
  - **The correct application of the agency's deference policy as outlined in USCIS Policy Manual and in the Policy Alert (Subject: Deference to Prior Determinations of Eligibility in Requests for Extensions of Petition Validity) issued on April 27, 2021.**
  - **The application of 8 C.F.R. § 214.2(l)(14)(i) when considering the extension of visa petition validity in individual L-1 filings. Section 214.2(l)(14)(i) states, "The petitioner shall file a petition extension on Form I-129 to extend an individual petition under section 101(a)(15)(L) of the Act. Except in those petitions involving new offices, supporting documentation is not required, unless requested by the director".**

According to the Annual Report, the Ombudsman believes USCIS adjudicators are "applying this policy." We appreciate this recognition in the report. Per the recommendation, the existing deference policy will be worked into the training.

Concerning USCIS' existing L-1 training, the citation above is in the official standardized training provided to adjudicators and supervisors new to the L-1 workload. This training was drafted and cleared for use in conjunction with OCC and OP&S.

USCIS highlights that the CIS Ombudsman's report references *Treasure Craft of California* in its discussion of 8 C.F.R. § 214.2(l)(14)(i) specifically noting that this decision instructs adjudicators that "[t]he petitioner's statement must be given due consideration; however, this Service is not precluded from rejecting such statement when it is contradicted by other evidence in the record of the matter under consideration." USCIS also points out that this decision indicates that the court rejected "the argument that the petitioner may rely solely upon his statement on record."

In preparation for this recommendation, the CIS Ombudsman's office reviewed a sample of 40 L-1 extension cases, with 75% consisting of extensions based on Department of State (DOS) blanket adjudication. The CIS Ombudsman's office noted that they found 21 of the 40 cases involved the issuance of questionable RFEs. USCIS conducted a review of these cases and found that 11 of the RFEs appeared to be unnecessary. With that said, it is difficult to determine the specific reasoning for these RFEs without

consulting with the adjudicator. USCIS is unable to consult with specific adjudicators due to adjudicators changing positions, workloads, and/or agencies. Regarding the other cases, it appears that the CIS Ombudsman's office placed an emphasis on the relevance of the petitioner's assertions and not on the totality of the file review. Although some cases were found to not warrant RFEs, it appears the 40 cases reviewed received an appropriate final decision. Nevertheless, USCIS intends to highlight this regulatory provision where appropriate in its preponderance of evidence training.

- 3. Streamline the L-1 extension petition adjudication for cases involving the same facts with no material changes (such as the same petitioner/beneficiary/job). To accomplish this streamlined processing, USCIS should contemplate the following:**
  - **Consider extending the deference policy to decisions made by DOS.**

USCIS considered this recommendation during the reinstatement of its deference policy. However, there are multiple differences in the way USCIS and DOS conduct the adjudication of L-1 beneficiaries. For example, consular officers spend limited time reviewing documentary evidence related to eligibility requirements and instead primarily rely on interviews with the beneficiaries. USCIS has no interaction with the beneficiary and instead relies solely on documentary evidence and correspondence with the petitioner to address eligibility issues.

With this understanding in mind, such a change in policy could unduly constrain a USCIS adjudicator's ability to apply the law and regulations by limiting an adjudicator's inherent discretion in finding facts. Binding our adjudicators to determinations made by DOS could potentially subject an adjudicator to fail to follow USCIS' own adjudicative policies and standards.

Extending the USCIS deference policy to decisions made by DOS is also problematic because consular officer adjudications are subject to different time constraints, protocols, and as noted by the Annual Report, potentially different adjudicatory standards and guidelines. There are numerous impacts on adjudications across DOS missions in how consular processing of blanket petition beneficiaries occurs. Some DOS missions consolidate processing at a single consulate, and some have teams or specific officers specializing in L adjudications. Some missions may see only a handful of L beneficiaries each year, while others see hundreds or even thousands of beneficiaries.

Based on these differences, USCIS believes that its current policy of providing consideration of a DOS prior approval is appropriate. However, USCIS intends to remind adjudicators that consideration of this approval must be included in their adjudication and will work to develop additional training materials as needed to reinforce this policy.

- **Establish a rebuttable presumption that timely-filed extension petitions with no material changes in the job, petitioner, and beneficiary are**

**approvable. This would mean that USCIS may only issue an RFE, NOID, or denial if the case has materially relevant derogatory evidence.**

USCIS believes that this is largely already accomplished through its deference policy. Nevertheless, USCIS again intends to remind adjudicators that they should defer to a prior determination that the beneficiary or applicant is eligible for the nonimmigrant classification sought and will work to reinforce this understanding in new and existing training materials.

- **Consider whether, in the long term, it may be cost-effective to enhance existing systems to capture information to enable adjudicators to review the outcome of previous petitions filed, as well as the approval history of the petitioner for similar petitions, to determine if an issue has been addressed previously.**

Currently, all Form I-129 L-1 petitions are scanned for adjudication in the electronic environment. While many cases were being scanned for digitization previously, the full implementation of this change began on July 23, 2021. The scanning of paper files into the digital environment has provided adjudicators the ability to review prior cases and evidence without some of the issues experienced when working in the paper environment, including delays that may be attributed to required transfers of paper files. Nonetheless, it is important to note that full review of a similar prior petition filed by the same petitioner, even in an online environment, requires additional time and analysis from an adjudicator. While USCIS supports prior petition review when deemed appropriate by an adjudicator, full-scale prior petition review is not feasible without the risk of accruing a greater backlog. Additionally, please keep in mind that USCIS decides each matter according to the evidence of record on a case-by-case basis.

- 4. Update RFE templates and systems to ensure that they are current, understandable, and concise. USCIS can do so by:**
  - **Omitting references to the controlling law or regulation. USCIS can assume that filers already know these requirements when they file their petition.**

There are currently no citations to the statute, regulations, or precedent/adopted decisions in the RFE templates. Instead, the RFE templates highlight the specific eligibility issues with a heading and generally a one or two-sentence paraphrase of the eligibility requirement.

USCIS finds these headings helpful for clarity and organization of analysis of the initial evidence and placement of the suggested evidence.

In April 2010, USCIS launched the RFE Project in response to the Ombudsman's 2010 report. This project aimed for ongoing collaboration with USCIS stakeholders to create RFE templates that are clear and concise, consistent across service centers, relevant to the classification requested, and adaptable to the specific facts of individual cases. The L

classification RFE templates were sent out for public comment during the RFE project. USCIS received no feedback from stakeholders indicating that the references to eligibility requirements or the general formatting of the templates complicate or impede stakeholders' ability to respond to the RFE. USCIS believes that removing these organizational headings has no discernible impact on whether the templates are current, understandable, or concise.

- **Plainly and precisely state which petition eligibility requirements were satisfied, and which were not. For those that were not, the RFE should identify each piece of evidence that was submitted and clearly articulate why that evidence was deemed insufficient or its weight was deemed insufficient to satisfy the requirement at issue. Doing so would allow the petitioner to focus attention on weaknesses in the evidence initially submitted, and to present stronger and/or more evidence to establish that the element of proof is more likely true than not, and consequently should satisfy the preponderance standard.**

USCIS RFE templates are used to identify evidence and prompt the adjudicator to provide an analysis that explains why that specific eligibility requirement has not been met. While USCIS agrees that continued improvements in this area would be beneficial to the adjudication process, USCIS does not believe that additional template updates, as described above, will provide a meaningful impact to the required adjudicator-led portions of these notices.

**5. Establish a robust quality assurance program for RFEs by:**

- **Assigning each adjudicator, a control number and running monthly reports to identify the average rate that adjudicators are issuing RFEs. USCIS can identify any adjudicator producing too many or too few RFEs that are within acceptable parameters to identify areas where RFE issuance is a concern.**

This information is currently available to first-line and second-line management for all their adjudication staff. USCIS has recently reviewed and presented information to service center leadership on this topic and is working with leadership to address adjudication outliers within the workload for consistency.

- **Establishing an internal escalation program when a supervisor identifies a preponderance of evidence concerns, which may include adjudicator retraining or additional performance compliance measures.**

USCIS will consider this recommendation as an addition to its current supervisory review policies. Supervisors currently can request that senior officers assist with additional reviews, mentoring, and/or training for any adjudicator who may display or articulate difficulties applying the preponderance of evidence standard. USCIS supports a partnership between supervisors and senior officers to promote consistency and efficiency in adjudications.

- **Developing an RFE audit program where files that contain an RFE are checked to determine if the recommended RFE checklist was completed and accurately reflects the state of the record of proceedings when the RFE was issued.**

USCIS agrees that quality assurance programs lead to better adjudication outcomes. USCIS believes that a robust national quality review of Form I-129 L-1 adjudications should include all decisions and notices. USCIS will work to develop checklists to use during its quality reviews to make sure adjudicators are aware of the criteria used to address quality and ensure consistent and efficient analysis of all evidence in determining eligibility based on the preponderance of evidence standard.

Concerning the recommended checklist, USCIS agrees that the development of standardized adjudication checklists may assist adjudicators in making eligibility determinations. USCIS, on the other hand, does not believe that a checklist should focus on an RFE. Any checklist should be geared toward determining eligibility under each relevant criterion rather than a specific adjudicative action or notice.

USCIS is aware of the Ombudsman's overall concern and shares the goal of issuing only RFEs that are relevant, necessary, focused, and legally sufficient. However, USCIS believes that using checklists during adjudication should be optional and written in such a way that it does not overburden the adjudicator. Checklists should be used to improve consistency and efficiency, not to burden the adjudicator with extra time to complete the checklist for an otherwise simple approval.

- **Conducting random supervisory review of at least 10% of all RFE cases to determine if the record of proceedings supports the RFE issuance.**

USCIS already performs random supervisory reviews for all Form I-129 adjudications. As additional supervisory review may improve the quality and/or rate of RFEs, USCIS will require time to assess a reasonable percentage for review.

## **VI. Temporary Protected Status: The Impact and Challenges of Increased Demand.**

The CIS Ombudsman offers an in-depth study of the TPS program and associated workload challenges. The CIS Ombudsman's recommendations regarding TPS, along with USCIS' responses to them, are provided below.

- 1. Post processing times for each TPS population to better inform applicants of their real wait times for TPS status, employment authorization document, and travel authorization. These vulnerable populations are dependent on EADs and travel authorization to be able to legally work and travel and a continuing lack of**

**authorization or even information regarding processing times is a substantial concern.**

- **Post processing times for Form I-765 for TPS applicants (EAD category C19) and TPS beneficiaries (EAD category A12) either for each country designated for TPS or as an aggregate TPS category, rather than under the “All other applications for employment authorization” label. Providing more targeted processing times will manage expectations and inform applicants when they can inquire about their case with USCIS, saving resources on both sides.**
- **Post processing times for Form I-131 for TPS beneficiaries who seek travel authorization.**
- **Provide more realistic timeframes for when an applicant can inquire about a pending Form I-821 when the designated country is not listed on the processing times page.**

USCIS strives to share as much processing time information as possible with applicants. USCIS currently displays TPS processing times for 15 countries and is currently working on displaying a processing time for Ethiopia. Current USCIS methodology requires that at least six months’ worth of completions is available before USCIS can publish a processing time online. If a country is not displayed online, an applicant may inquire about a pending I-821 after six months as noted in the FAQs page:

<https://egov.uscis.gov/processing-times/processing-times-faqs>. Additionally, applicants may verify the status of their case by accessing USCIS’ [case status](#) directly through [uscis.gov](https://uscis.gov).

USCIS is currently exploring the expansion of information for Form I-765 for TPS applicants by country and/or as an aggregate TPS I-765 category with a projected rollout for FY 2024.

Regarding the Form I-131 processing time for TPS beneficiaries, USCIS will consider this recommendation as a future enhancement.

USCIS rebranded Personalized Processing Times to *myProgress* to reflect case status and processing times more clearly.

Changes to how the timelines are produced are being made to provide a better estimate on how long the process takes and where the item is in the process. These efforts are now reflected in the user’s account and are displayed for the I-765 and I-131. Work is underway to provide *myProgress* information for the Forms I-485 and I-821.

- 2. Better educate employers and benefit-granting agencies (such as DMVs and the Social Security Administration) on how to verify employment eligibility and proof of status of TPS beneficiaries to ease fears of non-compliance. Most employers are not immigration experts and find it challenging to keep up with immigration updates related to employment authorization, leading to potential violations. To reach a broader audience, USCIS should:**

- **Provide information on employment verification of interest to employers during its TPS engagements and provide an opportunity for employers to submit questions.**
- **Conduct additional educational sessions for employers in coordination with IER and partner with the Department of Labor or nonprofit organizations to engage in an employee rights education initiative (such as a Know Your Rights campaign).**

USCIS appreciates the CIS Ombudsman’s recommendation to educate a broader audience of employers who verify the employment eligibility of TPS beneficiaries. In addition to USCIS already having robust communication and guidance campaigns for each TPS country on our websites as well as within our verification systems, USCIS will provide employment eligibility verification guidance and answer employer questions in real-time during USCIS TPS-related engagements and/or draft written responses to questions related to employment eligibility verification that USCIS receives during these TPS engagements. The Immigration Records and Identity Services Directorate (IRIS) also regularly meets with U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) to discuss TPS questions that IER receives, including through its hotlines for workers and employers, and opportunities to develop responsive guidance.

Additionally, as noted in the Annual Report, in FY 2023, USCIS took proactive steps to give updated guidance to licensing and benefit-granting agencies that were registered with Systematic Alien Verification for Entitlements (SAVE) to verify citizenship and immigration status. Specifically, SAVE:

- Facilitated recurring webinars on case processing and immigration documentation to user agencies, including the Department of Motor Vehicles (DMVs) and the Social Security Administration (SSA).
- Worked directly with DMVs, the American Association of Motor Vehicle Administrators (AAMVA), SSA, and other user agencies to respond to questions and address issues daily.
- Coordinated with the DHS REAL ID office to update their [Frequently Asked Questions](#) relating to USCIS EAD auto-extensions; and
- Published a new [Commonly Used Immigration Documents](#) guide for user agencies.

Furthermore, SAVE can verify TPS using a beneficiary’s Form I-797, Notice of Action, indicating approval of a Form I-821, Application for Temporary Protected Status, or one that indicates approval of a TPS-based EAD application. SAVE can also verify a pending TPS application or re-registration application using a Form I-797C, Notice of Action, indicating receipt of a Form I-821. SAVE is also able to verify TPS using a TPS-based EAD that has been automatically extended but is now facially expired.

In FY 2024, SAVE will continue to provide user agency guidance, improve the system to increase automated responses, and account for changes in immigration-related



documentation.

- 3. Eliminate the separate EAD application for TPS applicants. Instead of submitting redundant forms, TPS applicants can indicate on their Form I-821 that they would like proof of employment authorization. The INA mandates employment authorization for TPS recipients as well as applicants who have established prima facie eligibility for TPS. USCIS could explore possible changes to regulations (and the list of acceptable documents for employment verification) that would allow these individuals to receive proof of employment authorization for the I-9 process—whether a notice or some other verification—once USCIS finds prima facie eligibility or grants TPS, whichever comes first.**

USCIS will consider the Ombudsman’s recommendations to address these matters. USCIS suggests leveraging online filing through a USCIS online account. This will enable the applicant to apply initially for TPS or re-register for TPS, as well as request an EAD within the same application process. Filing online removes the need for the applicant to complete separate paper Form I-821 and Form I-765 applications.

Additionally, USCIS is considering various policy changes and technology solutions that will aid in more expeditious EAD issuance.

- 4. Consider pursuing legislative changes to extend TPS designation periods. The current maximum period of 18 months appears to be inadequate, given how often designations are extended. A longer designation period would also give USCIS more time to complete requests for TPS and related applications, such as EADs.**

The statute at 8 U.S.C. § 1254a(b)(2), INA § 244(b)(2) provides a maximum period of 18 months for an initial period of designation. Additionally, 8 U.S.C § 1254a(b)(3)(C), INA § 244(b)(3)(C) provides a maximum period of 18 months for a period of extension. USCIS continues to review the recommendation to pursue a legislative proposal.

- 5. Increase case processing through technological solutions.**
  - Prioritize authorizing individuals to file a fee waiver request online and share a timeline with the public. Until USCIS approves this capability, USCIS should explore accepting a copy of a waiver request form as a downloaded attachment to the online filing of the primary application.**
  - Continue exploring streamlined processing for initial and re-registrant applicants by modifying Form I-821 and leveraging electronic processing and USCIS online accounts. Suggestions include providing a shorter version of Form I-821 so the applicant does not have to provide information that USCIS already has. For example, USCIS can include a checkbox on Form I-821 that re-registrants can mark if none of their information has changed. Adjudicators can then focus on the applicants whose information has changed since their previous approval, as that may affect their continued eligibility for TPS. The agency could also leverage USCIS online accounts to allow individuals to request re-registration from their online accounts.**

USCIS appreciates the CIS Ombudsman's recommendations to investigate technological solutions to TPS case processing. USCIS is working on making the fee waiver request possible for online submission and will provide updates as we make progress on this priority. Furthermore, USCIS processes the TPS workload in ELIS (Forms I-821 and I-765, if an EAD is requested) which expands opportunities to use technology to improve case processing efficiency. USCIS remains committed to exploring technological advancements to improve TPS case processing on an ongoing basis.

USCIS also notes that since late 2021, certain individuals may apply for TPS or re-register for TPS online through the USCIS online account. Online filing through the USCIS online account essentially enables the applicant to apply initially for TPS or re-register for TPS and request an EAD within the same application process and removes the need for the applicant to complete separate Form I-821 and Form I-765 applications on paper.

## **VII. A Look Back at USCIS' Unprecedented Fiscal Year 2022 Efforts to Use All Employment-Based Immigrant Visas.**

USCIS appreciates the CIS Ombudsman's detailed explanation of the efforts USCIS made to use all employment-based visas in FY 2022 and the impact those efforts may have in the future. Although, there are no official recommendations from the CIS Ombudsman regarding efforts to use all employment-based immigrant visas, USCIS agrees with most of the following considerations.

**The CIS Ombudsman encourages the agency to continue to move forward in a manner that not only maintains this momentum, but to do so with foresight and a strong commitment to efficiency and improving the experience of those individuals relying on the agency for timely processing of their immigration benefit requests.**

USCIS agrees and notes that in FY 2022 USCIS and its DOS partners were successful in utilizing all available employment-based immigrant visas. USCIS appreciates the CIS Ombudsman's continued partnership on this topic and notes that the agencies are on track to use all available employment-based immigrant visas at this point in FY 2023.

USCIS and DOS have increased the visa usage momentum each fiscal year which is reducing the number of employment-based immigrant visas that must be used each fiscal year above the standard 140,000. FY 2023 was less than FY 2022 and the EB annual limit for FY 2024 will be higher than was typical before the pandemic, though lower than in FY 2021-2023. DOS currently estimates that the FY 2024 employment-based annual limit will be approximately 161,000.

USCIS is continually communicating with employment-based adjustment of status customers to meet the fiscal year goals. For example, in FY 2024, USCIS added an Alert to our USCIS website notifying employment-based customers that we have "prioritized employment-based

adjustment of status applications during every step of its processing and adjudication during this fiscal year. We continue to make processing and resource allocation decisions to increase the pace of adjudications and limit the potential for employment-based visa numbers to go unused.” In addition, in the same Alert, we are recommending to employment-based I-485 customers who receive an RFE for the Form I-693 medical that “you should respond as soon as possible so we can finalize a decision on your adjustment application.”

DOS continues to consult with USCIS on the appropriate dates that will be used in each Visa Bulletin to maximize visa usage.

**USCIS should investigate the immediate digitization of Form I-693. In the meantime, the agency should consider establishing a central location for the receipt of new or updated medical examinations, similar to the centralized process established for underlying base transfers in FY 2022.**

USCIS agrees that digitization of Form I-693 should be explored and is currently working on electronic submission of Form I-693. However, establishing a centralized filing location and new address for Form I-693 would create unnecessary confusion since applicants who have already received an RFE for a completed Form I-693 have been instructed to send their Form I-693 to a specific address. Note that in coordination with the Centers for Disease Control and Prevention, USCIS announced new guidance on April 4, 2024 that any Form I-693 that was properly completed and signed by a civil surgeon or after November 1, 2023, does not expire and can be used indefinitely as evidence to show that the applicant is not inadmissible on health-related grounds.

**USCIS should also expand and build on efforts to reuse biometrics to the extent possible, or even exempt certain benefits from biometrics collection altogether, as the agency suggested it will do for all Form I-539, Application to Extend/Change Nonimmigrant Status applicants.**

USCIS is considering biometric reuse policies that would allow for the most effective reuse of biometrics while remaining within the boundaries of acceptable biometric and identity verification standards, as well as innovative technological solutions to reduce applicant burdens during biometric submission.

Currently, USCIS is utilizing biometrics reuse to the greatest extent possible. The ability of USCIS to match a new filing with the correct biographic and biometric data from a previous encounter or biometric submission is required for biometric reuse.

## **VIII. Improving the Customer Experience from the Contact Center to the Field**

USCIS appreciates the Ombudsman’s detailed analysis on the many initiatives USCIS has taken to improve its customer service in accordance with the President’s Executive Order on

## Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.

The CIS Ombudsman offers opinions on ways USCIS can improve their customer service through clearer communication and through building and cultivating a customer-centric culture. The CIS Ombudsman's recommendations regarding customer experience from the contact center to the field, along with USCIS' responses to them, are provided below.

### *1. Capitalize on technological advances to expand in-person services.*

- **Implement virtual InfoPass appointments and expand remote capabilities.**
- **Use circuit rides to serve communities that are located far from field offices.**
- **Create an agency-wide policy that allows customers to receive in-person information services at field offices outside of their normal jurisdiction.**

The USCIS Contact Center will explore both virtual appointments with contact center staff to replace certain InfoMod appointments at field offices.

This year, USCIS plans to expand this initiative by incorporating limited InfoMod services that do not require document production into this remote setting. This initiative should help to alleviate the lengthy travel burden for customers needing a field office InfoMod service but reside far from their local office. Currently, via InfoMod encounters, USCIS field offices will service customers who reside outside of their jurisdiction on a limited basis, generally reserved for the most emergent of situations; USCIS does not intend to expand this option for all InfoMod appointments.

Further, FOD has implemented the Alien Document Identification and Telecommunication (ADIT) by Mail and the Proactive Immigration Judge Grant process to perform information services by mail and no longer requires these applicants to travel to field offices. ADIT issuance is the number one reason for informational services, and the ADIT by Mail process has resulted in more than 35,000 ADITs issued by mail since inception. Customers are already able to call USCIS Contact Center to receive information via telephone. Additionally, USCIS recently made available an online request for appointment tool where customers can provide preferred scheduling days and times. This online request allows the Contact Center to use the requests to virtually resolve issues that may be addressed without an appointment.

As noted above, On June 28, 2023, USCIS launched a new self-service biometric services appointment rescheduling tool on [my.uscis.gov](https://my.uscis.gov). Applicants, and their attorneys and accredited representatives can now reschedule most biometric services appointments online, without calling USCIS Contact Center.

FOD has expanded the use of circuit rides to remote locations in FY 2023 and has continued to these efforts in FY 2024. Over the past year, USCIS has undertaken an initiative to conduct interviews at multiple locations across diverse geographic regions with remote access to our existing field offices. In many cases, the Field Operations Directorate (FOD) has partnered with government agencies or local libraries to offer services to communities that would otherwise have to travel long distances. Since FY 2023, USCIS conducted 398

N-400 interviews, conducted naturalization oath ceremonies for 825 N-400 candidates, completed 68 customer service appointments, and collected biometric information from 21 such customers. Locations served include St. Croix, Virgin Islands; Pensacola, Florida; Casper, Wyoming; Dodge City, Kansas; Medford, Oregon; Ashland, Oregon; Bakersfield, California; Calais, Maine, Presque Isle, Maine, and several locations in Alaska, such as Fairbanks, Juneau, Dutch Harbor, Soldatna, Cordova, Kodiak, and Utqiagvik (Barrow). FOD continues to perform circuit rides each quarter.

We appreciate your recommendation on allowing individuals to receive assistance outside their designated field office and acknowledge that this may be possible for emergency scheduling situations, and we seek to accommodate such requests where feasible. However, due to scheduling and operational challenges, it is not a currently a viable solution to offer customers the location of their choice except on a limited, case-by-case basis.

## *2. Use communications to improve the customer experience.*

- **Widely publicize all existing electronic tools.**
- **Create web pages and, if resources permit, facility videos for the more heavily visited field offices or those co-located in federal office facilities.**
- **Expand USCIS' YouTube informational video library.**

Access to electronic tools is prominently displayed in multiple places on the [USCIS.gov website](https://uscis.gov) and within the USCIS online account. USCIS regularly offers external engagements that promote new and established online tools, demonstrate the tools, and explain the benefits of using them. Self-service tool instructional videos have also been created and made available through USCIS YouTube channel and can also be found on the USCIS.gov website. There are also plans to create more videos as resources permit.

USCIS also promotes online tools in our national and local stakeholder engagements and coordinates special emphasis on new tools when they are released to the public. USCIS provides outreach materials on online tools for use in local engagements. Using these methods, USCIS has, or will continue to communicate the availability of new electronic tools for customers as listed under our commitment to enhancing customer experience technology. We have appreciated the Ombudsman's partnership in promoting these tools and welcome additional recommendations.

USCIS has begun an analysis and redesign of the USCIS.gov website. This initiative will consider design elements and data to determine how changes can be made to improve navigation and presentation. Recently, USCIS launched a redesigned homepage which aligned USCIS website along DHS standards.

The features on the new homepage include:

- A rotating "hero" banner highlighting some of our most important humanitarian programs and any urgent immigration relief notifications;
- A top navigation menu with select topics above the banner;

- As a user searches over each of the top navigation menu options, a fly-out dropdown menu appears displaying the most commonly used links for that section;
- Below the banner, information about office locations and closures, as well as links to filing online and managing their case online, are prominently displayed;
- News and alerts are back on the homepage, as well as a dynamic list of upcoming stakeholder engagements;
- A link to our social media accounts with real-time updates; and
- An in-page survey at the bottom of the page to collect user feedback.

The intent is to allow users to find the information they seek in an easier manner by highlighting our online tools on the homepage and improving their overall experience while visiting our website.

USCIS currently provides visitors to our website the opportunity to provide feedback about the website through in-page surveys and by inviting their voluntary participation in focus groups, both for members of the public and for attorneys. The in-page survey functionality was extended to the USCIS homepage, where users can instantly share feedback with USCIS via a quick open textbox survey. Prior to the homepage redesign going live, USCIS solicited feedback through in-page feedback and focus groups and the homepage was included in usability testing. USCIS is always seeking opportunities to strategically enhance communications rollouts with multimedia products. Internally, USCIS continues to analyze web reports and track survey data in order to observe how our stakeholders are navigating and searching the site.

The official USCIS YouTube channels house 177 videos, many of which are informational videos that cover topics ranging from general guidance on how to prepare for the naturalization test to the very specific “Information for Afghan Nationals Applying for Asylum” available in English, Dari, and Pashto. This robust resource continues to be a focus of the Directorate and will expand as appropriate.

### ***3. Incorporate consistent training to build a customer service-oriented workforce.***

- a. Clearly define USCIS’ mission as one of customer service and upholding the integrity of our immigration laws.**
- b. Implement consistent training for all employees to develop and maintain needed customer service skills.**
- c. Recognize customer service achievements throughout the agency.**

In early 2022, USCIS debuted a new mission statement that was designed to reflect the character of both our country and our agency. In it, USCIS’ commitment to the public we serve is both clearly defined and emphasized. The goal of our new mission statement is that it continues to serve as a guiding resource for all other efforts that impact our customers’ experience when working with USCIS.

The Director’s priorities, which launched in March 2022, specifically highlight our focus on improving customer service. [The USCIS 2023 – 2026 Strategic Plan](#), which Director Jaddou

announced in January 2023, also provides specific goals and objectives for improving access to the U.S. legal immigration system by focusing on enhancing customer's experience.

USCIS' Core Values, which were updated in 2023, start with championing the people behind the work of the mission, including both the workforce and customers.

Over the past couple years, USCIS has clearly and repeatedly communicated this new direction to the workforce and has put this focus into practice in the following ways:

- The Customer Service Competency is a performance measure for USCIS Annual Performance Plans for all employees.
- All new USCIS' Immigration Service Officers undergo customer service training while attending the required officer USCIS BASIC training.
- We recognize customer service achievements throughout the agency at the annual Director's Awards; there, we celebrate achievements in efficiency and accuracy in the processing of immigration benefits and information services.
- Additionally, we champion employees' accomplishments through program office and directorate-level recognition programs.
- Achievements are also recognized through recurring events such as National Customer Service Recognition Week, Public Service Recognition Week, and the Director's Messages to the workforce thanking employees for their work to enhance and improve our customer experience.

USCIS implemented the 2023-2026 Diversity, Equity, Inclusion and Accessibility (DEIA) Strategic Plan on April 20, 2023, which marked the agency's first comprehensive strategy to incorporate a culture of DEIA principles. Additionally, the topic is a performance measure for USCIS Annual Performance Plans for all employees. USCIS continues to develop and update customer service training materials and processing instructions to ensure that our employees are prepared to provide accurate and consistent customer service daily.

All new FOD employees receive FODIO training, including a FOD overview module that covers the USCIS mission, USCIS values, FOD mission statement, organizational structure, and how various positions work together in achieving the agency's mission. Employees attend FODIO within 30 days of entering on duty. FOD also provides a customer service module as part of the FODIO program. This module covers both internal and external customer service components to ensure FOD employees are prepared to provide accurate and consistent customer service on a daily basis.

Both before and after BASIC training, officers at the USCIS Contact Center receive training that reinforces customer service skills and has supporting guidance, such as quality engagement standards, that outline areas of focus when interacting with customers. USCIS officers undergo customer service training while attending the required officer BASIC training.

USCIS continues to develop and update customer service training materials and processing instructions to ensure that our employees are prepared to provide accurate and consistent

customer service daily and we are exploring ways to ensure all employees receive customer experience training as part of their onboarding.

***4. Invest in training Contact Center representatives to be able to resolve issues more quickly.***

- a. Include training modules to foster working relationships between Contact Center and field office staff to maximize the opportunity of having both Tier 2 ISOs in the same class as field office ISOs.**
- b. Implement and encourage more detail opportunities to the Contact Centers for field officers, and additional details to field offices for Tier 2 ISOs.**

The USCIS Contact Center coordinates with local offices, including the New York Field Office, National Benefits Center, Kansas City Field Office, and the Los Angeles area Field Offices, to provide opportunities for our ISOs to gain exposure to Field Operations and vice versa. USCIS intends to continue this in the future and explore the possibility of reciprocal detail opportunities for ISOs in FOD and SCOPS to gain contact center experience.

The USCIS Contact Center has also established areas of responsibility with FOD so that each field office is supported by one of the three Contact Centers. Each of the centers has worked directly with their field offices to partner on best practices for escalating inquiries as necessary, collaborating on stakeholder engagement, and looking for opportunities to provide more efficient and effective service.

## **IX. Conclusion**

USCIS expresses its profound gratitude to the CIS Ombudsman's committed personnel for producing the thorough and all-encompassing 2023 Annual Report. The agency places a high level of importance on customer service and regards it as a top priority. This report is a valuable instrument for evaluating the agency's advancement in this area and pinpointing specific areas that necessitate additional focus. We recognize the progress achieved in mitigating backlogs, the broadening scope of the humanitarian mission, the scrutiny of L-1 petitions, the difficulties arising from heightened demand for TPS, and our endeavors to optimize the utilization of employment-based immigrant visas in the fiscal year 2022.

USCIS demonstrates its dedication to further enhance its achievements through the implementation of the recommendations and innovative procedures detailed in the report. Our commitment to enhancing efficiency in the process of adjudications and reducing backlog remains resolute.

We are enthusiastic about the possibility of ongoing cooperation with the CIS Ombudsman in order to not only achieve but surpass our objectives while providing exceptional service to our applicants, their representatives, and our stakeholders.



## Appendix A: Acronyms and Abbreviations

AAMA	American Association of Motor Vehicle Administrators
ADIT	Alien Documentation, Identification and Telecommunication
API	Application Programming Interface
ASC	Application Support Center
BFD	Bona Fide Determination
CBP	U.S. Customs and Border Protection
CFO	Chief Financial Officer
CHAP	Consolidated Handbook of Adjudication Procedures
CMS	Content Management Service
CR	Continuing Resolution
CHNV	Processes for Cubans, Haitians, Nicaraguans, and Venezuelans
DEIA	Diversity, Equity, Inclusion and Accessibility
DMV	Department of Motor Vehicles
DHS	U.S. Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
EAD	Employment Authorization Document
EAP	Emergency Advance Parole
ELIS	Electronic Immigration System
EOIR	Executive Office for Immigration Review
EXA	External Affairs Directorate
FOD	Field Operations Directorate
FOIA	Freedom of Information Act
FY	Fiscal Year
FODIO	FOD Immigration Overview
HART	Humanitarian, Adjustment, Removing Conditions, and Travel Documents
ICE	U.S. Immigration and Customs Enforcement
IEFA	Immigration Examination Fee Account
IFR	Interim Final Rule
IJ	Immigration Judge
INA	Immigration and Nationality Act
ISO	Immigration Services Officer
IRIS	Immigration Records and Identity Services Directorate
IRAD	International and Refugee Affairs Division
IDENT	Automated Biometric Identification Systems

LPR	Lawful Permanent Resident
NIW	National Interest Waiver
NGI	Next Generation Identification
NTA	Notice to Appear
OAW	Operation Allies Welcome
OCC	Office of the Chief Counsel
OCFO	Office of the Chief Financial Officer
OCPE	Office of Citizenship, Partnership and Engagement
OPT	Optional Practical Training
OIRA	Office of Information and Regulatory Affairs
OIT	Office of Information Technology
OMB	Office of Management and Budget
CIS Ombudsman	DHS Office of the Citizenship and Immigration Services Ombudsman
PED	Public Engagement Division
PRC	Permanent Resident Card
RAIO	Refugee, Asylum, and International Operations Directorate
RFE	Request for Evidence
SAVE	Systematic Alien Verification for Entitlements
SCOPS	Service Center Operations
SSA	Social Security Administration
STEM	Science, Technology, Engineering, and Mathematics
TPS	Temporary Protected Status
TPD	Training & Professional Development
TSC	Texas Service Center
USCIS	U.S. Citizenship and Immigration Services
U4U	Uniting for Ukraine