



Office of the Citizenship and
Immigration Services Ombudsman

Working to improve the immigration benefits process



The CIS Ombudsman's Webinar Series: 2024 Annual Report



July 30, 2024

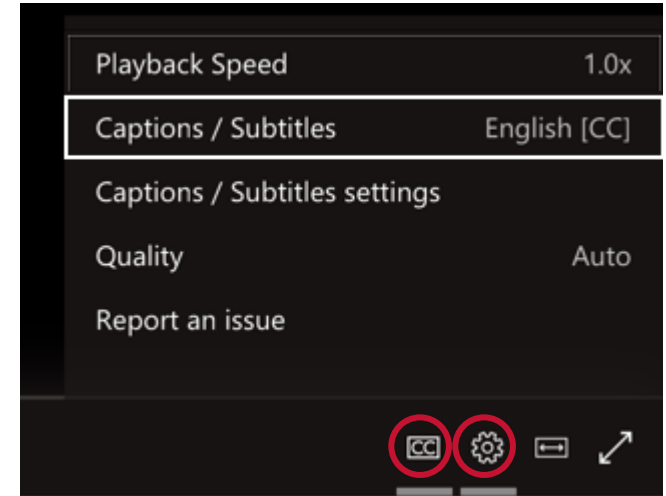
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- The materials from today’s webinar will be posted online on our Public Engagement page (www.dhs.gov/outreach):
 - Readout summarizing the webinar
 - Presentation




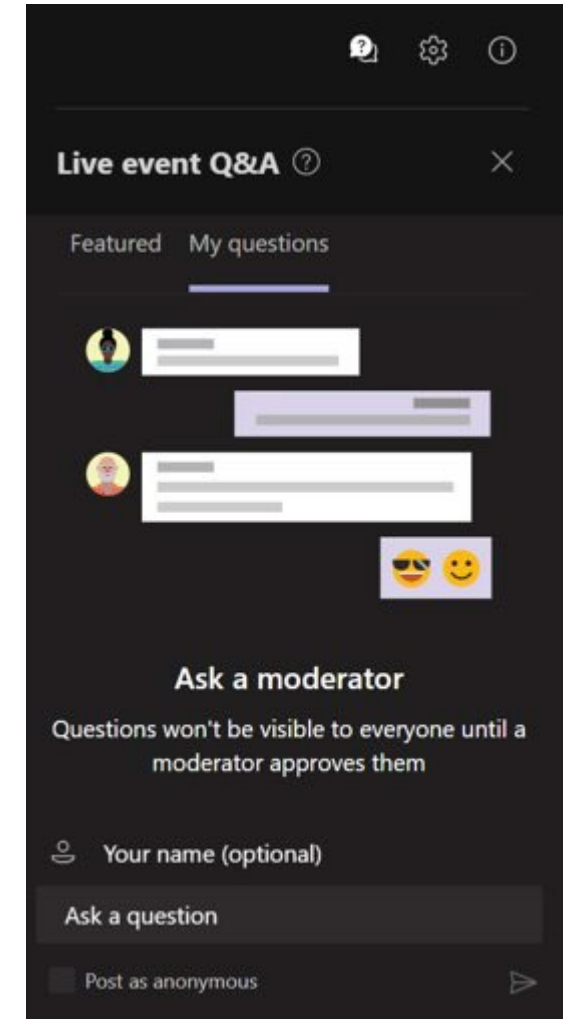
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- We will review every question submitted and determine if we can answer it today.
- You can also send questions or comments to: cisombudsman.publicaffairs@hq.dhs.gov



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Nathan Stiefel Acting CIS Ombudsman



Speakers

- Teresa Andrade, community outreach specialist (moderator)
- Elissa McGovern, chief of Policy
- Fatimah Mateen, assistant chief of Policy
- Edgar Muñoz, policy analyst
- Fred Troncone, senior advisor
- Michael Onka, senior advisor
- Janet Banos, senior advisor

The CIS Ombudsman's Annual Report to Congress

- Under section 452(c) of the Homeland Security Act of 2002, the CIS Ombudsman must submit an Annual Report to Congress by June 30 each year.
- The CIS Ombudsman's Annual Report to Congress focuses on:
 - The CIS Ombudsman's mission and services;
 - USCIS programmatic and policy challenges during the reporting period; and
 - Pervasive and serious problems, recommendations, and best practices in the administration of our immigration laws.

Year in Review



Year in Review: An overview of 2023 for both USCIS and the CIS Ombudsman

Year in Review

- In 2023, USCIS reduced its pending net backlog despite having to divert staff to conduct credible fear interviews and other humanitarian caseloads.
- USCIS focused on digitization efforts, technology, and staffing increases to accomplish its mission.
- The agency launched new initiatives, including parole processes for several countries and new family reunification programs.
- The CIS Ombudsman received a record number of requests for case assistance and announced regional representatives.
- Events of 2023 will continue to impact USCIS in the long term.



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

No Longer on the Defensive

- Since 2005, USCIS has scheduled and completed biometrics appointments for defensive asylum applications – both principal and dependent applicants.
- USCIS does not receive funding for this activity.
- Although USCIS lacks jurisdiction in defensive asylum cases, it must allocate significant resources to manage this workload.
- In 2023, a frontlog of approximately 100,000 applications developed, causing delays that impact immigration court proceedings, the agency, and individual applicants.
- Applications for defensive asylum have increased significantly, placing strains on the agency's ability to manage biometric collection.

Key Recommendations

- Provide defensive asylum applicants with estimated wait times for receipt and biometrics appointment notices.
- Offer additional customer service avenues to resolve recurring issues, such as confirming previously scheduled biometrics appointments or rescheduling missed appointments.
- Improve USCIS' coordination with U.S. Immigration and Customs Enforcement (ICE) to handle procedural issues, such as applicants that age-in to the biometrics requirement or applicants that require a fingerprint refresh.
- In the long term, USCIS should work with ICE to modernize biometrics procedures and reduce its role in collecting biometrics for the agency.



Reexamining the Administration of the English Portion of the Naturalization Test

Reexamining the English Portion of the Naturalization Test

- Lawful permanent residents must demonstrate they understand English unless exempt.
- Applicants must be able to read, write, and speak words in ordinary usage in the English language.
- Applicants are also required to successfully pass the civics portion of the naturalization test.
- In December 2022, USCIS announced a major naturalization test redesign effort, acknowledging that its current approach had the potential to create barriers for applicants.
- Similarly, stakeholders expressed that proposed revisions to assess English proficiency could create more unintended barriers discouraging applicants from applying.

Key Recommendations

- Stop using questions from Part 9 of the Form N-400, *Application for Naturalization* (April 1, 2024 edition) to determine English proficiency. Instead, use the personal information sections in Parts 1 through 8 of the form.
- Clarify the USCIS Policy Manual to allow applicants to use translation and interpretation services during the naturalization interview if: 1) the applicant passed the understanding and speaking English test, and 2) the officer finds the applicant does not understand terms related to complex eligibility questions after being rephrased.
- Provide study materials that define legal and technical terms found on the application.
- Collect more data to ascertain when an officer stops the interview and determines the applicant cannot demonstrate English proficiency.

Return to Basics

The image shows a collage of USCIS Form I-601A and its instructions. The main form is titled "Application for Provisional Unlawful Presence Waiver" and includes sections for "Part 1. Information About You" and "Your U.S. Mailing Address". The instructions are titled "Instructions for Application for Provisional Unlawful Presence Waiver". The background features a US passport with the word "VISA" and an American flag.

USCIS Form I-601A
OMB No. 1615-0123
Expires 02/28/2026

Application for Provisional Unlawful Presence Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

Part 1. Information About You
Provide the following information about yourself.

1. Alien Registration Number (A-Number) (if any)
A- _____
2. U.S. Social Security Number (if any)

3. USCIS Online Account Number (if any)

Your U.S. Mailing Address

7.a. In Care Of Name _____

7.b. Street Number and Name _____

7.c. Apt. Ste. Flr. _____

7.d. City or Town _____

7.e. State _____ 7.f. ZIP Code _____

8. Is your current physical address the same as your mailing address? Yes No
If you answered "No" to Item Number 8., provide your physical address in Item Numbers 9.a. - 9.e.

9.a. _____
9.b. _____
9.c. _____
9.d. _____
9.e. _____

Instructions for Application for Provisional Unlawful Presence Waiver
Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-601A?

Who are relatives of U.S. citizens or Lawful Permanent Residents (LPRs) who are eligible for a provisional unlawful presence waiver of inadmissibility under Immigration and Naturalization Act (INA) section 212(d)(9)(B), before they depart the United States to appear at a U.S. Embassy or Consulate for an interview.

Provisional unlawful presence waiver if you:

Department of State (DOS) because you:

and Form I-130, Petition for Alien Relative, an approved Form I-140, Petition for Immigrant Worker, an approved Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, or a Diversity Visa (DV) Program (that is currently open) for which you are currently in the process of obtaining your immigrant visa.

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

USCIS' Prioritization Dilemmas

- USCIS operates with limited resources and must decide which benefits to prioritize over others. Often, these decisions are influenced by factors beyond its control.
- While USCIS has utilized automation to streamline some tasks, other workloads require a resource shift to address competing demands.
- The backlog of Form I-601A, *Application for Provisional Unlawful Presence Waiver*, is an example of the consequences of sidelining one benefit over others for an extended period.
- From FY 2008 to FY 2023, median processing times increased from 4.5 months to 43 months.
- In 2023, USCIS established the Humanitarian, Adjustment, Removing Conditions, and Travel Documents (HART) Service Center to address these processing challenges.

Lessons Learned

- USCIS should regularly examine the costs of its prioritization decisions and take proactive measures to prevent backlogs from escalating.
- Repeatedly deprioritized forms need resources to prevent them from being sidelined due to higher priorities.
- The HART Service Center model offers a valuable framework for addressing similar processing delays for other forms deemed low priority.
- Establishing a virtual service center with a remote workforce could facilitate progress toward full electronic filing and digital processing capabilities.
- The virtual center approach attracts USCIS employees and could lead to employee retention and specialization of casework.



Lost Mail and the Challenges of Delivering USCIS Documents

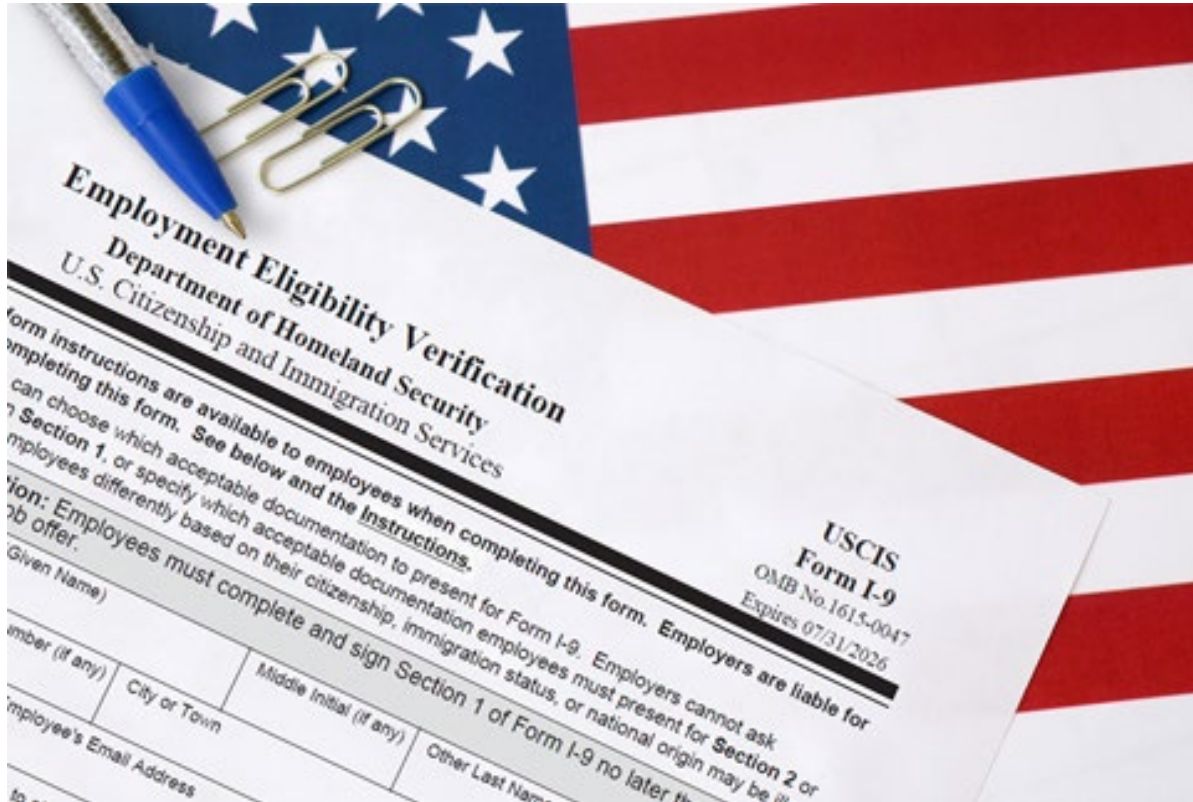
Lost Mail and Document Delivery Challenges

- Problems with mail delivery during an immigration case are a recurring issue.
- Delayed/lost notices or non-delivery of documents severely impact applicants and petitioners and may result in delays or denials of benefits.
- To address this issue, USCIS has made some notices, such as receipt or appointment notices and requests for evidence (RFEs), available through online accounts. Despite this effort, many applicants rely on communication through the U.S. Postal Service (USPS).
- In FY 2023, the agency reported that nearly 40,000 Green Cards and 45,000 Employment Authorization Documents (EADs) were undeliverable.

Key Recommendations

- Allow the Contact Center to send an electronic copy of missing notices or RFEs to applicants if requested.
- Revisit the “hold for pickup” program for secure documents.
- Encourage individuals to utilize USPS’s *Look Up a Zip Code* online tool.
- Consider issuing digital versions of short-term travel documents.
- Send text and email alerts to individuals confirming the delivery of documents.
- Renew the working relationship with USPS to quickly address issues and delays in the delivery process.

Beyond the Basics



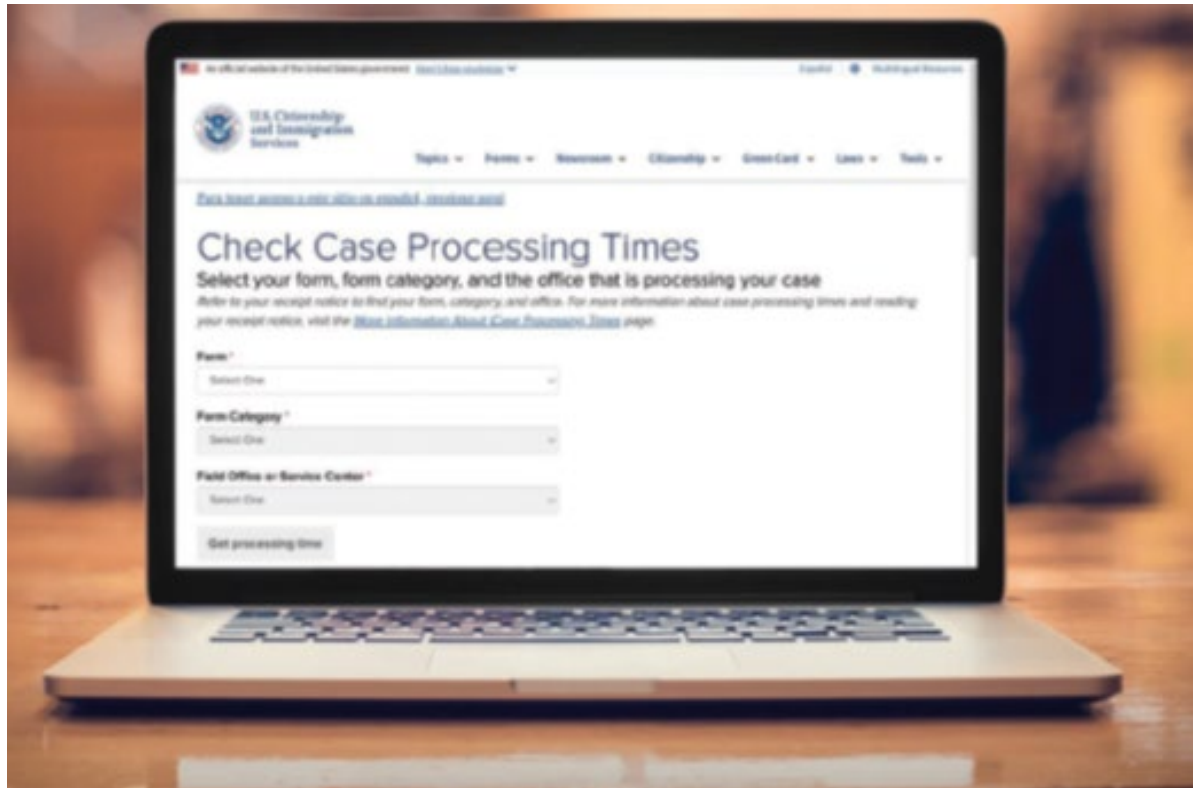
Meeting the Growing Demand for Employment Authorization Documents

Meeting the Growing Demand for EADs

- In recent years, the demand for EADs has increased significantly. USCIS has implemented measures to simplify and prioritize this workload.
- USCIS' current card production and facility operations are working at capacity for EADs and Green Cards, limiting the agency's ability to meet future demand unless broader changes are made.
- USCIS implemented some methods to address EAD production limitations, such as using EADs beyond the expiration date when combined with receipt notices, Federal Register notices, or other documentation extending their validity.
- However, this approach creates challenges for both individuals and employers due to the confusion about which documents are sufficient evidence for work authorization.

Key Recommendations

- Expand resources available to card production operations by adding more machinery and staff, or higher capacity machinery and technology.
- Reduce the number of cards that must be destroyed and reproduced by improving quality control checks of photos and data to be printed on cards and by encouraging use of USPS's recommended format for mailing addresses.
- Increase outreach and amplify online information to improve public understanding of acceptable employment eligibility verification documents and mitigate the potential for discrimination against noncitizens with proof of employment authorization other than an unexpired EAD.
- Explore new ways to reduce the number of cards the agency needs to produce.



Clarifying Processing Times to Improve Inquiries and Manage Expectations

Clarifying Processing Times

- Processing time-related inquiries are among the most common customer service requests USCIS receives.
- Inquiries about cases that are in long queues, processing normally despite the wait, can be counterproductive. Responding to these inquiries requires USCIS to divert resources to researching case status instead of completing cases, and customers gain little additional information beyond what is available online with self-service tools.
- Three self-service tools provide valuable perspectives on processing times, yet customers appear confused or frustrated by them.
- Clearer online communication could improve customer understanding and expectations, alleviating unnecessary inquiries and helping to retain USCIS' resources on adjudication.

Key Recommendations

- Improve USCIS' online self-service information about processing times. For example, clearly identify the *case inquiry date* tool as the sole indicator of when a case may be an “outlier” in terms of processing times and explore ways to allow authorized representatives to view their clients' *myProgress* estimated processing times.
- Include all forms and offices in self-service tools, even if only to state there is insufficient data to estimate processing times for a form or office.
- Find ways to provide more information about processing times and inquiries in situations where the agency's processing approach does not fit existing methodologies.
- Improve notification of file transfers.



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

Final Thoughts

- Since 2003, the CIS Ombudsman has written about the impacts of backlogs and competing priorities on the agency's work.
- The Executive Branch's response to outside forces has created operations that fall on USCIS without providing corresponding funding.
- The greatest challenge facing USCIS is the constant need to realign and pivot personnel and resources to address sudden workloads and operational pressures.
- Creating a universal adjudications officer or a "surge" force would greatly enhance the agency's capacity to respond to new priorities.
- Leveraging technology to streamline operations could enhance the agency's workforce to fulfill its mission.
- To maximize capabilities, USCIS should consider breaking down existing silos and instilling a more common culture—a "OneUSCIS."

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Questions and Answers



Contact the CIS Ombudsman

- **Website:** dhs.gov/cisombudsman
- **Phone:** 1-855-882-8100 (toll free) or 1-202-357-8100 (local)
- **For questions about case assistance requests:** cisombudsman@hq.dhs.gov
- **For meeting and engagement inquiries:** cisombudsman.publicaffairs@hq.dhs.gov
- **For sharing policy trends or issues:** cisombudsman.policy@hq.dhs.gov
- **To sign up for our event invitations and stakeholder messages:** public.govdelivery.com/accounts/USDHS/subscriber/new
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- **Summaries of recent webinars:** dhs.gov/outreach

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Thank you!

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