







IV. Past Recommendations and USCIS Responses







This section includes summaries of the Ombudsman’s formal recommendations for the 2008 reporting period, as well as those prior recommendations in which USCIS took some action during the reporting period.²⁴⁹ The recommendations stem from a variety of sources, including problems reported to the Ombudsman by individuals and employers, discussions with immigration stakeholders, and suggestions of USCIS employees themselves. For the full text of the recommendations and USCIS responses, please refer to the Ombudsman’s website at www.dhs.gov/cisombudsman.

A. Previous Years

Figure 18: CIS Ombudsman Recommendations Chart (May 2008)*

LEGEND		
1	Short Title	Title of recommendation: (FR – Formal Recommendation; AR – Annual Report Recommendation)
2	Problem Benefits	The serious and pervasive problem identified by the recommendation The benefit to be gained from fully adopting and implementing the recommendation
3	USCIS Response	The date when the formal response from USCIS to the recommendation was received by the CIS Ombudsman. (USCIS Response due date to the recommendation is indicated in bold text)
4	USCIS Agrees	This box will be color coded  pink (USCIS does not agree);  yellow (USCIS agrees with part or parts of the recommendation but not all of the recommendation);  green (USCIS agrees with the recommendation in its entirety).
5	USCIS Implement	This box will be color coded  pink (USCIS cannot or will not implement, or has not yet implemented);  yellow (USCIS has implemented part or parts of the recommendation but not all of the recommendation);  green (USCIS has implemented the recommendation in its entirety).

* All recommendations and their responses are available on the CIS Ombudsman’s website, www.dhs.gov/cisombudsman. The Ombudsman advises that this chart be employed only for the overview purposes intended.

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
FR2007-34 Fee Refunds (4/08/08)	Problem: Complexity Causes Confusion – Publicly available version of Adjudicator’s Field Manual states inconsistent processes for applicants to request fee refunds. Benefits: Clarify procedure and implement customer ability to track pending requests.	Response Due (7/8/08)		
FR2007-33 DOS Returned Petitions (8/24/07)	Problem: Inefficient or Redundant Processes – Inability of applicant to track status of petition questioned by Consulate and returned to USCIS for further review. Benefits: Accountability to applicant.	Yes USCIS responded (5/23/08)		
AR2007-25 Asylum Application Redraft (6/11/07)	Problem: Asylum Adjudication Application Complexity – Especially for non-English speakers, directions for application is beyond understanding for its intended audience. Benefits: Accessible application for public and decreased need for follow-up.	Yes USCIS responded (2/13/08)		



²⁴⁹ The Homeland Security Act of 2002, (6 U.S.C. § 272(c)(1)), states that the Ombudsman’s annual report shall include an inventory of the recommendations and indicate: (1) if action has been taken and the result of that action; (2) whether action remains to be completed; and (3) the period during which the item has been on this list.

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
AR2007-24 End the Dallas Office Rapid Adjustment (DORA) Pilot, evaluate and implement national program (6/11/07)	Problem: Up-Front Processing – Expand DORA or alternative program that performs at same level as, or better than, DORA. Benefits: Solve many of the current customer service, security and efficiency problems identified in current green card process.	Yes USCIS responded (2/13/08)		
AR2007-23 Training in Field Offices (6/11/07)	Problem: Staffing, Career Development, and Training – Lack of basic computer program knowledge among office staff and of interview training among adjudicators. Benefits: Better ability to satisfy clients' needs.	Yes USCIS responded (2/13/08)		
AR2007-22 Personnel Recruitment and Development (6/11/07)	Problem: Staffing, Career Development, and Training – Need for sustained effort to counteract effects of short-term hiring. Benefits: Creating a multi-year plan encourages continuity within management goals.	Yes USCIS responded (2/13/08)		
AR2007-21 Training for Office Supervisors (6/11/07)	Problem: Staffing, Career Development, and Training – Lack of training for supervisors. Benefits: Increased ability to handle problem employees, evaluate workflows, and practice budget management.	Yes USCIS responded (2/13/08)		
AR2007-20 Office Communication (6/11/07)	Problem: Staffing, Career Development, and Training – Lack of sharing of solutions to common problems between offices. Benefits: Establishes a culture and a process that encourages the sharing of best practices.	Yes USCIS responded (2/13/08)		
AR2007-19 Standardize Staffing Levels (6/11/07)	Problem: Staffing, Career Development, and Training – USCIS dependence on temporary employees and assignments. Benefits: Create a more stable workforce.	Yes USCIS responded (2/13/08)		
AR2007-18 Training (6/11/07)	Problem: Staffing, Career Development, and Training – Quality of employee instruction not assured. Benefits: More qualified employees.	Yes USCIS responded (2/13/08)		
AR2007-17 Career Paths (6/11/07)	Problem: Staffing, Career Development, and Training – Undefined Career Paths. Benefits: A more motivated workforce with proper training for their advancement goals.	Yes USCIS responded (2/13/08)		
AR2007-16 Chief Human Capital Officer (6/11/07)	Problem: Staffing, Career Development, and Training – Recruitment and training are not seen as important as IT and financing, as their administrative leader's position was downgraded from SES rank to GS-15. Benefits: Establishment of permanent position will demonstrate commitment to these goals.	Yes USCIS responded (2/13/08)		
AR2007-15 Information Technology Network Solutions (6/11/07)	Problem: Information Technology – Computer support systems appear to be lacking or severely limited. Benefits: Eliminates time wasted on computer problems in offices.	Yes USCIS responded (2/13/08)		
AR2007-14 Records Management (6/11/07)	Problem: Coordination/Communication – USCIS relations with stakeholders and other government agencies suffers from lack of communication regarding records. Benefits: Better tracking and monitoring of records and communication between agencies improves customer service and agency efficiency.	Yes USCIS responded (2/13/08)		
AR2007-13 Fund Headquarters Staff Visits to the Field (6/11/07)	Problem: Coordination/Communication – USCIS headquarters/field office communication failures. Benefits: Ensures accurate and timely information about procedure changes.	Yes USCIS responded (2/13/08)		
AR2007-12 Request for Evidence (RFE) Issuance (6/11/07)	Problem: Inefficient or Redundant Processes – Unclear and complicated RFEs. Benefits: Resources not wasted on seeking information already submitted or absent.	Yes USCIS responded (2/13/08)		

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
AR2007-11 Chicago Lockbox (6/11/07)	Problem: Inefficient or Redundant Processes – Need for improved form instructions and USCIS intake processes. Benefits: Multiple filings will be automatically detected; saves resources and time.	Yes USCIS responded (2/13/08)		
AR2007-10 Quality Assurance (QA) Training (6/11/07)	Problem: Lack of Standardization Across USCIS Business Processes – Insufficient standardization and training; weak QA program. Benefits: Higher quality customer service.	Yes USCIS responded (2/13/08)		
AR2007-09 Fraud Investigation Time Limits (6/11/07)	Problem: Lack of Standardization Across USCIS Business Processes – Varied processing times office-to-office. Benefits: Customers know when reasonably to expect a response to their case.	Yes USCIS responded (2/13/08)		
AR2007-08 Fraud Interviews (6/11/07)	Problem: Lack of Standardization Across USCIS Business Processes – Lack of timely interviews eases attempts at fraud. Benefits: Deny fraud perpetrators additional preparation time and prevent issuance of interim benefits.	Yes USCIS responded (2/13/08)		
AR2007-07 Premium Processing Costs Compared with Regular Processing Costs (6/11/07)	Problem: Funding of USCIS – Reliance on funds from premium processing. Benefits: Increased level of service for regular processing and opportunity to reorganize funding.	Yes USCIS responded (2/13/08)		
AR2007-06 FBI Name Check (6/11/07)	Problem: Name Checks and Other Security Checks – Name check delays. Benefits: More timely and transparent name check processes.	Yes USCIS responded (2/13/08)		
AR2007-05 Application Redress (6/11/07)	Problem: Customer Service – Applicants who receive no prompt decision after interview cannot inquire locally about status via email. Benefits: Increased paths of communication leads to higher customer satisfaction.	Yes USCIS responded (2/13/08)		
AR2007-04 FAQ List (6/11/07)	Problem: Customer Service – Static FAQ lists. Benefits: Dynamic features on website make contact between clients and officials easier.	Yes USCIS responded (2/13/08)		
AR2007-03 Processing Times (6/11/07)	Problem: Processing Times – Processing times are based on agency goals, not actual times, and are not transparent. Benefits: Posting actual times provides more information to customers and leads to more efficient government services and greater accountability.	Yes USCIS responded (2/13/08)		
AR2007-02 Pending Cases (6/11/07)	Problem: Backlogs and Pending Cases – Older cases are not given as much attention as newer cases. Benefits: Providing more information about backlogs adds to transparency and accountability.	Yes USCIS responded (2/13/08)		
AR2007-01 Transformation (6/11/07)	Problem: USCIS Transformation – Transformation is not taking place with customer input or transparency. Benefits: Improve the process with fewer inquiries to NCSC and a smaller need for Infopass appointments.	Yes USCIS responded (2/13/08)		
FR2007-32 Deferred Action (4/6/07)	Problem: Lack of Standardization Across USCIS Business Processes – No statistics or tracking of approved or denied deferred action requests. Benefits: Prevents regional disparity in approvals and denials of deferred action requests.	Yes USCIS responded (8/7/07)		
FR2007-31 30-day Advance Notice for Changes in Policy and Operations Instructions (2/8/07)	Problem: Transparency – Public is not provided with adequate notice about USCIS changes to policy and operations instructions. Benefits: Improves USCIS efficiency and customer service through greater information to clients.	Yes (5/7/07)		

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
FR2006-30 Improvement of FOIA Operations (7/12/06)	Problem: Lack of Standardization Across USCIS Business Processes – Lack of accountability, centralization, and updates to current policies, regulations, and guidelines. Benefits: Make operations more efficient, effective, and compliant with statutory mandates.	Yes (10/5/06)		
FR2006-29 Extraordinary Ability “O” Petition Extension (6/30/06)	Problem: Lack of Standardization Across USCIS Business Processes – Discrepancies between “O” and “P” visa extension policies. Benefits: Align “O” and “P” visa considerations, providing operational efficiency and policy consistency.	Yes (10/3/06)		
AR2006-14 Implement a Pre-Application Security Screening Process (6/29/06)	Problem: Lack of up-front processing – Unnecessarily high rate of rejection late in the process of obtaining residency or citizenship. Benefits: Immediate screening decreases processing times, reduces the handout of interim benefits, and reduces the backlog.	Yes (5/18/07)		
AR2006-13 Implement Premium-type Processing for Regular Applications (6/29/06)	Problem: USCIS Revenue – Premium processing likely less costly than regular processing. Benefits: Save agency resources and have a positive impact on customer service and efficiency at no additional net cost to the agency.	Yes (5/18/07)		
AR2006-12 Improve Fingerprint Storage and Retrieval Capabilities (6/29/06)	Problem: USCIS Revenue – USCIS cannot retrieve fingerprints from storage. Benefits: Reduces the need for multiple fingerprint collections and allows for cross-checking of fingerprint submissions.	Yes (5/18/07)		
AR2006-11 Implement “Wrap-Around” Security Checks (6/29/06)	Problem: USCIS Revenue – System’s unnecessary expiration dates require duplicate security checks. Benefits: Free up resources for other agency needs.	Yes (5/18/07)		
AR2006-10 Consolidate and Rapidly Process Petitions for Spouses and Children of U.S. Citizens (6/29/06)	Problem: USCIS Revenue – Complicated system for processing petitions for spouses and children of U.S. citizens. Benefits: Prevents waste of resources and addresses customer concerns.	Yes (5/18/07)		
AR2006-09 Enforce Regulation Requiring Applications and Petitions to be Complete Prior to USCIS Acceptance (6/29/06)	Problem: USCIS Revenue – Lockbox process failure to screen deniable cases. Benefits: Improves efficiency and customer service by preventing customer dissatisfaction resulting from requests for additional documents and by allowing USCIS to forego time-consuming denial procedures.	Yes (5/18/07)		
AR2006-08 Send Green Cards with “Return Receipt Requested” (6/29/06)	Problem: Green Cards Collected, Not Recorded, and Green Card Delivery Problems – USCIS green cards not verified upon receipt. Benefits: Save significant time and resources, while enhancing customer service.	Yes (5/18/07)		
AR2006-07 Amend Staffing Utilization in Application Support Center (ASC) Contract (6/29/06)	Problem: Coordination and Communication – Contract specifications limit the ability of district directors to utilize the Application Support Center staff for similar administrative duties within the district office. Benefits: Provides consistent service to USCIS customers nationwide by improving field office operations.	Yes (5/18/07)		
AR2006-06 Support Local Direct Communications Initiatives (6/29/06)	Problem: Coordination and Communication – Service Request Management Tool (SRMT) has exacerbated problems with access and efficiency. Benefits: Direct contact between customer and IIOs eliminates extra steps in the process and provides cost savings.	Yes (5/18/07)		
AR2006-05 Establish Revolving Fund to Help Address USCIS Funding Problems (6/29/06)	Problem: Funding of USCIS – Unfunded programs creates dependency on slow processing and a backlog of cases. Benefits: Revolving fund account enables agency to test innovative processes, addresses unexpected problems, and encourages USCIS leadership to innovate processes instead of continuing programs which do not enhance customer service, efficiency, and national security, but nevertheless generate essential revenue.	Yes (5/18/07)		

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
AR2006-04 Establish Up-Front Security Checks for Adjudication Process (6/29/06)	Problem: Name Checks and Other Security Checks – Name checks increase time necessary to complete all cases. Benefits: Completing the name check before application submission abbreviates post-submission wait time and promotes efficiency.	Yes (5/18/07)		
AR2006-03 Expedited Processing of I-130 Petitions (6/29/06)	Problem: Pending I-130 Petitions – Form I-130 processing times are increasing. Benefits: Processing the petitions immediately prevents the cost involved in storing and retrieving the applications as well as resources expended for follow-ups, customer inquiries, address changes, etc.	Yes (5/18/07)		
AR2006-02 Reform Employment-Based Green Card Application Processes (6/29/06)	Problem: Untimely Processing and Systemic Problems with Employment-Based Green Card Applications – Applications are not currently limited by visa availability. Benefits: Ensures that USCIS will not accept more applications than it can legally process; enhances communication between USCIS and DOS.	Yes (5/18/07)		
AR2006-01 Provide a Breakdown of Pending Cases (6/29/06)	Problem: Backlogs and Prolonged Processing Times – Lack of accountability and transparency from USCIS for backlogged cases. Benefits: Provides a better understanding of the true nature of the USCIS backlog to determine if USCIS achieved a six-month processing standard from start to finish for all applications.	Yes (5/18/07)		
FR2006-28 Online Address Change (AR-11) (6/9/06)	Problem: Coordination and Communication – Applicant confusion about where to file and USCIS inability to propagate AR-11 to all databases. Benefits: Improves customer satisfaction and confidence in the process; increases USCIS data accuracy.	Yes (9/8/06)		
FR2006-27 Up-Front Processing (5/19/06)	Problem: Lack of up-front processing increases issuance of interim benefits as well as the backlog and processing times. Benefits: Improves customer service, efficiency, and promotion of national security by preventing ineligible applicants from obtaining government-issued identity documents while their cases are pending and by allowing USCIS to detect and act on fraudulent cases at the earliest possible point.	Yes (8/21/06)		
FR2006-26 DNA Testing As Secondary Evidence of Relationship (4/12/06)	Problem: DNA test results not listed as evidence of family relationship. Benefits: An easier, less resource-intensive and time-consuming process.	Yes (7/5/06)		
FR2006-25 Employment Authorization Documents (EADs) (3/20/06)	Problem: Lack of Standardization Across USCIS Business Processes – Inefficient system for employment of foreign nationals, including not making EAD validity periods run sequentially (i.e., eliminate overlap). Benefits: Easier employment system for foreign nationals.	Yes (6/20/06)		
FR2006-24 Asylum Adjudication (3/20/06)	Problem: Lack of Standardization Across USCIS Business Processes – Applications not limited to individuals in valid nonimmigrant status. Benefits: New process adheres to appropriate roles and responsibilities for USCIS post-INS breakup.	Yes (4/27/06) Yes (6/20/06)		
FR2006-23 Military Naturalization (3/20/06)	Problem: Lack of Standardization Across USCIS Business Processes – Fingerprint requirement often difficult to fulfill for active duty, military personnel. Benefits: Responds to special needs of military.	Yes (4/27/06)		
FR2006-22 Notices to Appear (NTAs) (3/20/06)	Problem: Lack of Standardization Across USCIS Business Processes – Policy for issuing NTAs not standard. Benefits: Fewer fraudulent filings.	Yes (4/27/06)		
FR2005-21 Asylum Division Use of Notice of Action Form I-797 (12/7/05)	Problem: Lack of Standardization Across USCIS Business Processes – Use of separate approval notification systems and Form I-94 processes/documents at different USCIS operations is counterproductive, confusing, and increases likelihood of fraud. Benefits: Provides improved customer service, USCIS efficiency, and enhances national security for this process.	Yes (3/17/06) Yes (4/27/06)		

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
FR2005-20 Administrative Appeals Office (AAO) (12/6/05)	Problem: Transparency – Appellate standard of review at the AAO not available to public. Benefits: Provides more information to stakeholders.	Yes (12/19/05) Yes (4/27/06)		
FR2005-19 Elimination of Asylum Pick-Up Decision Delivery Process (10/13/05)	Problem: Lack of Standardization Across USCIS Business Processes – Decision delivery process not standardized. Benefits: Establishes a single process for the delivery of notices for all cases.	Yes (12/12/05) Yes (4/27/06)		
FR2005-18 Public Reporting for Capped Categories (8/28/05)	Problem: Transparency – Infrequent reporting of H-1B cap usage. Benefits: Assists employers and individuals by making this information directly accessible.	Yes (12/27/05) Yes (4/27/06)		
FR2005-17 Elimination of Postal Meter Mark (7/29/05)	Problem: Inefficient or Redundant Processes – U.S. Post Office cannot forward USCIS correspondence to applicants and petitioners. Benefits: Elimination improves customer service and reduces problems associated with mail delivery.	Yes (4/27/06)		
FR2005-16 I-131 Travel Document Document (6/10/05)	Problem: Lack of Standardization Across USCIS Business Processes – Refugee travel guidelines not consistent with those of similar documents. Benefits: Alleviates the burden and cost imposed on applicants who apply for multiple travel documents prior to becoming green card holders; reduces number of I-131 applications processed.	Yes (12/27/05) Yes (4/27/06)		
FR2005-15 Issuance of Receipts to Petitioners and Applicants by Chicago Lockbox (5/9/05)	Problem: Transparency – Inability to issue timely receipts to petitioners and applicants when filings “surge” in number. Benefits: Improved document management and customer service.	Yes (5/25/05) Yes (4/27/06)		
FR2005-14 Pilot Program Termination (2/25/05)	Problem: Transparency – No public notice regarding initiation and termination of USCIS pilot programs directly affecting customer service. Benefits: Fewer complaints and more transparency.	Yes (5/25/05) Yes (4/27/06)		
FR2004-13 Issuance of Permanent Resident Cards to Arriving Immigrants (12/15/04)	Problem: Coordination and Communication – Not enough communication between departments concerning immigrant visa packages. Benefits: Expedites issuance of green cards to arriving immigrants.	Yes (5/25/05) Yes (4/27/06)		
FR2004-12 Chicago Lockbox (11/29/04)	Problem: Inefficient or Redundant Processes – Lockbox resulted in tracking and management difficulties; inefficient processing; incorrect rejection of valid filings. Benefits: Issuance of receipts to customers no longer delayed and efficient shipment of files between USCIS offices.	Yes (12/17/04) Yes (4/27/06)		
FR2004-11 INFOPASS (11/29/04)	Problem: Transparency – Lack of equitable access to InfoPass appointments. Benefits: Improved customer service.	Yes (12/17/04) Yes (5/25/05) Yes (4/27/06)		
FR2004-10 Naturalization for Survivors of Domestic Violence (10/6/04)	Problem: Lack of Standardization Across USCIS Business Processes – Mistake in USCIS policy memorandum concerning Form I-751. Benefits: Corrects administrative error and allows survivors of domestic violence to receive more rapid green card status.	Yes (12/17/04) Yes (4/27/06)		
FR2004-09 Standardized Forms (10/6/04)	Problem: Lack of Standardization Across USCIS Business Processes – No standard forms package for each petition or application type. Benefits: Creates cohesiveness across USCIS offices.	Yes (12/17/04) Yes (5/25/05) Yes (4/27/06)		

Title	Problem/Benefits	USCIS Response	USCIS Agrees	USCIS Implement
FR2004-08 Premium Processing (9/27/04)	<p>Problem: Inefficient or Redundant Processes – Premium processing should be made available to certain employment-based, change-of-status applications (Form I-539).</p> <p>Benefits: Ensures that family members are not negatively impacted by the failure to allow them to benefit from I-129 premium processing when their applications are filed separately.</p>	Yes (12/17/04) Yes (5/25/05) Yes (12/27/05) Yes (4/27/06)		
FR2004-07 E-Filing (8/16/04)	<p>Problem: Information Technology/Inefficient or Redundant Processes – No encouragement for E-filing.</p> <p>Benefits: Decreasing cost of E-filing and encouraging the process will reduce workload for both petitioners/applicants and for USCIS employees.</p>	Yes (12/17/04) Yes (5/25/05) Yes (4/27/06)		
FR2004-06 I-9 Storage (8/16/04)	<p>Problem: Inefficient or Redundant Processes – Employers should be authorized to store Employment Eligibility Verifications (Form I-9s) electronically.</p> <p>Benefits: Stay up-to-date with current business practices; improved availability of information.</p>	Yes (12/17/04)		
FR2004-05 Customer Service Training for USCIS Employees (8/16/04)	<p>Problem: Staffing, Career Development, and Training – USCIS employees who interact with immigration customers are not required to receive formal training in customer service.</p> <p>Benefits: Fulfills customer needs by providing employees with continuous and appropriate training.</p>	Yes (12/17/04) Yes (5/25/05) Yes (4/27/06)		
FR2004-04 Fee Instructions (6/29/04)	<p>Problem: Transparency – Discrepancies in information about filing fees.</p> <p>Benefits: Keeping the public informed about changes in fees reduces complaints and expedites processing.</p>	Yes (12/17/04) Yes (5/25/05) Yes (4/27/06)		
FR2004-03 Reengineering Green Card Replacement Processing (6/18/04)	<p>Problem: Lack of up-front processing – Green cards not timely produced or delivered.</p> <p>Benefits: Up-front processing speeds up system.</p>	Yes (5/23/06)		
FR2004-02 Streamlining Employment Based Immigrant Processing (6/18/04)	<p>Problem: Lack of up-front processing – Backlog of employment-based green card applications.</p> <p>Benefits: A one-step, front-end, employment-based green card application process streamlines process and reduces backlog.</p>	Yes (12/27/05) Yes (4/27/06)		
FR2004-01 Streamlining Family-Based Immigrant Processing (6/18/04)	<p>Problem: Backlog of family-based green card applications.</p> <p>Benefits: A one-step, front-end, family-based adjudication process streamlines process and reduces backlog.</p>	Yes (4/27/06)		