



U.S. Citizenship and Immigration Services

2008 Comprehensive Response to the
DHS CIS Ombudsman Report

September 30, 2008



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**RESPONSE TO THE CITIZENSHIP AND IMMIGRATION SERVICES
OMBUDSMAN'S 2008 ANNUAL REPORT
JULY 2008**

I. INTRODUCTION

U.S. Citizenship and Immigration Services (USCIS) recently celebrated its fifth anniversary as an agency within the Department of Homeland Security (DHS). In those 5 years, USCIS has focused on strengthening the security and integrity of the immigration system while improving service to its customers. During that time, the Citizenship and Immigration Services Ombudsman (CISOMB) has remained committed to assisting the agency in achieving its goals.

Each year, the CISOMB's Annual Report to Congress provides USCIS with an opportunity to reflect on recent successes and to review areas of operation for improvement. USCIS has carefully reviewed each recommendation and topic of discussion in this year's report. As much as possible, this response parallels the format of the CISOMB's report.

II. NATIONAL SECURITY

National security remains a top priority for the agency. USCIS has been proactive in its efforts to rapidly identify any individuals who may pose risks to the United States. As part of that effort, USCIS is working to improve the processing of the FBI name checks as well as to implement a system that will track the status of background and security checks for pending cases.

A. FBI Name Check

The FBI name check backlog elimination initiative remains a focus for the agency, and significant progress has been made towards eliminating the backlog. USCIS has revised its policies and increased efforts to address the current backlog. In February 2008, USCIS revised its FBI name check policy in response to recommendations from the DHS Office of Inspector General (OIG-06-06) regarding the need to align the agency's background and security check policies with those of Immigration and Customs Enforcement (ICE). As a result of the revised policy, the agency now adjudicates certain applications, including adjustment of status applications, if the FBI name check has been pending for more than 180 days, provided that the FBI fingerprint and IBIS checks have been completed and resolved.

This revised policy does not apply to Applications for Naturalization (Form N-400). Thus, the current priority for the staff of the FBI National Name Check Program (NNCP) is to complete name checks associated with naturalization applications.

In addition to the policy revision, USCIS and the FBI have aggressively sought ways to improve the name check process. The two agencies developed a joint plan and signed an agreement in April 2008 to eliminate the backlog of pending FBI name checks. To date, USCIS and the FBI either have achieved or are on track to achieve the six backlog elimination milestones (shown in the following table) set by the agencies. By June 2009, USCIS and the FBI expect to process 98 percent of all name checks within 30 days, and the remaining 2 percent within 90 days.

When USCIS and the FBI entered into the agreement, approximately 275,000 cases had pending FBI name checks. Through the agencies' combined efforts, that number has been reduced dramatically. In the first 5 months of the agreement, the total number of pending cases **decreased by 78 percent** to 60,000 pending cases.

The chart below reflects the agencies' progress through the first 5 months of the agreement and forecasts progress through June 30, 2009:

FBI Name Check Backlog Elimination Milestones		
Date	Interim Goal	Status & Forecast (after 5 months)
May 31, 2008	Process all name checks pending more than 3 years	Achieved.
July 31, 2008	Process all name checks pending more than 2 years	Achieved.
Nov. 30, 2008	Process all name checks pending more than 1 year	On target – 93% reduction from April to Sept. 2.
Feb. 28, 2009	Process all name checks pending more than 180 days	On target – 87% reduction from April to Sept. 2.
May 31, 2009	Process all name checks pending more than 90 days	On target – 84% reduction from April to Sept. 2.
June 30, 2009	Process 98% within 30 days and the remaining 2% within 90 days	On target to achieve final goal.

B. Background Check System (BCS)

The Background Check System (BCS) was intended to be an adjudicator-accessible database that stored the results of various background security checks on individual applicants; however, the BCS project did not meet its projected availability of Spring 2008. Accordingly, USCIS conducted a comprehensive review of the project status, projected costs, and direction. Based on that review, USCIS made the business decision to cancel the current implementation in favor of a more complete, contemporary solution design that will more effectively address the needs of the agency.

USCIS subsequently conducted a comprehensive analysis of its requirements for biometrics storage, identity management, and background check services. This analysis began with a detailed engineering study by an independent contractor of background checks and identity management. The engineering study, which was recently completed, took a critical look at all of the various USCIS information technology (IT) projects and systems that relate to background checks and biometric storage, such as the Biometrics Storage System (BSS) and the unreleased BCS. The principal purpose of the engineering study was to determine how much of the functionality in these systems could be combined into a more efficient and comprehensive background check solution. The agency is currently evaluating the recommendations set forth in

this study. New functional requirements and development timelines will be based upon these recommendations.

It is anticipated that the proposed automated solution will expedite the adjudication of applications for immigration and citizenship benefits. At the present time, for the adjudication of most immigration benefits, USCIS field offices and Service Centers must either manually check each pending name check in the central name check automated system (FBIQUERY) on a periodic basis or use locally-developed automated batch checks for these cases.¹ By implementing this new service, USCIS will provide field offices and Service Centers with a more timely and consistent method for obtaining background check information. This will reduce the number of staff hours presently devoted to the current labor-intensive process.

III. EMPLOYMENT-BASED VISAS

USCIS received an unprecedented number of applications and petitions during the summer of 2007. Changes published by the Department of State (DOS) in its July 2007 Visa Bulletin resulted in the filing of nearly 300,000 applications for employment-based adjustment of status and nearly 500,000 associated petitions and applications for benefits. With the large number of employment-based I-485 applications received, USCIS is increasing its efforts to ensure that the maximum number of employment-based visas is used each year. Because several employment-based visa categories will not become current for some time, USCIS has sought to minimize the filing burden on those customers by expanding the use of multi-year employment authorization documents (EADs).

A. Visa Usage

USCIS is aware of the public's concern that all available employment-based visas are not used each year and has taken appropriate steps to address this concern.

USCIS continues to partner with the Department of State (DOS) to closely monitor the pending inventory of employment-based visas. Through these efforts, DOS can more precisely set the priority dates for the Visa Bulletin. USCIS Service Center Operations (SCOPS) hired a program manager to assist DOS in monitoring the monthly flow of inventory. The program manager works directly with the DOS Visa Bulletin Chief to compare current inventory with the availability of visa numbers. The program manager communicates regularly with USCIS management, DOS, and the CISOMB. The March 2008 Visa Bulletin was the first publication that accounted for the joint efforts of USCIS and DOS.

As previously noted, USCIS issued guidance in February 2008 that allowed the agency to complete thousands of adjustment of status cases with pending FBI name checks. A greater pool of employment-based cases became available to USCIS for adjudication, thus aiding USCIS in its efforts to maximize its use of all available employment-based visas.

With the successful collaboration between DOS and USCIS, coupled with the revised FBI name check guidance, USCIS had used 82 percent of its annual allotment of employment-based visas by the end of the third quarter of FY08. As a result, USCIS is optimistic that all employment-based visas will be used in the current fiscal year, as in FY07.

¹ Refugee Asylum and Parole System (RAPS) and Asylum Pre-Screening System (APSS) are two examples of national systems capable of conducting automated batch FBI name checks.

USCIS believes that many past problems were attributable to accounting inefficiencies. The agency has scheduled improvements to the CLAIMS 3 system for September 2008 that will provide USCIS with a more accurate view of its pending inventory of cases. This will allow the agency to better manage its workflow and minimize the potential for the underutilization of visas.

B. Multi-Year Employment Authorization Documents (EADs)

USCIS agrees that the use of multi-year EADs can be beneficial and has already started issuing them for certain cases. In an effort to more efficiently service those individuals who have filed for their Lawful Permanent Resident status and whose immigrant visa numbers have retrogressed in the DOS Visa Bulletin, USCIS is providing an EAD with a validity period of two-years. This card is available for adjustment of status applicants applying under 8 C.F.R. § 274a.12(c)(9)² in instances where immigrant visas are unavailable due to visa retrogression. The processing of the two-year EAD cards began on July 1, 2008.

USCIS recently extended the validity of initial work authorization documents for refugees to two years after arrival in the United States. Previous policy required renewal of the EAD after one year. The new policy will reduce the financial burden on refugees by eliminating the need for many refugees to apply for renewal of work documents before they are able to adjust status to Lawful Permanent Resident. USCIS estimated that a refugee would request, at minimum, one EAD renewal prior to adjustment of status if the EAD validity period was not extended to two years. By extending the work authorization validity period, USCIS can increase agency efficiency by reallocating resources from adjudication of refugee EAD renewals to other immigration benefit services. Finally, the policy change ensures consistency in the validity periods for initial EADs issued to both refugees and asylees (USCIS began issuing two-year initial EADs to asylees in 2006).

USCIS will continue to review its processes to determine if extensions in other categories are warranted.

IV. USCIS FEE FUNDING STRUCTURE

This section clarifies the current USCIS fee structure and highlights the benefits of the current system over the alternative proposed by the CISOMB.

A. Fee Revenue

In the report, the CISOMB states, “The USCIS funding structure continues to present challenges to the efficient and timely delivery of immigration services,” but does not outline a specific reason for that view. USCIS continues to believe that a financing system completely funded by fees is not only consistent with congressional intent and the law providing USCIS fee authority, but also is the optimal approach to meet operational needs. A program completely financed through fees has more flexibility because the law makes those revenues immediately available for use once the customer has submitted the fee. Conversely, appropriated funds are not available until after: 1) the enactment of an appropriations bill; 2) the Department of Treasury

² “*Aliens who must apply for employment authorization.* An alien within a class of aliens described in this section must apply for work authorization . . . (9) An alien who has filed an application for adjustment of status to lawful permanent resident pursuant to part 245 of this chapter.”

issues a warrant; and 3) the Office of Management and Budget (OMB) apportions funding to the agency. Additionally, with appropriations, availability is usually limited to one year. And, although OMB has the option of apportioning all funding up front, it generally distributes the funding over the course of four quarters. Lastly, USCIS could not be assured of the level of funding that Congress would be willing to provide for any given year. Thus, USCIS maintains that a fee-funded structure best serves the agency's needs.

The report makes oblique reference to fee levels that may be too high, but does not offer a basis for such a determination or supporting information for this view. USCIS remains sensitive to cost considerations and is committed to reviewing its cost and fee structure every 2 years, as required by law.

B. Premium Processing Revenue

The CISOMB report suggests that, if premium processing revenue falls below expectations, USCIS will be unable to effectively modernize the agency. While USCIS did link premium processing revenue to the transformation program, that specific action does not preclude the agency from using revenue from other Immigration Examinations Fee Accounts (IEFA) for transformation purposes. If premium processing revenue falls below expectations, USCIS may use revenue from those other accounts as long as appropriate notification is provided to Congress. One benefit of the current fee financing system is that financing adjustments can be made when necessary, particularly when fee revenue is available from prior years.

C. Revolving Trust

As in the 2007 report, the CISOMB again suggests that USCIS failed to adequately explain why budget scoring issues would undermine the benefits of the 2006 CISOMB recommendation advocating the use of a revolving trust. The prior recommendation was offered under the assumptions that a revolving trust: 1) would ensure a readily available source of funds when needed; and 2) could raise funds faster than through other means (e.g., fee increases and/or appropriations). The agency's point on budget scoring was made to emphasize that drawing down on a trust fund would trigger a scoring effect on the budget much like an appropriation. At a minimum, such an action would force multiple layers of legislative and executive branch review. Those reviews often take significant time and negotiation. As a result, the ability to obtain funds in an expedited manner is diminished, thus undermining the purpose of such a fund.

V. TRANSFORMATION AND INFORMATION TECHNOLOGY ENHANCEMENTS

As in previous reports, the CISOMB pays particular attention to the agency's modernization efforts. USCIS is committed to transforming the agency from a paper-based environment into an entirely electronic adjudication process that will enhance national security, improve customer service, and increase efficiency.

A. Case Management System – Recommendation 1

The Ombudsman recommends that USCIS expeditiously implement a comprehensive and effective case management system. USCIS should determine whether the Transformation Program Office (TPO) pilot has the necessary capabilities and, if so, implement agency-wide.

USCIS Response:

The USCIS Secure Information Management Service (SIMS) pilot implemented a web-based case management system to enable end-to-end electronic processing of intercountry adoption applications, with a focus on adoptions subject to the Hague Adoption Convention. The pilot uses the US-VISIT Enumeration Service to assign an enumerator to link biometric and biographic data in the case management system.

The National Benefit Center (NBC), a deployment site of the SIMS case management system, is the centralized location for processing Hague Adoption Convention cases. USCIS estimates that this centralized processing will represent 70 to 80 percent of the agency's adoption workload.

Earlier this year, several stakeholders, including the CISOMB, participated in a due-diligence meeting to discuss a national case management system with potential vendors. Based on proposals provided by vendors, USCIS will determine the ability to leverage the SIMS case management system for case types beyond adoption or whether another system should be developed to meet this business need. USCIS will implement capabilities based on information learned during the SIMS development lifecycle. TPO anticipates awarding a solutions architect contract shortly and will provide updates to the public once a definitive timeline is established.

B. Enterprise Service Bus (ESB)

In addition to a case management system, the CISOMB noted that information technology (IT) systems continue to be an important challenge for USCIS. Among other systems, the agency has made considerable progress with regards to the Enterprise Service Bus (ESB). Since its deployment in 2007, the ESB has provided a service-oriented architecture framework for connecting USCIS, ICE, DOS, and US-VISIT systems across a single National Information Exchange Model (NIEM)-supported messaging bus. The ESB currently connects 11 systems³ from USCIS, ICE, DOS, and US-VISIT. Another seven systems⁴ will be added to the ESB by the end of this year.

The most notable end-user component of the ESB is the Person-Centric Query Service (PCQS). The PCQS is a composite service, which allows a user or system to submit a single query for all transactions involving an alien across a number of DHS and DOS systems. It returns a consolidated and correlated view of an alien's past interactions with the Government as he or she passed through the U.S. immigration system. The PCQS currently has more than 600 registered users and provides single-login, read-only access to seven systems.⁵ The USCIS Office of Information Technology (OIT) will be adding four more systems⁶ to the PCQS in November 2008. Users will then be able to access 11 systems for simultaneous query under a single login.

Current users of the PCQS include:

³ Citizenship and Immigration Services Centralized Oracle Repository (CISCOR), Central Index System (CIS), Reengineered Naturalization Applications Casework Systems (RNACS), Computer-Linked Application Information Management System 3.0 Mainframe (CLAIMS 3 MF), Aliens Change of Address System (AR-11), Computer-Linked Application Information Management System 4.0 (CLAIMS 4), Secure Information Management System (SIMS), Image Storage and Retrieval System (ISRS), ICE Student Exchange Visitor Information System (SEVIS), the DOS Consular Consolidated Database (CCD), and Automated Biometric Identification System (IDENT)

⁴ RAPS, RNACS, ENFORCE Integrated Database (EID), SEVIS, EDMS, Lockbox Intake Service, and American Association of Motor Vehicle Administrators – Systematic Alien Verification for Entitlements (AAMVA-SAVE)

⁵ DOS-CCD, AR/11, ISRS, CIS, CISCOR, CLAIMS 3, and CLAIMS 4

⁶ RNACS, RAPS, EID and SEVIS

- **Bureau of Consular Affairs (CA) of DOS:** PCQS provides them with a comprehensive picture of an applicant's status from visa application to naturalization. It also provides consular officers with information on USCIS adjudication of applications or petitions and other decisions relating to nonimmigrant and immigrant visas.
- **USCIS Verification Division:** This division uses PCQS as part of the secondary immigration status verification for benefits determinations and employment authorization for the SAVE and E-Verify programs.
- **CBP Secure Integrated Government Mainframe Access (SIGMA) Application:** Customs and Border Protection (CBP) Officers access PCQS via their SIGMA system to validate the authenticity of immigration and travel documents (i.e., visas, passports and green cards) presented by individuals at the ports of entry (POE).

C. Data Security and Collection

In addition to OIT's efforts with PCQS, which has already been recognized as a major step forward in a person-centric approach to customer service, TPO is initiating a long-term effort to bring USCIS systems into a more person-centric configuration. In concert with TPO's efforts to provide a modernized case management system, OIT has initiated the CLAIMS3 Program Optimization (C3PO) effort to provide security to current case management systems. The C3PO project is currently engaged in an effort to: 1) protect the information in CLAIMS3, USCIS' principal revenue-generation system, and 2) consolidate the multiple, disparate instances of this distributed system from the current seven operating locations into a single instance at a consolidated location and a secure backup facility. C3PO will thus provide better protection as customer information is processed through the case management system.

To review data collection and reporting and to provide efficient, non-repetitive collection mechanisms, USCIS is implementing the Enterprise Performance Analysis System (e-PAS). This system will improve and better automate the monthly collection, storage, and reporting of USCIS workload and resource utilization data. The e-PAS solution/process begins with the capture of production and resource utilization performance data for Discrete Data Providers, such as adjudicators or records administrators. At a minimum, the captured data will mimic the production and resource utilization data collected using the G-22/G-23 series of legacy PAS feeder forms. The e-PAS system will then be used to consolidate and aggregate data for querying and reporting purposes.

In an effort to collect, present, and share statistics and reports internally and externally, USCIS has initiated the Standard Management Analysis Reporting Tool (SMART) project. For many USCIS systems, available reporting functions are either minimal or nonexistent. None of the existing systems contains truly flexible reporting and analytics capabilities. To compensate for this, data are manually exported from each system into other software applications (e.g., MS Excel and MS Access) that require additional manual effort to meet the agency's reporting needs. The result is a series of disparate and disconnected reporting systems. SMART's primary objective is to provide USCIS and its users with a centralized, enterprise-level business intelligence tool to access USCIS data sources and to provide both actionable and intelligent reporting. This pilot has been initiated and is set to run through February 2009. USCIS will evaluate the results of the pilot and then determine its next course of action.

D. Digitization Initiative – Recommendation 2

The Ombudsman recommends that USCIS publicize near-term goals for the “digitization initiative” (electronic form filing and case processing).

USCIS Response:

USCIS agrees with the recommendation to publicize near-term goals for digitization and has begun to educate other DHS and non-DHS components about the initiatives. Progress reports from specific efforts are discussed in bi-weekly meetings with the Integrated Project Team (IPT). The IPT consists of both DHS components (ICE and CBP) and internal stakeholders (OIT, Office of Records Services, and the National Records Center (NRC)). Furthermore, periodic updates are provided to entities external to DHS, including OMB and the Government Accountability Office (GAO). The digitization effort consists of several IT enhancements and timetables, which are critical to the implementation of each phase.

Additionally, the Scan-on-Demand project is currently implemented at the Records Digitization Facility (RDF) to digitize active files and make them available via the Enterprise Document Management System (EDMS). On average, RDF receives 200 requests per week to digitize files and responds within 72 hours. To date, over 300,000 files have been digitized and captured.

Phase I of the Scan-on-Demand expansion is scheduled to begin on October 23, 2008, at the NRC. During Phase I, Scan-on-Demand will process up to 1,365 A-files per month in response to USCIS, ICE, and CBP priority requests.

Phase II is scheduled to begin in the 2nd quarter of FY09. During Phase 2, Scan-on-Demand will process up to 8,400 A-files per month in response to USCIS, ICE, and CBP priority requests.

Phase III is scheduled to begin in FY10. During Phase III, expedited system requests and FOIA requests will be added to the Scan-on-Demand requirements. Through Scan-on-Demand, the number of captured files will increase to approximately 24,900 per month.

USCIS will continue to update the CISOMB and stakeholders on progress of the digitization effort against these milestones.

E. National File Tracking – Recommendation 3

The Ombudsman recommends that USCIS convene a working group to define and implement near-term, national file tracking goals.

USCIS Response:

USCIS concurs with the recommendation to convene a working group to define and implement near-term national file tracking goals. A Tri-Bureau working group (ICE, CBP, USCIS) was recently established to modify the current processes involving A-file requests. At the Records Roundtable in August 2008, a meeting was held with this working group to discuss ways to improve file tracking capabilities throughout ICE, CBP, and USCIS.

NSRV will chair the Tri-Bureau working group to define and implement near-term national file tracking goals, and the Records Division of USCIS will take the lead in setting up periodic working group meetings with representatives from ICE, CBP, and the USCIS Domestic Operations and Refugee, Asylum, and International Operations (RAIO) Directorates. The working group will provide periodic updates to USCIS management on the progress of this initiative.

VI. INFORMATION AND CUSTOMER SERVICE

Several points in this year's report were devoted to customer service. USCIS seeks to provide exemplary customer service including continuous, accurate information to the public. USCIS further aims to ensure that all communications apply the basic principles contained within the USCIS Plain Language initiative. This is particularly important since English is not the first language for many of the agency's customers.

A. Dissemination of Information – Recommendation 4

The Ombudsman recommends that USCIS standardize proactive dissemination of information to all customer service avenues to ensure USCIS personnel can provide consistent and accurate information to customers.

USCIS Response:

USCIS acknowledges that providing accurate and comprehensive information regarding immigration policy, processes, case status, and other areas is a critical component of the agency's mission. As noted in the report, USCIS has made significant strides in delivering excellent customer service.

Currently, senior managers conduct weekly meetings to provide updates and to inform field managers about upcoming guidance and/or issues that may impact field office operations. These meetings allow headquarters senior managers to coordinate with appropriate offices within USCIS.

Employees are notified daily regarding specific administrative, procedural and/or operational changes. The Office of Communications (OCOMM) assists employees who have questions or concerns regarding internal broadcast announcements.

New guidance and policies are disseminated electronically through internal mechanisms such as the agency's intranet. USCIS believes that the Office of Field Operations and Information and Customer Service Division (ICSD) could strengthen their communication to ensure ICSD knows as soon as possible of new information to facilitate its incorporation into Call Center Scripts. As ICSD moves forward in terms of posting Call Center Scripts on the agency's public website, this will be even more critical. When posted to USCIS' website, the scripts will serve as a single source of up-to-date information available for all users.

Prior to issuing a notice to the public, USCIS coordinates the dissemination of information to offices responsible for outreach. In preparation for the release of a notice, USCIS informs program offices responsible for outreach to ensure proper coordination with the media, community-based organizations (CBOs), special interest groups, and Members of Congress. USCIS closely aligns the posting of the information on the agency's website with the release of

information to the public. ICSD informs the customer by providing updates to the Call Center Scripts and developing appropriate correspondence based on the information presented. This ensures that clear, consistent, and accurate information is relayed to the public.

This section of the report also noted the creativity of the Albuquerque Office in its outreach effort, which the CISOMB encouraged for other offices. It should be noted that every office routinely reaches out to customers in a variety of ways. The Community Relations Division within OCOMM regularly engages local and district offices to assist with outreach to CBOs and non-governmental organizations (NGOs). Some of these outreach efforts include:

1. Rollout of Urdu Immigrant Guide in New York – USCIS strives to educate community-based groups and special interest groups regarding the agency’s initiatives or efforts that have a direct or indirect impact on specific groups. For instance, the Chief of the Office of Citizenship and the Director of the New York District Office met with the Pakistani community in Brooklyn to introduce the Urdu Version of “Welcome to the United States, a Guide for New Immigrants.” The event was hosted by the Council of Peoples Organization and the Center for the Advancement and Integration of New Americans in the Coney Island area of Brooklyn. Approximately 100 people attended. The Chief of the Office of Citizenship discussed the New Immigrant Guide and encouraged the group to become active participants in their communities. The group was also reminded about an array of products offered by USCIS that are designed to assist them in their quest for citizenship. The District Director took questions and feedback from the audience. As a result, the Community Relations Officer (CRO) facilitated a town hall meeting with community officials to discuss various topics of concern.

2. Radio KJZZ/NPR Interview – USCIS has also fostered relationships with syndicated and non-syndicated radio broadcasters to help inform the public about citizenship. The Phoenix CRO joined four naturalization candidates in an interview with a local radio show KJZZ to determine if their decision to naturalize was based mainly on their desire to vote. USCIS representatives later appeared on KJZZ’s morning radio show to discuss various immigration procedures.

3. Registrar of Voters a Key Speaker at Naturalization Ceremony – USCIS District 24 invited the San Diego County’s Registrar of Voters to speak about civic responsibility at the District’s largest monthly naturalization ceremony. The spokesperson from the Registrar of Voters discussed the importance of civic integration, invited new citizens to register to vote after the ceremony, and emphasized the importance of voting in the November 4, 2008 General Election. The presiding District Court judge echoed the spokesperson’s sentiments, and added that civic participation also includes the importance of serving on juries.

Lastly, one proposal that USCIS generally disagrees with is the concept of providing customers with access to individual adjudicators. At present, USCIS does provide adoptive parents with direct access to the adjudicators who are handling their cases. Since the number of adoptive parents is a smaller population than other types of applicants, USCIS is able to provide this additional layer of service. In general, though, requiring adjudicators to respond to telephone calls and/or emails from applicants and their representatives would decrease the adjudicators’ ability to effectively process cases assigned to them. USCIS IIOs are trained in immigration law, policies and procedures and are therefore well-equipped to provide assistance. This position description was created in part to ensure adjudicators would be free to focus on cases rather than

inquiries from the public. USCIS appreciates the desire of any given applicant to gather as much information as possible regarding the status of his or her case. To address this need, USCIS established the Case Status Online (CSOL) and the Service Request Management Tool (SRMT). CSOL is available through the agency's website and Tier 1 Call Centers. The SRMT is an alternative means for obtaining information. If applicants are having difficulty obtaining information about their cases, they can contact the National Customer Service Center (NCSC) and have a CSR or IIO create a service request utilizing the SRMT. The service request will be issued electronically to the local office having jurisdiction over the case for response to the customer.

B. Resources for USCIS Website – Recommendation 5

The Ombudsman recommends that USCIS examine whether it has devoted adequate resources to the agency's website given the importance of the website to customers.

USCIS Response:

USCIS remains committed to improving the agency's website and other internet-based vehicles in order to deliver quality customer service.

Since briefing the CISOMB in February 2008, the New Media Division within OCOMM has filled two staff positions, one of which was newly created to assist in the development of a Spanish language version of the website. In addition, the Division has brought in two contractors to assist with content management and development. The Division continues to improve ease of navigation and search engine capabilities on the agency's website.

OCOMM will soon introduce a new survey to the agency's website that applies the American Customer Satisfaction Index (ACSI) standards. This will enable USCIS to better measure user satisfaction related to the agency's website and compare it with satisfaction levels for websites from other government agencies and those in the private sector.

C. Exchange Program – Recommendation 6

The Ombudsman recommends that USCIS develop an exchange program for USCIS staff who routinely work directly with USCIS customers, including staff at Tiers 1 and 2 of the NCSC, and IIOs who handle INFOPASS appointments.

USCIS Response:

USCIS agrees in part with this recommendation. Due to the nature of the service contract, USCIS does not believe that an exchange program for Tier 1 Call Center representatives would be beneficial. However, USCIS finds merit to an exchange program for Tier 2 personnel and IIOs who handle InfoPass appointments and has already conducted several such exchanges.

USCIS disagrees with a Tier 1 exchange program because Tier 1 representatives are only responsible for relaying basic immigration information to the customer through scripts prepared by USCIS. By contract, they are not permitted to deviate from the information provided in the scripts. The success of Tier 1 representatives depends primarily on the accuracy of the scripts. Consequently, the benefits of an exchange program for staff at the Tier 1 Call Centers would be

negligible. An exchange program for Tier 1 personnel, ultimately, would be an inefficient use of the agency's resources.

USCIS does believe that there are benefits to employee exchanges and has engineered several programs, particularly between Tier 2 and the field office representatives. For example, the Western Telephone Center (WTC) in Los Angeles implemented an exchange program between the WTC and other local USCIS offices in 2007. This exchange of employees has proven valuable for sharing processes, making recommendations for improved information sharing, and increasing awareness of the NCSC function. This effort will continue and expand to other offices within ICSD as work priorities, staffing, and funding permit.

USCIS believes that many benefits of an exchange program can be obtained by reinforcing existing avenues of information sharing. For example, ICSD hosted the Supervisory Immigration Information Officer (SIIO) Conference in March 2008 to facilitate dialogue on best practices from SIIOs throughout the country. Ninety representatives from Districts, Service Centers, Call Centers and headquarters made the conference very productive, with 88 percent of the attendees giving favorable or very favorable feedback. Many appreciated the opportunity to discuss issues and to gain perspective from peers.

D. Tier 1 Call Center Representatives – Recommendation 7

The Ombudsman recommends that USCIS ensure its Tier I Customer Service Representatives (CSRs) of the NCSC follow the scripted information and are properly notified of changes to scripts.

USCIS Response:

USCIS agrees with this recommendation, and notes that several information quality controls are already in place. The Call Center Enterprise Office (CCEO) in ICSD closely monitors Tier 1 and Tier 2 Call Center performance. For quality assurance purposes, 100 percent of calls are recorded for future review, if needed.

As previously indicated, Tier 1 representatives are contractually obligated to adhere to the scripts. Tier 1 CSRs are continually reminded that the information in the scripts may change. As such, they are instructed not to memorize the scripts and not to deviate from them.

There are several Quality Assurance (QA) reviews that monitor the quality of calls and ensure that CSRs follow the scripts.

- A supervisor monitors at least two phone calls of every CSR each day. If a CSR is not following the scripts, appropriate corrective action is taken.
- ICSD and the Call Centers conduct “calibration sessions.” Calibration sessions are to ensure that calls are handled with professionalism, courtesy, and accuracy. Each month, two calls per Call Center are randomly selected for review. Representatives from ICSD and the Call Centers listen to a recorded call and evaluate it based upon 22 identifiable “soft skills.”⁷ This has enabled ICSD and the Call Centers to develop a uniform standard of review.

⁷ Greeted Customer, Verified Customer, Established Rapport, Used Customer's Name, Expressed Empathy, Maintained Composure, Expressed Commitment, Offered Additional Assistance, Terminated Call Appropriately, Obtained Information, Listened Actively, Took Responsibility, Summarized Actions,

- ICSD has developed its own internal review. ICSD conducts an independent evaluation of approximately 30 calls per month. ICSD listens to a call, analyzes it, and reports the results to the Call Center.
- USCIS employed an independent third party contractor to monitor Call Center performance through “mystery shopper” calls. Posing as an ordinary customer, the contractor calls the NCSC and grades all aspects of the conversation – from showing proper respect to the caller to providing accurate and comprehensive responses. The contractor makes over 1,000 “mystery shopper” calls per month. Based on reports from the contractor, Tier 1 Call Centers may be rewarded or penalized based on their performance. Recently, USCIS determined that the contractor did not have the skill set necessary to properly execute this responsibility. A new contractor is expected to be in place and operational by October 1, 2008.

USCIS believes that the NCSC generally receives proper notification when changes are made to the scripts. ICSD alerts the Call Centers prior to any change to the scripts. The Call Centers are encouraged to initiate contact with ICSD at any time if clarification is needed. The Content Management Office (CMO) in ICSD hosts bi-weekly meetings with the Call Centers to determine whether the scripts are clear, consistent, and accurate. While the scripts are also available to Tier 2 IIOs for reference, they are not required to use them since most of their calls are case specific.

The CISOMB’s report also discussed wait times at the Call Centers. USCIS has seen significant improvements in NCSC performance. In 2006, the average wait time from the Interactive Voice Response (IVR)⁸ to Tier 1 was 10.8 minutes; average wait time from Tier 1 to Tier 2 was 33.1 minutes. Wait times did spike temporarily during the 2007 filing increase of applications. However, by June 2008, average wait times dropped to 53 seconds for Tier 1 and just over 2 minutes for Tier 2. USCIS attributes much of this success to the ability of CSRs to promptly identify issues and to respond to customers at the Tier 1 level.

The volume of transfers from the IVR to Tier 1 and also from Tier 1 to Tier 2 directly relates to the time a customer must wait for live assistance at each tier. ICSD recently reported that the percentage of calls transferred from Tier 1 to Tier 2 has been reduced to 11 percent. This can be attributed to ICSD’s efforts to revise the scripts so that Tier 1 representatives are better equipped to resolve customer inquiries.

USCIS believes that it is meeting a majority of its customer service goals at the NCSC. To provide perspective, the NCSC answered 1,313,740 phone calls from April 1 through June 30 of this year. During that time, USCIS received fewer than 10 formal complaints about the service provided by the NCSC. In each of those instances, the CCEO conducted a QA review to determine whether accurate information was provided in a professional and courteous manner. When appropriate, corrective action was taken.

Projected Enthusiastic Tone, Conveyed Confidence, Spoke with Clarity, Used Appropriate Language, Controlled Call, Used Time Efficiently, Minimized “Dead Air,” Extended Hold Courtesies, and Transferred Call Appropriately

⁸ The IVR is the automated voice that greets all callers to the NCSC.

E. Customer Service Systems – Recommendation 8

The Ombudsman recommends that USCIS ensure that all its systems used by customer service personnel to provide information to the public are consistent and accurate.

USCIS Response:

USCIS agrees that all of the agency's systems used by customer service personnel to provide information to the public should be consistent and accurate. USCIS recently discovered a data interface problem between the CLAIMS systems and the Customer Relationship Information System (CRIS), which maintains the software applications currently used by customer service personnel. USCIS IT personnel have already started working to correct the interface problems. The agency will implement a complete rewrite of those interfaces by the end of this calendar year.

USCIS recognizes that CRIS needs modernization. At present, the system is housed in the Department of Justice (DOJ) Data Center on legacy Immigration and Naturalization Service (INS) hardware. ICSD and OIT have initiated a project that will move CRIS onto a USCIS-controlled environment by the end of October 2008. This move will immediately alleviate the slow performance of the system and set the stage for the agency's next phase of modernization: moving from a custom-coded application to commercial off-the-shelf (COTS) Customer Relationship Management (CRM) software.

USCIS has submitted a contract modification for Phase 1 of a four-phase, 24-month implementation project that will take full advantage of present-day CRM technology. The first phase will include Computer Telephony Integration, which will allow for customer information to be automatically populated within the SRMT. CSRs and IIOs will be provided with an integrated view of the customer inquiry. This will replace the current SRMT system, which appears to be the focus of the CISOMB's concern. Phase 2 of the implementation will allow real-time status reporting of service requests, enabling USCIS management to better ensure that requests are processed timely and accurately. Phase 3 incorporates additional business processes and allows offices to enter, update, and deploy operational data in real time. For example, managers will be able to update Processing Times, Civil Surgeon Locator information, and Field Office Locator information. ICSD will have the ability to define and update content online without submitting changes for implementation through a time-consuming process as required today. Phase 4 will enhance customer self-service options and allow customers to submit service requests online.

USCIS is continuing efforts to improve the handling of customer inquiries. For example, the agency recently deployed a new, more user-friendly version of the IVR. USCIS will keep the CISOMB aware of any further progress in this regard.

F. Tip Sheets – Recommendation 9

The Ombudsman recommends that USCIS expand the use of filing guidance “tip sheets” to reduce the current “Request for Evidence” (RFE) issuance rates.

USCIS Response:

USCIS agrees the expanded use of “tip sheets” may reduce RFE issuance rates. USCIS has begun developing additional “tip sheets” in the form of processing worksheets for each type of application and petition. These worksheets will make clear the initial evidence required and be made available to the public via the agency’s website. So far, USCIS has completed a processing worksheet for the FY09 H-1B petition, utilized by many stakeholders. The document, which incorporates principles of the plain language initiative, highlights many of the requirements necessary for filing a Form I-129 petition requesting an H-1B nonimmigrant visa. USCIS will continue to expand this important project.

VII. USCIS WORKFORCE

USCIS is dedicated to recruiting, hiring, and training high caliber employees. In preparation for the 2007 fee increase, USCIS developed a plan to increase staffing levels agency-wide using fee-increase funds. However, in the months prior to implementation of the fee increase, USCIS received a larger than anticipated surge of applications and petitions. To effectively respond to this additional workload, USCIS developed a reprogramming plan to further increase staffing levels with funding from the application surge.

A. Staffing

USCIS has made important strides in implementing the enhancements funded by the fee increase and surge reprogramming.

- Through August 16 of FY08, USCIS components that were responsible for hiring under the fee rule and surge reprogramming⁹ have grown by 1,702 Government employees.
- USCIS was tasked to hire 723 new adjudicators as a result of the fee increase. Within 1 year of the fee increase, USCIS hired and trained the required staff.
- Using funding from both the fee increase and the surge reprogramming, USCIS has added 1,011 adjudicators through August 16 of FY08, increasing the total number of adjudicators to 3,638. USCIS plans to add at least 430 more adjudicators by the end of FY08.
- To reach the total staffing level provided by the fee increase, USCIS still needs to add 483 employees by the end of the fiscal year. To reach the total staffing level provided

⁹ Domestic Operations Directorate (DOMO), Fraud Detection and National Security (FDNS), Office of Security and Integrity (OSI), OIT, Office of the Chief Counsel (OCC), Human Capital and Training (HCT), FOIA within Records Division, Office of the Chief Financial Officer (OCFO), Office of Administration (OA), Office of Emergency Management and Safety (OEMS), and Office of Policy and Strategy (OP&S)

by the surge reprogramming, the agency will need to hire an additional 1,231 employees.

B. Workforce Elements of Surge Plan – Recommendation 10

The Ombudsman recommends that USCIS review the workforce elements of its 2007 surge plan, and make public an after-action report on its findings, including best practices, for possible future application surges.

USCIS Response:

USCIS concurs with the recommendation to develop an after-action report. The report will highlight the significant administrative and operational achievements realized through the development of a comprehensive production and staffing surge plan. During the surge, an open and effective dialogue was created that enabled a thoughtful exchange of ideas regarding process improvements, management and administrative efficiencies, and operational productivity. Through these efforts, USCIS was able to develop an efficient response to the unprecedented surge in applications received by USCIS in FY07.

The workforce component of the surge plan has yielded especially impressive results. Collectively, this component established a well-defined, structured process for announcing job vacancies, making selections, administering applicant security reviews, scheduling entry-on-duty dates, and assigning new employees to training classes. These elements have proven highly effective in delivering fully trained, productive adjudication officers to field and Service Center offices. The lessons learned and experience gained from this process will be invaluable should USCIS again face an unexpected surge in immigration applications.

VIII. ITEMS OF NOTE

The following section provides brief updates and clarifications on various programs and processes discussed in the CISOMB Annual Report. The CISOMB identified many of these topics as emerging issues or items deserving of special attention.

A. E-Verify

In 1997, USCIS instituted the Basic Pilot Program to test the possibility of electronic employment verification. Basic Pilot has since developed into the national system now known as E-Verify, currently used by more than 78,000 employers. Each week, USCIS adds an average of 1,000 new employers to the system. As of July 26, 2008, employers had submitted more than 5 million inquiries during the current fiscal year. Approximately 94 percent of all inquiries were automatically verified as employment authorized. Fewer than 1 percent of the new hires contested the validity of a mismatch response – and only half of that number successfully contested the mismatch.

The E-Verify photo tool allows employers to check the photo on the new hire's DHS-issued identity document against nearly 15 million images stored in the E-Verify system. The tool has already helped identify several hundred cases of suspected document and identity fraud.

USCIS, DHS, and the Social Security Administration (SSA) continue to seek ways to improve the system. Last Fall, E-Verify instituted a pre-mismatch typographical error check that allows

employers to review the information they entered into the system with employee documents. This update has reduced the number of mismatches by 30 percent.

On May 5, 2008, the following enhancements were added to E-Verify:

- An automated check against the USCIS naturalization databases for all U.S. citizen new hires, who have not yet updated their citizenship status with SSA.
- A toll-free number enabling employees who receive a citizenship-related tentative non-confirmation to be able to call DHS directly to resolve their status.
- Real-time arrival data to the E-Verify system. The addition of this data helps to eliminate current mismatches resulting from non-citizen arrival information awaiting data entry into the Interagency Border Inspection System (IBIS).

USCIS intends to add passport data to the E-Verify initial check in September 2008, which will further reduce the number of citizenship-related mismatches issued by the system. The E-Verify Monitoring and Compliance Branch is beginning efforts to analyze usage of the system to help detect and deter potential discriminatory usage of the program. In addition, the program is finalizing a Memorandum of Agreement (MOA) with ICE that specifies the process for referring egregious violators of the program to ICE Worksite Enforcement.

Also of note, E-Verify was recently designated as the system of choice for federal contractors to ensure that the Federal Government only works with companies that agree to verify the legality of their new hires and, further, that specific employees identified to perform contract services in the United States for the Federal Government are authorized to work.

B. Upfront Processing (DORA)

In 2007, the CISOMB recommended that USCIS either implement a version of the District Office Rapid Adjudication (DORA) pilot program nationwide or another program to give customers upfront and same-day processing. DORA, which began as a pilot in 2004, expired on September 21, 2007. In the 2008 report, the CISOMB notes that USCIS did not provide any analysis to his office that outlined the reasons for allowing the DORA program to expire.

The DORA pilot program was designed to increase USCIS customer service, processing efficiency, and national security. As background, the DORA pilot was expanded pursuant to a Notice published in the Federal Register, 71 FR 55206, on September 21, 2006. The concept of DORA was championed by the CISOMB as a way to address complaints and concerns regarding the level and quality of customer service in USCIS local field offices. While USCIS agreed with the CISOMB that improved customer service is critical to the USCIS mission, analysis of the DORA pilot suggested that the protocols used under DORA had only a minimal impact on improving the delivery of quality service to USCIS customers in the participating field offices.

In reaching the decision to recommend the cessation of the DORA pilot program, the headquarters Office of Field Operations reviewed the impact of the pilot program on: 1) customer service, 2) operational efficiency, and 3) enhanced national security. In addition, the Office of Field Operations compared the analysis of data from the DORA sites to similar data generated from USCIS field offices offering a “90-day” processing protocol. (90-day processing used the services of the National Benefits Center for front-end paperwork processing.) In summary, USCIS found that:

- Applicants often had to wait longer to file their paperwork after making an InfoPass appointment (since they were filing the paperwork in person rather than through direct mailing of the documentation).
- The efficiencies USCIS gained by using the Lockbox concept of initial fee receipting were lost.
- DORA protocols are not easily adaptable to filing surges.
- DORA processing requires more non-officer administrative support at the local field office level.
- Interviews were conducted without the adjudicator receiving the results of the FBI name check or fingerprint check results in advance of the individual's A-file.

For these reasons, USCIS elected to allow the DORA program to expire on September 21, 2007.

C. K-3 Visa Family Reunification Process

In the 2006 Annual Report, the CISOMB recommended that USCIS consolidate the petitions that a U.S. citizen must file on behalf of a foreign spouse in order to obtain a K-3 nonimmigrant visa. Current procedures require that a K-3 petitioner file the I-129F petition with a copy of the I-130 receipt notice. This requirement has been in place since the K-3 regulations were enacted. In light of stakeholder concerns, USCIS recently reviewed the regulations to determine if there is leeway to permit concurrent filing of an I-129F with an I-130. A close reading of the regulations appears to permit the concurrent filing of the petitions for K-3 classification; however, the agency is still conferring on this issue. Provided this is permissible, concurrent filing of the I-129F and I-130 petitions will require filing instruction changes and coordination with the Lockbox to revise the intake templates. USCIS will notify the CISOMB when a final determination has been made.

D. Naturalization Ceremonies

The CISOMB expresses concern that delays in swearing in approved naturalization candidates have occurred in districts where courts have claimed exclusive jurisdiction over scheduling and ceremonies. Although noting that these delays are beyond the control of USCIS, the CISOMB indicates that this situation will be monitored over the course of the next year, and asks USCIS to look at districts that have implemented more frequent court-sponsored ceremonies as models for improving the process.

It is an important point that in USCIS districts where a Federal court has claimed exclusive jurisdiction, USCIS may supplement judicial ceremonies with administrative ceremonies only with the court's approval. Still, USCIS is committed to swearing in approved naturalization candidates with as little delay as possible. To that end, USCIS will remind districts operating under a court's exclusive jurisdiction to reach out to the court in an attempt to schedule more frequent oath ceremonies if they are needed. USCIS will also review protocols at the agency's larger districts where local management and the courts have forged good working relationships in order to share these best practices agency-wide.

E. Quality Assurance

The Quality Management Branch under the Domestic Operations Directorate has established a Quality Advisory Group (QAG) within the past six months. This group is comprised of senior quality assurance personnel from headquarters and the field. The QAG will guide the Domestic Operations quality assurance program. The goals of the group include developing and implementing consistent quality management and reviews, and establishing training to provide uniform functional performance tools and understanding to staff at all levels.

The QAG recognizes that quality depends in large measure on standardization. To this end, the QAG will concentrate on updating the Quality Handbook by the first quarter of FY09, standardizing duties for quality assurance personnel by the second quarter of FY09, implementing training in quality tools and techniques, and updating standard operating procedures by the fourth quarter of FY09.

IX. CONCLUSION

USCIS would like to thank the CISOMB for the analysis and evaluation of the agency's processes and for the recommendations provided in the 2008 Annual Report. USCIS appreciates the CISOMB's continued efforts to assist and improve the agency. USCIS has made notable achievements in the areas of national security, customer service, and operational efficiencies and looks forward to working with the CISOMB in the upcoming year to achieve further success.

X. ACRONYMS AND INITIALISMS

A

AAMVA-SAVE	American Association of Motor Vehicle Administrators – Systematic Alien Verification for Entitlements
ACSI	American Customer Satisfaction Index
APSS	Asylum Pre-Screening System
AR11	Aliens Change of Address System

B

BCS	Background Check System
BSS	Biometrics Storage System

C

C3PO	CLAIMS3 Program Optimization
CBO	Community-Based Organization
CBP	Customs and Border Protection
CCD	Consular Consolidated Database
CCEO	Call Center Enterprise Office
CIANA	Center for the Advancement and Integration of New Americans
CIS	Central Index System
CISCOR	Citizenship and Immigration Services Centralized Oracle Repository
CISOMB	CIS Ombudsman
CLAIMS	Computer-Linked Application Information Management System
CMO	Content Management Office
COPO	Council of Peoples Organization
COTS	Commercial off-the-shelf
CRIS	Customer Relationship Information System
CRM	Customer Relationship Management
CRO	Community Relations Officer
CSOL	Case Status Online
CSR	Customer Service Representative

D

DDP	Discrete Data Providers
DHS	Department of Homeland Security
DOJ	Department of Justice
DOMO	Domestic Operations Directorate
DORA	District Office Rapid Adjudication
DOS	Department of State

E

EAD	Employment Authorization Document
EID	ENFORCE Integrated Database
EDMS	Enterprise Document Management System

e-PAS Enterprise Performance Analysis System
ESB Enterprise Service Bus

F

FBI Federal Bureau of Investigation
FDNS Fraud Detection and National Security
FY Fiscal Year

G

GAO Government Accountability Office

H

HCT Human Capital and Training

I

IBIS Interagency Border Inspection System
ICE Immigration and Customs Enforcement
ICSD Information and Customer Service Division
IDENT Automated Biometric Identification System
IEFA Immigration Examination Fee Accounts
IIO Immigration Information Officer
IPT Integrated Project Team
ISRS Image Storage and Retrieval System
IT Information Technology
IVR Interactive Voice Response

M

MOA Memorandum of Agreement

N

NBC National Benefits Center
NCSC National Customer Service Center
NGO Non-Governmental Organization
NIEM National Information Exchange Model
NNCP National Name Check Program
NRC National Records Center
NSRV National Security and Records Verification

O

OA Office of Administration
OCC Office of the Chief Counsel
OCFO Office of the Chief Financial Officer
OCOMM Office of Communications

OEMS Office of Emergency Management and Safety
OIT Office of Information Technology
OMB Office of Management and Budget
OP&S Office of Policy and Strategy
ORS Office of Records Services
OSI Office of Security and Integrity

P

PCQS Person Centric Query Service
POE Port of Entry

Q

QA Quality Assurance
QAG Quality Assurance Group

R

RAIO Refugee, Asylum, and International Operations Directorate
RAPS Refugee Asylum and Parole System
RDF Records Digitization Facility
RFE Request for Evidence
RNACS Reengineered Naturalization Applications Casework Systems

S

SAVE Systematic Alien Verification for Entitlements
SCOPS Service Center Operations
SEVIS Student Exchange Visitor Information System
SIGMA Secure Integrated Government Mainframe Access
SIIO Supervisory Immigration Information Officer
SIMS Secure Information Management Service
SMART Standard Management Analysis Reporting Tool
SRMT Service Request Management Tool
SSA Social Security Administration

T

TPO Transformation Program Office

U

USCIS U.S. Citizenship and Immigration Services

W

WTC Western Telephone Center