U.S. Citizenship and Immigration Services

Backlog Elimination Plan

Fiscal Year 2006, 1st Quarter Update
August 7, 2006

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

Prepared for the United States Congress

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Table of Contents

Message from the Director

In June 2004, USCIS delivered a Backlog Elimination Plan to Congress, which outlined with renewed vigor, the goals and strategies that would be employed to eliminate a backlog of approximately four million applications. In keeping with our commitment to provide Congress with progress and status reports on our Backlog Elimination achievements, I am pleased to present our Fiscal Year 2006, 1st Quarter Update Report.

USCIS has covered much ground since our establishment within the Department of Homeland Security. Each year, USCIS receives between six and eight million applications and petitions. As such, USCIS is the largest immigration service in the world. On a daily basis, the 15,000 federal and contract employees of USCIS accomplish the following at our 250 offices worldwide:

- Conduct 135,000 national security background checks;
- Receive 135,000 visitors to our Internet site (USCIS.gov);
- Answer phone inquiries from 82,000 calls to our toll-free customer service phone line;
- Process 30,000 applications for immigrant benefits;
- Answer in-person inquiries from 19,000 visitors to information counters at 92 local offices;
- Issue 7,000 Permanent Resident Cards (green cards);
- Capture 8,000 sets of fingerprints at 130 Application Support Centers;
- Welcome 2,100 new citizens;
- Welcome 3,500 new permanent residents;
- Welcome nearly 200 refugees from around the world;
- Help American parents adopt nearly 80 foreign-born orphans;
- Grant asylum to 80 individuals already in the United States; and
- Naturalize 20 individuals serving in the United States military.

USCIS is dedicated to providing the right immigration benefit, to the right person, in the right amount of time. The USCIS Strategic Plan, completed in June 2005, incorporates the USCIS vision and mission with key business objectives and strategic priorities to: Ensure National Security, Improve Customer Service, Reduce Backlogs, Assist Refugees and Asylum-seekers, and Promote Citizenship.

During FY 2005, USCIS experienced a tremendous amount of progress in achieving our backlog elimination goals; and building on that success, 2006 will truly be an outstanding year for the agency.

Although significant challenges lie ahead, we remain confident and committed to our Backlog Elimination Plan. We have determined that the backlog largely consists of Applications for Permanent Residence (Form I-485) and Applications for Naturalization (Form N-400). These two applications require the highest level of adjudicative scrutiny, and therefore take the most time to complete.

USCIS is committed to optimizing national security, backlog elimination, and customer service, while maintaining a high degree of integrity.

Dr. Emilio T. Gonzalez
Director
U.S. Citizenship and Immigration Services

Production Update

Background

The USCIS quarterly report is designed to provide Congress with an update on the progress USCIS has made in its effort to eliminate the backlog of pending applications for immigration benefits by the end of FY 2006 and attain a six-month processing goal for many types of applications. This report will cover the progress made during the 1st Quarter of FY 2006.

Changes in the number of pending applications are themselves significant when looking at performance. In the 1st Quarter of FY 2006, the number of pending applications fell by 268,276 to a total of 3.47 million from the 3.74 million applications pending at the end of the 4th Quarter of FY 2005.
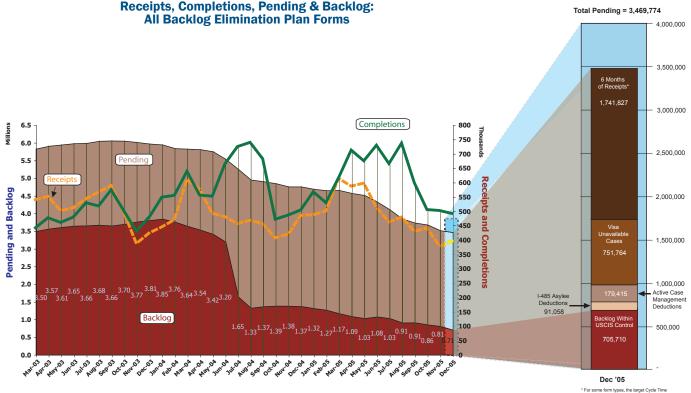
However, the number of pending applications is affected by changes in demand and production and, while a good indicator of performance, is not the best indicator of processing time. Current technology systems employed by USCIS District Offices and Service Centers do not produce aging reports from which average wait times or processing times can be calculated. USCIS uses the "Cycle Time" measurement, in other words, the number of pending applications expressed in months of receipts, to closely approximate the average processing time. This is a reliable measure when used with a "first in, first out" adjudications policy.

Backlog Defined

USCIS continues to define "Backlog," generally, as the number of pending applications that exceed acceptable or target pending levels for each case type. Acceptable pending levels are determined for each distinct case type by totaling the number of applications received during a specific target cycle-time period (usually six months). Backlogs are calculated for each case type and totaled to determine the aggregate backlog. This ensures that backlogs in one product are not obscured by the faster production of less complex products.

Deductions from Backlog

For each application type, USCIS removes from the calculated backlog the total number of pending applications that it is unable to complete due to statutory caps or other bars, including applications where a benefit is not immediately available to the applicant or beneficiary (such as "non-ripe" Form I-130, Relative Alien Petitions where a required visa number is not available, and I-485 cases where the visa number is no longer available due to regression, see Applications Held in Abeyance below).

Receipts, Completions, Pending & Backlog: All Backlog Elimination Plan Forms

Applications Where a Benefit is Not Immediately Available

"Non-ripe" Form I-130, Relative Alien Petitions where a required visa number is not available have been deducted from the USCIS backlog since July 2004. At the end of the 1st Quarter FY 2006 693,508 non-ripe I-130s were deducted from the backlog.

Applications Held in Abeyance

An alien may file an application for adjustment of status to permanent residence when a visa number is available. If a regression of priority dates occurs due to an oversubscription in a category, as determined by the Department of State, USCIS is legally prohibited from granting permanent residence to adjustment applications affected by the regression. By long-standing practice, USCIS holds such applications in abeyance until visa numbers become available.

For example, the July 2005 Department of State Visa Bulletin indicated that family-based visa numbers for unmarried sons and daughters (over age 21) from Mexico of United States citizens (F1) regressed more than ten years, and employment based visa numbers for skilled workers (EB3) became unavailable worldwide. This reflects a revision by the State Department of its assessment of the level of demand for limited visa numbers in the affected categories. These two significant shifts in visa number availability in July 2005 had an effect on the number of Applications to Register Permanent Resident or Adjust Status, Form I-485 that USCIS could complete under the statute. Those applications for which visa numbers are no longer available are considered pending, but are not a part of the backlog. Visa-regressed I-485s have been deducted from the USCIS backlog since May 2005.

USCIS uses data extracted from legacy technology systems to compute the backlog according to the definition provided earlier. In doing so, applications meeting certain criteria (e.g., non-ripe Forms I-130 and Forms I-485 held in abeyance due to visa number regression) are added to acceptable pending numbers only when distinctly identified. Current technology systems do not provide the required granularity to identify each case that meets these criteria. As a result, the backlog is overstated by the number of pending applications that USCIS is unable to identify as meeting the criteria that would exclude them from the backlog.

At the end of the 1st Quarter, 58,256 applications were removed from the USCIS Form I-485 backlog due to the unavailability of visa numbers. At the end of the 4th Quarter FY 2005, USCIS had identified and deducted 35,918 of these cases from the backlog. Improvements in the methodology for identifying these applications have allowed for this figure to include applications of family members dependent on the applications held in abeyance, resulting in the increase in the number of I-485 applications reduced from

the backlog count. These applications have been temporarily removed from the backlog and will be completed once visa numbers are available. Current systems technology does not identify pending family-based or employment-based Form I-485s held in abeyance in District Offices due to visa regression. As a result, this volume of applications remains in the backlog total. By the end of the 2nd Quarter FY 2006, USCIS was able to identify and include these applications in the backlog discount by implementing Active Case Management, as discussed below.

Asylee Adjustment of Status Applications

The Real ID Act "ripened" a significant number of I-485 Asylee Adjustment of Status applications by eliminating the statutory numerical restrictions that had limited production. Our initial sense was to immediately include all of these applications in the backlog count. This would have increased the backlog in June, 2005 by 174,000. After further evaluation, USCIS modified this conclusion, and determined that the number of applications made available for processing is so large that given a six month production cycle USCIS could not complete these applications within this time frame without significantly affecting the production and cycle time for other products. USCIS has developed a production plan to eliminate by the end of FY 2007 the new backlog of applications "ripened" by the Real ID Act, and factored as backlog any volume of pending applications greater than the production plan's goal of pending workload. For the 1st Quarter of FY 2006 91,058 cases were removed from the Asylum Adjustment backlog based on this plan.

Active Case Management

As part of our effort to decrease the backlog we worked to identify and quantify the many factors that can and do contribute to an immigration application becoming part of the backlog. Clearly improvements to and automation of USCIS business processes will have a significant effect on processing applications effectively and efficiently and we are working to modernize our business operations. Along with overcoming those challenges we have identified a number of other factors that result in backlogged applications that are "outside of USCIS control." Therefore, in addition to the above long-established backlog deductions, USCIS has begun to identify within the calculated backlog work it cannot complete because of factors outside its control, such as applications awaiting customer responses to requests for information, applications in suspense to afford customers another opportunity to pass the naturalization test, and applications awaiting an FBI name check or other outside agency action. To provide more transparency to the factors that contribute to the backlog, USCIS will continue to provide the overall backlog total along with a breakdown of this total to illustrate how much of the backlog is under USCIS control and how much can be attributed to other factors outside of USCIS

control. For these reasons, USCIS estimated that 179,415 of a total backlog of 1,727,947 applications at the end of the 1st quarter of FY 2006 were unadjudicable solely for reasons outside its control. These are conservative estimates arrived at through case sampling. By the end of the 2nd Quarter FY 2006, USCIS implemented Active Case Management, file tracking procedures, and system scrapes. These new processes will enable more accurate accounting.

Factoring-in the estimated Active Case Management discount results in a total backlog within USCIS control at the end of the 1st Quarter of FY 2006 of 705,710; a reduction of 207,929 from the 913,639 case backlog at the end of the 4th Quarter of FY 2005.

Quality Assurance

Since the Agency's creation, USCIS has sought to improve its performance. Completion rates, which are based on the time it takes to complete a particular form, have been consistently improving. This has allowed USCIS to increase its output. It should be noted that while production and efficiency are increasing, a high level of quality has been sustained.

As USCIS continues to become more productive we are also continuing to take actions that ensure the integrity of the immigration system. Efforts to benchmark and assure quality are at the heart of every USCIS production initiative. The current USCIS quality assurance program consists of an internal process validation through the review of random samples of completed work.

During the 1st Quarter of FY 2006, USCIS achieved a 99.87% accuracy rate for naturalization applications and a 99.07% accuracy rate for adjustment of status applications. Both rates exceed the minimum acceptable accuracy rate of 99%. In all applications where an error was identified, corrective actions to prevent future problems were implemented and no applicant received a benefit for which he/she was not eligible.

Fraud Detection and National Security

Established in May 2004, the Office of Fraud Detection and National Security (FDNS) has worked diligently to acquire, develop, and implement the structure, policy, procedures, and other tools needed to detect and combat immigration benefit fraud, and to enhance the background check process. FDNS has completed the recruitment, hiring, and deployment of approximately 160 Immigration Officers (IOs) and Intelligence Research Specialists (IRSs) throughout the country (i.e., asylum offices, district, sub-offices, service centers, and headquarters). All Fraud Detection Units (FDUs) have a cadre of IRSs and background check resolution officers. Furthermore, at least one FDNS IO has been

deployed to each of the more than 80 field offices. All officers have attended either the newly developed anti-fraud training course or the intelligence training course at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia. Another 160 positions will be filled in FY 2006, bringing the total FDNS staff, including pre-existing FDU staff to 378.

Another notable achievement was the development of the Benefit Fraud Assessment (BFA) Program. This initiative was implemented in February of 2005, and is intended to help determine the fraud rate among various immigration applications and petitions. The first year's BFA focused on three "high risk" form types, i.e., religious worker petitions (I-360), employment-based petitions (I-129/140), and replacement resident cards (I-90). The asylum (I-589) and marriage-based petitions (I-130) BFAs will begin in the 2nd Quarter of FY 2006.

FDNS has also initiated and/or assisted our Immigration and Customs Enforcement (ICE) partners in a number of successful indictments and prosecutions involving immigration benefit fraud. Several conspirators were indicted and convicted of labor and immigration fraud associated with thousands of false labor certifications, fraudulent employment or family-based petitions.

Identification of immigration fraud is being greatly facilitated by the development and launch of the new FDNS Data System, which is a single system for entering, tracking, and reporting data associated with immigration benefit fraud and persons considered as potential threats to national security, as well as providing support to law enforcement and intelligence agencies. The second release of this tool, which will provide even greater fraud detection capabilities, is under development.

USCIS' background check policy and process plays a vital role in national security and public safety. Working with counterparts from other government agencies, FDNS re-engineered the Name Trace Process by replacing the paper-based process with the automated Interagency Border Inspection System (IBIS). FDNS also acquired responsibility for the receipt and initial review and processing of FBI Name Check responses, coordinating this activity with field offices. FDNS also created a Headquarters Background Check Analysis Unit (BCAU) responsible for the direction, oversight, tracking, and processing of national security-related IBIS and FBI Name Check responses. The BCAU also works on national security-related impact assessment referrals.

FDNS also recognizes the significance of its data and operational support to the law enforcement and intelligence communities. In that regard, on October 1, FDNS began standing up the National Immigration Information Sharing Operation (NIISO), a centralized immigration hard copy file and automated systems data

Backlog Totals & Cycle Time

Form Name	Form Number	End of 1st Quarter FY 2006 Cycle Time	End of FY 2006 Target Cycle Time	End of 1st Quarter FY 2006 Backlog
Application to Adjust Status (Non-Abeyance Cases)	I-485	13.40	6	292,760
Application to Adjust Asylee Status	I-485	n/a	6	48,922
Petition for Non immigrant Worker	I-129	1.81	2	-
Application to Extend/Change Status	I-539	2.60	3	-
Application to Replace Permanent Resident Card	I-90	3.89	6	-
Petition for Alien Relative (Visa Available Only)	I-130	9.50	6	135,933
Application for Travel Document - Advance Parole	I-131 Adv/Prl	2.13	3	-
Application for Travel Document - Reentry Permit	I-131 RP/RD	1.91	3	-
Immigration Petition for Alien Worker	I-140	4.37	6	-
Petition to Remove Conditions on Residence	I-751	7.33	6	12,438
Application for Employment Authorization	I-765	2.62	3	-
Application for Temporary Protected Status	I-821	7.47	6	44,826
Application for Naturalization	N-400	9.83	7	102,481
Application for Certificate of Citizenship	N-600 & N-643	8.51	6	11,533
Asylum Application	I-589	11.00	6	37,566
NACARA 203 Application	I-881	16.23	6	19,251
Credible Fear Referral	I-867	0.29	<1	-
			TOTAL	705,710

sharing operation at the USCIS National Records Center in Lee's Summit, MO.

Completions, Receipts, and Backlog

We continue to be encouraged by the production levels realized during the past fiscal years and believe that this is part of a larger historical trend of year-to-year increases in production and productivity. Great progress has been made since the establishment of USCIS. For example, FY 2005 completions were 3% higher than FY 2004, and 30% higher than FY 2003.

At the end of the 1st Quarter, FY 2006, cycle time goals were met or exceeded for 8 of the 16 application form types for which annual targets were set by the BEP at the beginning of the BEP period. USCIS added Form I-485, Asylee Adjustment of Status, in the FY 2005 3rd Quarter Update as the 17th distinct form type to be tracked in the BEP. Because of its addition in the middle of the fiscal year, this application type had no cycle time target set for FY 2005.

The forms I-485, Application for Adjustment of Status, and N-400, Application for Naturalization cycle times represent the greatest challenge for USCIS. Although the N-400 cycle time is about four months above target and the I-485 cycle time is about seven months above target, these forms have large backlogs and take the longest to complete. Therefore, it will take more effort to reduce the cycle times for these two form types as compared to other forms.

The form I-881, NACARA Application for Suspension of Deportation or Cancellation of Removal, has the greatest difference between actual and target cycle time. Although the target for this form type is 10 months lower than the present actual cycle time, the backlog for this form type is less than 20,000 applications. The small backlog suggests that even though the cycle time is high for this form type, the effort required to reduce this cycle time will not be as great as it is with other form types. All other form types not mentioned have actual cycle times within five months or less of the FY 2006 target and are expected to meet those targets.

A Brief Review of FY 2006 1st Quarter Data:

FY 2006 Q1 Data as compared to:	
Completions Exceeding Filings	283,820
Q4 Filings	-11.46%
Q4 Completions	-25.15%
BEP Quarterly Completions Target	90.46%
Overall YTD Completions compared to:	
BEP Target	90.46%
FY 2005 Cycle Time Targets Met	8/16 forms

Quarterly Completion Volumes During 4th Quarter 2005 & 1st Quarter 2006:

Form Name	Form Number	4th Quarter FY 2005 Completions	1st Quarter FY 2006 Completions	FY 2006 Quarterly Completion Target
Application to Adjust Status	I-485	209,536	182,105	238,117
Application to Adjust Asylee Status	I-485	16,390	28,843	28,525
Petition for Non immigrant Worker	I-129	117,686	97,928	95,122
Application to Extend/Change Status	I-539	70,174	49,094	52,806
Application to Replace Permanent Resident Card	I-90	101,202	199,356	157,856
Petition for Alien Relative	I-130 (All)	320,185	253,098	228,694
Application for Travel Document - Advanced Parole	I-131 Adv/Prl	61,563	57,910	52,342
Application for Travel Document - Reentry Permit	I-131 RP/RD	57,562	30,454	30,823
Immigration Petition for Alien Worker	I-140	24,301	22,751	23,235
Petition to Remove Conditions on Residence	I-751	41,810	40,221	37,735
Application for Employment Authorization	I-765	535,763	307,929	332,306
Application for Temporary Protected Status	I-821	178,148	15,326	25,756
Application for Naturalization	N-400	209,722	172,748	185,591
Application for Certificate of Citizenship	N-600 & N-643	12,868	12,772	17,639
Asylum Application	I-589	31,416	15,095	23,749
NACARA 203 Application	I-881	6,204	6,568	9,364
Credible Fear Referral	I-867	886	1,385	1,185
	Totals	1,995,416	1,493,583	1,545,457

As explained above, Forms I-485 and N-400 take longer to complete than all other BEP forms. A completion for such a form type represents a greater effort in backlog elimination than a completion for a more quickly completed form, such as the Form I-765, Application for Employment Authorization. It is important to note that the high number of Form I-485 and Form N-400 completions during the 1st Quarter FY 2006 means that backlog elimination efforts were actually greater than the completions figure alone suggests.

Equally important is to frame the progress made toward backlog elimination in terms of increased efficiency. For the past 15 months, USCIS has outlined in quarterly updates initiatives that will streamline processes and increase efficiency while maintaining security. Among the many initiatives, USCIS has:

+ Piloted new processes to find more efficient methods of operations;
+ Updated policies and procedures to eliminate duplicative efforts;
+ Initiated systems sweeps to replace inefficient manual queries to increase productivity while at the same time bolstering process integrity;
+ Reallocated staff to align resources with workload; and,
+ Redistributed workloads to offices with excess capacity.

In the June 16, 2004 Backlog Elimination Plan Update, USCIS indicated that significant increases in productivity were required

to eliminate backlogs. Analysis of production data from FY 2004 and FY 2005 demonstrates that the initiatives referenced above had a dramatic affect on productivity that is continuing into FY 2006. Overall, USCIS was 24% more efficient, in terms of output per hour expended, in the 1st Quarter of FY 2006 than during the period April 2003 to March 2004, the 12 months prior to the implementation of the update to the Backlog Elimination Plan.

Second Quarter Preview and Backlog Elimination Prognosis

Completion targets for the listed BEP forms are calculated based on pending levels and projected receipts. In order to eliminate the backlog, annual completions must generally be equivalent to the current pending plus half of the projected annual receipts. Each form type requires a different average amount of adjudicator time to complete. This completion rate multiplied by the number of required completions for the particular form type results in the measure of workload in expected adjudicator hours required.

In response to provisions of the Real ID Act of 2005 that eliminated the annual limitation on asylum adjustments, USCIS immediately added approximately 174,000 Asylee Adjustment of Status applications to the backlog in June 2005. Completions of Form I-485, Application to Register Permanent Resident or Adjust Status, filed by individuals granted asylum in the United States,

had previously been capped by statute at 10,000 per year, and the workload had been included in the total Form I-485 figures for pending and completions. USCIS has developed a production plan to eliminate the new backlog of applications ripened by the Real ID Act by the end of FY 2007, and factored as backlog any volume of applications pending greater than that required to meet that production plan and goal. The implementation of this production plan has resulted in a change in the reported backlog for this form type. The backlog is now reported as 48,922 applications.

USCIS has historically begun new fiscal years with a production slump. For each of the past four fiscal years, USCIS has completed fewer applications during the 1st Quarter than it did in remaining quarters of the fiscal year. Fiscal Year 2006 was no exception. January and February's production represents an increase over average monthly first quarter production, but did not represent the increase needed to meet year-to-date backlog elimination goals.

Due to variances between actual historical receipts and the receipt projections used in previous office staffing efforts, resources have not been fully aligned with where the workload resides. In particular, the Eastern Region is experiencing backlogs greater than the Western and Central Regions. In the past, Adjudications Officers were detailed out of Central and Western Region District Offices that were on track for backlog elimination. Adjudications Officers are now being detailed out of Service Centers with sufficient capacity to Eastern Region District Offices with greater backlogs. USCIS plans to continue these details and to relocate non-interview work from Eastern Region offices throughout FY 2006.

As stated previously, by the end of the 2nd Quarter FY 2006, USCIS expects to have fully implemented its Active Case Management program. Active Case Management involves clearly identifying which cases are ready for final adjudication and removing those cases from the backlog which are not ripe for processing because we have asked a customer for more information and we are awaiting their response; they failed a naturalization test on the first try and are awaiting their response; or we're waiting for the results of record checks from other agencies. Doing so will allow USCIS to more efficiently process its workload by focusing its attention and resources on those cases ready for final processing. USCIS has also begun to remove from the calculated backlog approved naturalization cases that remain pending only for the customer to take the Oath of Allegiance and be sworn in as a new citizen. To ensure that applications awaiting the Oath do not themselves become backlogged, USCIS has adjusted the cycle time goal for naturalization applications to reflect six months to decision and one month for the Oath to be scheduled and taken. USCIS believes that by providing a breakdown of the overall backlog by those cases backlogged under USCIS control vs. those outside

USCIS control, we are more accurately quantifying the volume of pending applications that exceed target pending levels due to USCIS processing delays that adversely affect eligible applicants.

USCIS anticipates that applying these refinements in the 2nd Quarter of FY 2006 will reduce the calculated number of applications backlogged under USCIS control by over 200,000 applications.

Finally, as more offices reduce cycle times toward the six-month targets, limitations to the extent to which the time spent in each segment of case processing can be shortened are becoming more constraining. Many applications are being held up for weeks, months, and sometimes years in the FBI name check process; applicants must, by regulation, be afforded 87 days to respond to Requests for Evidence when there are documentary deficiencies in their application; and applicants who fail the English/Civics test in the Naturalization process must be afforded 90 days before re-examination. The greater number of applications requiring more than six months to complete due to issues outside of USCIS control, the greater the need to complete the other applications even more quickly in order to achieve the overall average cycle time target.

These challenges will not discourage the invigorated USCIS workforce. During the past two years, USCIS has made dramatic progress in backlog elimination and customer service while simultaneously increasing its role in supporting national homeland security initiatives. USCIS will meet the challenges for the remaining months of FY 2006 with the same dedication, commitment, and integrity. And, at the end of FY 2006, USCIS will be proud of the progress it has made in its backlog elimination effort and of the success the young agency has had in restoring integrity to the nation's immigration system.

Conclusion

Since the high point of the backlog in January 2004 of 3.85 million applications, USCIS has streamlined existing processes and procedures, leveraged existing information technology systems to assist the adjudicative process, and reenergized its workforce of nearly 15,000 men and women. What's more important, however is what USCIS has not done. It has not cut corners. It has not lost its focus on national security and customer service above all. It has not compromised quality or integrity in the name of production.