USCIS Response to the Citizenship and Immigration Service Ombudsman's 2009 Annual Report

October 16, 2009

Homeland Security

U.S. DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

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Enclosed is the U.S. Citizenship and Immigration Services (USCIS) response to recommendations and observations made by the CIS Ombudsman (CISOMB) under Section 452(f) of the Homeland Security Act of 2002(Public Law 107-296).

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Patrick Leahy
Chairman, Senate Judiciary Committee

The Honorable Jeff Sessions
Ranking Member, Senate Judiciary Committee

The Honorable John Conyers
Chairman, House Judiciary Committee

The Honorable Lamar Smith
Ranking Member, House Judiciary Committee

Inquiries relating to this report may be directed to the Department of Homeland Security Office of Legislative Affairs at (202) 447-5890.

Sincerely,

Chani Wiggins
Assistant Secretary
Office of Legislative Affairs

Enclosure

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**RESPONSE TO THE CITIZENSHIP AND IMMIGRATION SERVICES
OMBUDSMAN'S 2009 ANNUAL REPORT
AUGUST 2009**

I.   INTRODUCTION

U.S. Citizenship and Immigration Services (USCIS) appreciates the in-depth analysis of the agency's procedures and processes provided by the Citizenship and Immigration Services Ombudsman (CISOMB) in the 2009 Annual Report to Congress. USCIS provides the following responses to CISOMB's recommendations and observations.

II.   IMMIGRATION FILES

Immigration files record an alien's progression through the immigration process from initial entry through naturalization. They contain key documents that establish identity as well as a record of any immigration benefits granted. USCIS recognizes the importance of these documents and is taking steps to ensure that paper files are properly maintained and tracked while continuing efforts to digitize immigration files.

A. Digitization of Immigration Files – Recommendation 1

The Ombudsman recommends that USCIS immediately begin scanning immigration files that are likely to be needed for future adjudications.

USCIS Response: USCIS has had a strategy for scanning immigration files in place for the past 3 years. A Scan on Demand Application (SODA) was also implemented at the National Records Center (NRC) in the second quarter of Fiscal Year (FY) 2009 to begin responding to requests for information in files by scanning the Alien File (A-File) within a designated timeframe. Subject to the Transformation strategy and budget challenges, Phase 2 of SODA will continue expansion of digitized responses of select types of A-File requests at the NRC.

USCIS began the digitization pilot with the establishment of the Records Digitization Facility (RDF) in FY 2006 and deployment of the Enterprise Document Management System (EDMS) in FY 2007. Together, these initiatives allow USCIS to convert paper A-Files to a digital format and to deliver that content to the user's desktop.

In FY 2008, as a result of an Office of Management and Budget (OMB) direction, USCIS was tasked to eliminate interagency mailing of immigration files between USCIS, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP). This action is being addressed by Phase 1 of SODA.

For the past 3 years, USCIS has converted a variety of paper A-Files to digitized files. The converted A-Files have been primarily Temporary Protected Status (TPS), military

naturalization, oversized A-Files, and files from the Law Enforcement Support Center (LESC). These files were chosen primarily to evaluate the digitization process and learn how digitized files can be most effectively used in the adjudication process.

B. Recording File Movement – Recommendation 2

The Ombudsman recommends that USCIS establish new protocols to ensure that relevant contract staff consistently record all A-File movement as outlined in the Records Operation Handbook.

USCIS Response: USCIS believes that existing protocols are sufficient to enable compliance with proper A-File tracking requirements. The Records Operation Handbook (ROH) contains the policies, procedures, and guidelines for how a File Control Office (FCO)[1] should manage A-Files and other immigration records to preserve both the integrity and the availability of the records. These offices can create, store, transfer, receive, maintain, and retire A-Files. The FCO is responsible for all files in its jurisdiction to include sub-offices, field offices, ports of entry (POEs), and Border Patrol stations. Files in use at any ICE or CBP location must be accounted for during official file audits, which are conducted no less than once per year as directed in the ROH. FCOs are required to follow all guidelines in the ROH in order to maintain file integrity and be responsive when files are requested.

The current Records Services Service Level Agreement (SLA) with ICE and CBP, which provides USCIS support for A-File movement, certification of true copies, certification of non-existence of records, etc., states that the agencies:

> …will adhere to policies and procedures mandated in the Records Operation Handbook (ROH) - URL address http://ors.uscis.dhs.gov/ pol_imp/roh/index.htm and in the Records Digitization Facility Customer Guide - URL address http://ors.uscis.dhs.gov/elec_rec/RDF/RDFTOC_ cust.htm. ICE and CBP are responsible for requesting, using, managing, and returning Alien Files in compliance with the ROH and RDF Customer Guide. In addition, the SLAs will adhere to all pertinent statutes, regulations, Executive Orders, and Department of Homeland Security (DHS) policies and procedures including, but not limited to, DHS Management Directives (MD) #0710.1, Reimbursable Agreements and #0550.1, Records Management.

Many of the issues in recent years revolve around the timeliness of file transfers and responsiveness to file transfer requests. Even as USCIS begins to evolve into a more electronic environment, there are 59 million A-numbers and millions more immigration records that are either in use today or likely to be in use in the future. In order to better prepare for digitizing these records, USCIS will ensure:

- Files are properly consolidated when needed;

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[1] An FCO is an office that is authorized to manage A-Files and receipt files.

- File requests are honored quickly so temporary files are not created unnecessarily; and
- Files (including empty A-File jackets[2]) are tracked appropriately so files may be located immediately.

The Records Division, using audits and systems checks, will implement quality assurance support for USCIS, ICE, and CBP components. During the first quarter of FY 2010, the Records Division is "standing up" the Records Electronic Systems Training and Quality Assurance Team (REST-QA Team) to enhance A-File integrity in the field. The REST-QA Team, working with local offices, will conduct A-File audits, offer records training, and provide helpdesk support.

C. Mandatory Training – Recommendation 3

The Ombudsman recommends that through the Tri-Bureau Working Group (USCIS, Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP)), USCIS expeditiously institute mandatory training of all personnel who work with A-Files, specifically special agents, investigators, and officers.

USCIS Response: Through the Tri-Bureau Working Group, USCIS will encourage use of USCIS's extensive Web-based records training, which includes Records Awareness training, National File Tracking System (NFTS) training, and Central Index System (CIS) training. USCIS is also in the process of complying with the recent Department of Homeland Security (DHS) mandate to conduct mandatory records awareness training throughout USCIS. The training includes A-File management and emphasizes the importance of appropriately tracking records. The training is available to ICE and CBP. USCIS is also developing USCIS Academy Records Training and the REST-QA Team program, which will begin providing this critical training in the first quarter of FY 2010. As noted above, the REST-QA Team will work with local offices to conduct A-File audits, offer records training, and provide helpdesk support.

Under the current agreement with ICE and CBP, "USCIS will provide training through a varied method of delivery such as train-the-trainer, web-based, classroom, and CDs, for the National File Tracking System (NFTS), the Central Index System (CIS), Records Management, the Enterprise Document Management System (EDMS), and other systems to be developed." Training is available and access to all systems is provided upon request. USCIS will be working with ICE and CBP over the coming months on the Records Services SLA for FY 2010 and will provide support for records training and understanding of the ROH policies. Although USCIS cannot mandate training for ICE and CBP personnel, USCIS will work through the Tri-Bureau Working Group to make certain that ICE and CBP users receive the necessary training in an expeditious manner. USCIS believes this will

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[2] On October 18, 2008, USCIS published a policy memorandum that provided clarification on the necessary audit process that must be completed prior to the issuance of empty A-File jackets.

ensure consistent use of records and compliance with A-File management policies and procedures by ICE and CBP.

III.   IMMIGRANT VISAS

Section 201 of the Immigration and Nationality Act (INA) outlines the number of immigrants that may be granted permanent residence (i.e., visa numbers). Each year Section 202(a) of the INA sets numerical limitations on individual foreign states. Specifically, Section 202(a)(2) of the INA states in pertinent part:

> Subject to paragraphs (3), (4), and (5), the total number of immigrant visas made available to natives of any single foreign state or dependent area under subsections (a) and (b) of section 203 in any fiscal year may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the total number of such visas made available under such subsections in that fiscal year.

Accordingly, certain countries (e.g., India, China, the Philippines, and Mexico) have different priority dates since there are more individuals from those countries seeking permanent residence in the United States. Because the number of individuals from these countries seeking permanent residence in the United States often exceeds the 7 percent annual limit, these individuals have longer waiting times for visa numbers.

Although USCIS recognizes the frustration that many immigrants undergo as a result of the long waiting times, the agency is unable to increase the number of visas available to applicants absent a legislative change to the INA.

A. Processing of I-140 Petitions – Recommendation 4

The Ombudsman recommends that USCIS review processing methods for employment-based petitions between the Nebraska and Texas Service Centers to make American Competitiveness in the Twenty-First Century Act (AC21) portability provisions equally available to all customers.

USCIS Response: USCIS appreciates CISOMB's concerns for making the portability provisions of AC21 equally available to all customers, but must clarify the adjudication practices at the Texas Service Center (TSC). In the Annual Report, CISOMB indicates that TSC holds the adjudication of an I-140 filed concurrently with Form I-485 until an immigrant visa is immediately available. That is incorrect. Beginning in August 2008, TSC began adjudicating I-140s that were concurrently filed regardless of whether an immigrant visa was immediately available. If a case is approvable, and a visa is immediately available, TSC approves both the I-140 and I-485. If a visa becomes unavailable due to retrogression after the I-140 and I-485 have been filed, TSC processes the underlying I-140 petition, as does the Nebraska Service Center (NSC). Both Service Centers take steps to ensure a prompt final adjudication of the I-485 once a visa number again becomes immediately

available, including initiating required background and fingerprint checks and ensuring that the applicant has submitted all required initial evidence. In the case of retrogression of immigrant visa numbers, USCIS's goal is to have, by the end of FY 2009, all pending I-485s, including those filed concurrently with Form I-140, ready for prompt adjudication when immigrant visas again become immediately available. In such cases, USCIS will coordinate with the Department of State (DOS) to ensure that DOS will have full visibility of the agency's pending I-485 inventory and will be able to accurately set the priority cutoff dates in their monthly Visa Bulletin.

NSC and TSC are on track to reach the 4-month agency processing time goal for I-140 petitions, by the end of the current fiscal year, as outlined in the 2007 Fee Rule. Once the 4-month processing time goal is achieved, the volume of still-pending I-140 petitions supporting long-pending I-485 applications will be minimal. For the overwhelming majority of applicants who file concurrently, the I-485 will have been pending for less than 180 days prior to the issuance of a final decision on the I-140 petition, thereby addressing the congressional concerns regarding delays in adjudication of such cases that led to the enactment of the AC21 portability provisions.

B. EB-1 Tip Sheet – Recommendation 5

The Ombudsman recommends that USCIS post a practical tip sheet on its Web site to assist stakeholders in providing the necessary and relevant information for complex EB-1 cases.

USCIS Response: USCIS posted a notice on its Web site prior to the release of the 2009 Annual Report, entitled *Questions and Answers: Petition Filing and Processing Procedures for Form I-140, Immigrant Petition for Alien Worker.* The posted notice provides filing tips that address a wide range of Form I-140 petition issues, including information pertaining to the filing of complex employment-based, first preference (EB-1) petitions.

C. I-140 Data Capture

The CISOMB Annual Report raised concerns regarding the difficulties surrounding the adjudication of employment-based adjustment-of-status requests filed via Form I-485. Specifically, the Annual Report pointed out that USCIS lacks full visibility on specific aspects of its inventory of employment-based I-485s due to its case management system.

USCIS acknowledges that the Computer-Linked Application Information Management System (CLAIMS) currently lacks the capability to track pending employment-based I-485s by country, preference, and priority date[3] of the Form I-140 immigrant worker petition, and to provide this inventory directly to DOS. USCIS is actively pursuing an information technology solution that would enable automated transmission of this information to DOS

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[3] The priority date is either the date a Labor Certification is filed with the state-level Department of Labor office or in cases where, by statute, a labor certification is not required, the date that the Form I-140 is filed. In some cases, the priority date of a previously-filed I-140 may be applied to a subsequently-filed I-140.

so that DOS can better determine appropriate priority cutoff dates for each month's Visa Bulletin.

In the meantime, USCIS has implemented an interim solution for Service Centers to track this information on all pending employment-based adjustment applications and to share it with DOS and CISOMB. Further, the Centers are processing cases well ahead of visa availability and placing orders for a visa number in the DOS system. In other words, while USCIS cannot approve these cases due to statutory limits on annual immigration, we are preparing them for prompt adjudication so that they can be completed as soon as the person's place in the line of those waiting to immigrate through the preference is reached.

These procedures together give DOS the detail necessary to set monthly Visa Bulletin priority dates. Preparing these cases for prompt adjudication also expedites case completion once a visa number is available. As of the end of June 2009, USCIS had adjudicated 108,583 employment-based I-485s and prepared an additional 139,309 for prompt adjudication upon DOS announcement of availability of visa numbers for such adjustment applicants. USCIS anticipates completing or preparing for prompt adjudication all employment-based cases otherwise outside its processing time goal by later this calendar year. In addition, we will post the underlying inventory report and provide detailed information about the volume and specifics of cases prepared for prompt adjudication on the USCIS Web site so a customer with a pending employment-based I-485 has more detail about case status and can better determine his or her place in the immigrant visa queue.

D. Special Immigrant Visas

The CISOMB Annual Report noted that USCIS "has continually added innovations to its customer service processes" for petitions relating to Special Immigrant Visas (SIV) for Afghan and Iraqi nationals who have been employed by or on behalf of the U.S. Government, and that USCIS "has regularly fine-tuned its processes to meet the many challenges faced by this group of petitioners."

USCIS appreciates these statements but also recognizes the concern noted in the CISOMB Annual Report about possible underutilization of SIV visas. First, as acknowledged by the Report, the full visa allocations for the translator program were used during FY 2007 and FY 2008. Indeed, in light of high demand, as evidenced by a substantial backlog of approved petitions awaiting visa numbers, the caps were significantly increased from 50 to 500 visas per year; these increased caps were also reached. Usage patterns under the much larger section 1244 program for Iraqis, and the new similar program for Afghans, are as yet unclear. It should be noted that, although the initial legislation on the section 1244 program was passed in late January 2008, it was not until June 2008 that technical amendments to the legislation actually made visas available for FY 2008. Therefore, the large disparity between visas technically available in that fiscal year, and those issued, is somewhat artificial because the program was only stood up late in the fiscal year.

As indicated by Figure 11 in the CISOMB Annual Report, section 1244 approvals by USCIS are up sharply in FY 2009 compared to the initial year of the program. As further discussed below and in the CISOMB Annual Report itself, there are many factors affecting usage of this program that are outside the control of USCIS, including the specific statutory requirements, the uncertain actual size and composition of the potential applicant pool, DOS procedures abroad, and conditions within Iraq and Afghanistan. Despite these factors, USCIS has made an effort to make the process user-friendly by adjudicating the petitions as expeditiously as possible, consistent with the requirements of the statute and without compromising national security.

1. Cycle Times

The 2009 Annual Report noted that attorneys who represent Iraqi and Afghan SIV self-petitioners observed average cycle time for SIV I-360 self-petitions of 8-12 months. This is not an accurate reflection of the situation. The NSC, which has sole jurisdiction of the adjudication of SIV-360 self-petitions, generally adjudicates the petitions within 2-4 weeks of receipt. It appears that the cycle time referenced in the CISOMB Annual Report encompasses the entire process from petition-filing to the issuance of the SIV and admission to the United States. Since USCIS is not involved in the consular visa issuance process, any questions involving timing for this process after the I-360 is approved by USCIS and forwarded to the National Visa Center (NVC) (if the petitioner is outside the United States) should be addressed by DOS.

2. SIV Petitioner Experience

The CISOMB Annual Report expressed concern that some potential SIV petitioners are dissuaded from filing due to qualification requirements, delays caused by security reviews and potentially slow official responses to requests for information. USCIS does not by word or deed discourage qualified petitions. USCIS does not have the authority to change qualification requirements, which were established by Congress in the relevant legislation. As indicated above USCIS normally completes its part of the processing within a few weeks. Any information that is requested by the petitioner from the DOS Chief of Mission or from the petitioner's supervisor to fulfill the filing requirements is outside the control of USCIS.

Any questions on timing of the security reviews conducted by DOS prior to visa issuance should be addressed by DOS.

3. Denied Petitions

The CISOMB Annual Report is also concerned that USCIS lacks a standardized review process for denied petitions or for delayed SIV petitions and refugee applications. This is not an accurate assessment. There are standard review processes for review of denied cases. In the case of SIV petitions, the review process is the same as for any other applications or petitions filed with USCIS. Supervisory review is required for every SIV I-360 denial.

Once the petition is denied and the notice sent, the petitioner has 30 days to appeal the decision. Most SIV petitioners are outside the United States and go through consular processing to obtain an immigrant visa. DOS can address any questions regarding visa refusal review processes.

With respect to refugee cases, questions regarding the status of refugee cases are generally sent to the DOS Overseas Processing Entity or USCIS Field Office Director with jurisdiction over the case. There is no appeal for a denial of an application for refugee status. USCIS may exercise its discretion to review a case upon timely receipt of a request for review (RFR) from the principal applicant. The request must include one or both of the following: (1) a detailed account explaining how a significant error was made by the adjudicating officer or (2) new information that would merit a change in the determination. USCIS understands that CISOMB intends to further analyze the RFR process for denied refugee applications, and USCIS is prepared to provide any additional information as needed.

IV.   DNA TESTING

The CISOMB Annual Report indicated that, in USCIS's response to Formal Recommendation 26, USCIS stated that the recommended actions regarding DNA testing were "unnecessary."[4] USCIS, however, must clarify this point: It was neither explicitly stated nor implied in its response to the recommendation that such actions were unnecessary. Instead, USCIS stated that the agency was drafting updates to section 204.2(d)(2)(vi) of Title 8, Code of Federal Regulations (CFR) to require DNA testing in certain situations. USCIS also noted that, although current regulations do not specifically allow officers to require DNA testing, guidance does allow petitioners to voluntarily submit additional evidence, including DNA testing, to meet their burden of proof to show the existence of a specific relationship. In requesting additional evidence pursuant to 8 CFR 103.2(b)(8), USCIS can, on a case-by-case basis, recommend that petitioners voluntarily submit DNA results as evidence of a claimed biological relationship. At present, DNA testing can only be recommended, not required. In the 2006 response, USCIS stated that "USCIS does not preclude requiring DNA testing as a standard procedure sometime in the future as new technology and competition make such testing more widely available and affordable."[5]

The CISOMB Annual Report correctly pointed out in the April 2006 recommendation that DNA provides the most conclusive scientific evidence of paternity and that birth records from many countries are unreliable. However, until the laws or the regulations are changed, USCIS may only suggest DNA testing as a means of secondary evidence if evidence submitted does not fully establish eligibility for the requested benefit. CISOMB is correct that 8 CFR 204.2(d)(2)(vi) stipulates that the only type of relationship testing that may

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[4] Citizenship and Immigration Services Ombudsman 2009 Annual Report to Congress, p. 45.
[5] USCIS Response to Formal Recommendation 26: DNA Testing, p. 2.

currently be required by USCIS officers is the now obsolete venipuncture-based Blood Group Antigen or Human Leukocyte Antigen (HLA) testing.

USCIS has drafted language to remove the references to HLA testing in 8 CFR 204.2(d)(2)(vi) and replace it with a broader standard of DNA testing requirements. Although work continues to this end, a new regulation has not yet been published. At this juncture, USCIS plans to draft language that merely removes specific references to HLA testing in 8 CFR 204.2(d)(2)(vi) and reserves the subchapter for a future regulation. This would eliminate the authority to require relationship testing through an obsolete method and allow USCIS to continue to suggest DNA testing while a new regulation with a broader requirement for DNA testing is reviewed.

In this year's Annual Report, CISOMB compares USCIS to DOS in terms of relationship testing and DNA collection. It is important to note that DOS is also bound by the regulations in 8 CFR in determining visa eligibility, and as such, may also only suggest, but not require, DNA testing as a means of secondary evidence in such cases. DOS guidance found in the Foreign Affairs Manual (FAM), which is the equivalent to the USCIS Adjudicator's Field Manual (AFM), states:

> [DNA testing] is preferred over older technologies such as HLA and ABO blood typing because…it is more accurate when all parties are not available for testing…DNA technology should be the only method accepted for proof of a biological relationship.[6]

This should not be interpreted to mean that DOS has the authority to require DNA testing for visa determinations. In fact, the FAM specifically states that genetic testing "cannot be required"[7] and should only be recommended.[8] The USCIS AFM provides similar guidance:

> …as a result of technological advances, field offices should be aware that Blood Group Antigen and HLA tests are no longer widely available for testing by laboratories, and are not considered to be as reliable as DNA tests….[9]

There is no real disparity between the two agencies' guidance as the CISOMB Annual Report implies. Both USCIS and DOS are aware of the problems that exist with the obsolete method of relationship testing specifically referenced in 8 CFR and are also aware

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[6] 9 Foreign Affairs Manual 42.41 Exhibit II.

[7] 9 Foreign Affairs Manual 42.41 PN 4.7.

[8] However, DOS has greater latitude to require DNA evidence in the refugee processing context. Pursuant to its role in determining which refugees are of "special humanitarian concern to the United States" under INA Section 207(a)(3), DOS establishes the categories and criteria for applicants to qualify for resettlement consideration. In the case of family-based cases, for example, DNA evidence could be established as one of the criteria. Once an applicant establishes that he or she meets the access criteria to be considered in the U.S. refugee program, USCIS determines the person's eligibility for refugee status under DHS regulations.

[9] Adjudicator's Field Manual, Chapter 21.2(d).

of the immense value of DNA testing. To this end, USCIS and DOS continue to work together towards a solution.

A. Blood Testing Methods – Recommendation 6

The Ombudsman recommends that USCIS remove references to obsolete blood testing methods from the Adjudicator's Field Manual (AFM) and other published guidance.

USCIS Response: USCIS will continue to pursue changes to 8 CFR 204.2(d)(2)(vi) to remove references to the obsolete blood testing.

B. Coordination with the Department of State – Recommendation 7

The Ombudsman recommends that USCIS continue to coordinate with the U.S. Department of State regarding DNA testing procedures and execute a Memorandum of Understanding (MOU) with DOS for resource allocation for DNA evidence gathering and chain-of-custody observance abroad.

USCIS Response: USCIS has been discussing DNA issues with DOS and will continue to do so. USCIS has yet to determine the benefit or necessity of executing a Memorandum of Understanding (MOU) with DOS. USCIS and DOS are reviewing an update to the FAM addressing DNA relationship testing procedures and chain-of-custody issues. USCIS believes it would be premature to enter into an MOU at this stage.

C. USCIS DNA Liaison – Recommendation 8

The Ombudsman recommends that USCIS designate a USCIS DNA liaison to facilitate discussions between USCIS and the U.S. Department of State, as well as to periodically provide clarifications for DNA laboratories.

USCIS Response: USCIS has in fact already designated a point of contact (POC) and subject matter expert within the agency to field questions about DNA testing. USCIS has established contacts with lab technicians and other officials at DHS, DOS, and the Department of Justice (DOJ) to assist with the development of new regulations. USCIS's current POC for DNA matters is responsible for coordinating all internal meetings as well as meetings between USCIS and other agencies and departments.

V.   TRANSFORMATION AND INFORMATION TECHNOLOGY ENHANCEMENTS

In the annual report, CISOMB commented extensively on the USCIS transformation and related improvement efforts. As pointed out by CISOMB, USCIS has begun to analyze its existing system to develop business requirements that will enhance customer service and the data integrity for USCIS. The analysis and data requirements gathered have led to conclusions that some existing systems are obsolete or incapable of expanding beyond

current functions. The Office of Transformation Coordination (OTC) has identified vital functions from these systems and intends to integrate them into new system requirements.

A. Coordination and Communication

As accurately stated in the report, synchronization among the various components responsible for transformation is essential. As such, the Office of Information Technology (OIT) has created a new division, OIT Transformation Support Division (TSD), to increase its level of dedicated support to the transformation effort.   This new division will provide significant improvement in coordination and communication efforts between OIT and OTC. OIT's newly established senior management team has placed greater emphasis on cooperation and collaboration to build a mutually advantageous relationship with OTC. OTC will continue to work closely with the OIT and the Solution Architect contractor towards the agency's transformation. This collaboration will enable the agency to have a better understanding of its legacy system capabilities while alleviating system conflicts and identifying parallel approaches and initiatives for future IT solutions.

OTC and OIT have established dedicated liaisons who meet on a consistent basis to report issues, changes, and associated impact. These reports and constant interaction between both program offices will provide for greater information-sharing and fortify the necessary dialogue for success.

B. Pilots

CISOMB's Annual Report highlighted three system pilots linked to transformation. As noted in the CISOMB Annual Report, the functionality of the Biometric Support System (BSS) is critical to the transformation effort. It provides a bridge to shared biometric information between the legacy environments and more robust IT systems. However, the current biometric functions in the legacy environment are supported by inefficient systems that will be discontinued as the transformation initiative progresses.

BSS functionality has been integrated into a new system called the Customer Profile Management System (CPMS). CPMS will include all the functionality of BSS and the functionality of the Background Check Service (BCS). CPMS will replace several legacy systems and eliminate more than 140 distributed servers. The CPMS will:

- Route fingerprint data to the Federal Bureau of Investigation (FBI) and US-VISIT for enumeration and background investigations;

- Store background investigation results from the FBI;

- Route card data used to produce permanent residency documents, employment authorization documents (EADs), and travel documents; and

- Provide a repository of card data used by USCIS and other agencies to validate immigration status.

USCIS intends to implement CPMS in phases with the first phase scheduled for deployment in November 2009. This phase will include the ability to receive and store the images and relevant biographic data related to permanent resident cards, EADs, reentry permits and refugee travel documents, including radio frequency identification (RFID) data used by CBP. This data can be queried and viewed through the Person-Centric Query Service (PCQS). Since the PCQS user interface does not provide all features found in the Image Storage and Retrieval System (ISRS), both ISRS and PCQS will remain operational until a later release of CPMS. That subsequent release will contain a complete alternative to the ISRS user interface, thus enabling the retirement of ISRS.

The latter phases of CPMS will be integrated into the Solution Architect's integrated master schedule once the new timelines and deliverables are accepted by USCIS.

The second pilot that was highlighted by CISOMB is the Secure Information Management Service (SIMS) Pilot. SIMS was developed as a proof-of-concept to test a variety of operational and technical concepts related to the evolution of a long-term USCIS enterprise-level case management system.

SIMS has evolved through three phased releases. Sims Version 3.0 is operating at the National Benefits Center and three field offices: Newark, Memphis and Buffalo. While SIMS has provided substantial information as a pilot, the functionality currently being provided by SIMS is expected to be incorporated into the Transformation Solution in Releases 3 and 4. The migration of the current SIMS data will be accomplished in Release 3.

The third pilot highlighted in the CISOMB's Annual Report is the Identity Management Pilot also referred to as Enumeration. USCIS began using the US-VISIT IDENT Exchange Messaging (IXM) interface to US-VISIT IDENT to assign enumerators to individuals in the SIMS Pilot. The Enumeration interface that USCIS built against the US-VISIT IXM interface has been made available on the ESB for other USCIS applications to reuse.

The current plans for the expansion and re-use of this interface are as follows:

- USCIS will be reusing the US-VISIT enumeration interface in support of the Adam Walsh Child Protection and Safety Act for fingerprints provided to USCIS from DOS Consular Affairs. USCIS will also reissue the interface for petitioners filing family-based immigrant visa petitions via a DOS overseas consulate. This use of US-VISIT will allow USCIS to determine if the petitioner has committed a "specified offense against a minor" as part of the Adam Walsh Child Protection and Safety Act requirement. USCIS will submit these prints to the FBI's Integrated Automated Fingerprint Identification System (IAFIS) via the US-VISIT IXM interface.

- USCIS will conduct background checks against US-VISIT and IAFIS. Both systems are expected to be reused within the transformation initiative.

- USCIS will use this US-VISIT IXM interface and the enumeration services in the Solution Architect's Release 2.

OTC is developing a roadmap from legacy systems to a streamlined and centralized biometric data collection and management system that will be part of the Transformation Solution. The new system will allow USCIS to retire the costly and ineffective legacy biometric infrastructure.

USCIS would like to expand on a point made in the CISOMB Annual Report. In discussing the Enterprise Performance Analysis System (ePAS), the report states, "USCIS has not yet designed ePAS, and has no timeline for deployment."[10] While it is true that ePAS has yet to be designed, USCIS is in the process of completing its Requirements Development Phase.

USCIS is currently in the seventh month of an eight-month requirements-gathering effort for ePAS, with the final Functional Requirements Document scheduled for delivery in October 2009. OTC has been actively involved in this process and will continue to play a role in the design and development of ePAS. After the requirements documents are reviewed, a final timeline for design and development of the enterprise system will be established.

VI. INFORMATION AND CUSTOMER SERVICE

As in the 2008 report, CISOMB pays particular attention to customer service and the USCIS Web site. USCIS continues to place significant emphasis on improving customer service and has been particularly active with its efforts to produce a more user-friendly Web site. USCIS has formed several focus groups for the redesign of the Web site and has sought input from various stakeholders, including community-based organizations (CBOs), the American Immigration Lawyers Association (AILA), and CISOMB, to assist in this effort.

A. National Customer Service Center (NCSC)

USCIS recognizes that when Customer Service Representatives (CSRs) do not adhere to the scripts they risk providing customers with incorrect information. USCIS continues to work with the contractors to ensure that CSRs follow the scripts, and extensive quality control procedures are in place, including random call monitoring, to ensure that procedures are followed correctly. The NCSC is a valuable resource, particularly for customers who do not have Internet access or do not know where to begin the process. The NCSC also has the ability to take "service requests." These requests detail the customer's inquiry and are forwarded directly to the office that is handling the customer's case. The receiving office is tasked to provide the customer with a written response.

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[10] Citizenship and Immigration Services Ombudsman 2009 Annual Report to Congress, p. 12.

Generally, customers report a positive experience when using the NCSC. A customer satisfaction survey is administered by a third party to customers who have recently called the NCSC and spoken to a CSR. During the past year, customers reported an 85 percent satisfaction rate. Customers experience minimal wait times to speak to a CSR, once the customer selects the option of speaking with a CSR from the Interactive Voice Response menu, the customer is connected with a CSR in less than 1 second. USCIS continues to make improvements to enhance the NCSC capabilities to respond effectively and timely to customers.

B. Web Site Improvements

USCIS appreciates the CISOMB's concern about the Web site and wishes to note that, in conjunction with the Office of Science and Technology Policy (within the Executive Office of the President), USCIS accelerated Web site redesign efforts and launched the new site on September 22, 2009. The revised www.uscis.gov is a customer-centric Web site with new tools to help customers learn about applying for immigration benefits and tracking the status of their filed applications. The home page has a "where to start" widget for new users to identify their place in the immigration process and learn about relevant services and benefits available. In addition, the most-searched immigration topics and important customer tools, such as the office locator and online appointment scheduling, are available directly from the home page. The revised Web site provides a dashboard view of an individual's case status as it relates to the major steps taken to process the most common application types. It also provides a contextual overview of national processing volumes and trends.

C. Case Status Online (CSOL) and Service Request Management Tool (SRMT) Online

In August 2009, the USCIS Office of Information Technology implemented an initiative to provide updates from Claims 3 and Claims 4 with the Customer Relationship Interface System (CRIS). This eliminated interface problems and CRIS now receives action codes from Claims 3 and Claims 4 which provides additional case status messages to customers.

As part of the website redesign USCIS has updated the display of case status information. Case status information is displayed differently to provide more context to the customer about the adjudication process and how their case is progressing. The new display provides the customer with one web page where he or she will be able to see:

- What processing step the case is in;
- Where that particular step falls in the process as a whole;
- National goals and average processing times; and
- Specific processing times for the office where the case is pending.

Prior to the web redesign, customers could sign up to have their case status messages e-mailed directly to them. Currently, the customer is also able to sign up to receive text messages that alert him or her to case status changes.

VII. ITEMS OF NOTE

A. Training

USCIS recognizes the importance of training and continuously seeks to identify areas that will assist employees in the development and fulfillment of their professional responsibilities and future leadership roles. With the 2007 fee rule, USCIS has been able to continue offering BASIC training and expand other training opportunities available at the USCIS Academy.

USCIS Academy programs play a critical role in USCIS's ability to fulfill Goal 6 of the USCIS Strategic Plan: "Operate as a high-performance organization that promotes a highly talented workforce and a dynamic work culture." In order to continue providing excellent customer service and assuring there are no gaps in future leadership, USCIS built the USCIS Academy to develop employees and future leaders. USCIS is pleased with the extent to which employees, supervisors, and managers have taken advantage of the expanded training opportunities to enhance employee and mission performance; assist with individual career development; and develop current and future leadership for the agency.

In 2007, USCIS created a totally new BASIC Training Program with an increased focus on preparing new employees to be job-ready at the completion of their training. Practicums providing new employees with field training and hands-on experience were added to the instructional courses. As part of the agency's efforts to continuously improve the training programs, USCIS seeks feedback from students. Many have indicated that additional computer training would be beneficial. Based on that feedback, the BASIC course was updated in July 2009 to include several additional courses devoted to computer training. Prior to arriving at the Academy, students have an opportunity to take introductory courses on electronic reference tools, computer systems, and EDMS. BASIC training has also been expanded to provide students with computer training on the systems they will use on the job, such as the Interagency Border Inspection System (IBIS), NFTS, and CIS, as well as various Microsoft applications. Overall, the 2009 revision of the BASIC curriculum enhances the readiness of new employees.

Beginning in FY 2008, newly hired adjudicators must fulfill the requirements of the National Job Proficiency Certification (NJPC). The NJPC provides local office directors with a checklist to document a student's completion of instruction, practicum, and on-the-job training. Validation of BASIC is set for completion by the end of FY 2009. Validation is a formal assessment by a certified agent to establish that the training course design, content, and delivery ensure all trainees have the opportunity to be job-ready.

B. Requests for Evidence (RFEs)

USCIS appreciates CISOMB's concerns regarding the number of RFEs issued at the National Benefits Center (NBC) and the Service Centers. USCIS will continually review

internal processes to ensure that RFEs are issued in a timely manner and only when necessary to establish eligibility for the benefit sought. USCIS will promulgate new guidelines governing the issuance of RFEs to ensure consistency, efficiency and proper scope. The guidelines will be informed by public engagement and a robust feedback loop with agency personnel at all levels. To further improve the RFE process, USCIS will also initiate in FY10, quality reviews of RFEs by supervisors, and specific feedback to employees who issue RFEs.

1. National Benefits Center (NBC)

NBC has focused on improving internal case reviews to ensure that RFEs are sent only for those items that are necessary to the adjudication of the benefit but were not initially submitted or found elsewhere in the file. In 2007 a working group was formed to revise and simplify RFE phrases, based largely on feedback from external stakeholders. The simplified RFE statements were implemented in early 2008 and have contributed to applicants submitting complete RFE responses, which helps cases move through the process with increased efficiency and speed. For each type of application the Center processes, NBC frequently reviews the percentage of the applications to which adjudicators are issuing RFEs. Identifying if the rate of RFEs for a specific application type has increased or decreased significantly alerts NBC management to more closely review the RFEs being issued to determine if additional guidance is necessary in all cases for initial evidentiary requirements. Because of these efforts, the number of RFEs issued by the NBC has dropped from an average of 50 percent in 2007 to 38 percent in 2008.

2. Service Centers

The Office of Service Center Operations (SCOPS) continues to work with all four Service Centers to examine and minimize adjudicative inconsistencies in the field. In the Annual Report, the CISOMB noted the varying rates at which RFEs are issued at the Vermont Service Center (VSC) and California Service Center (CSC) for H-1B, L-1A, L-1B, O, and R nonimmigrant classifications. There are, however, a variety of items that need to be taken into account when comparing the number of RFEs issued for these classifications.

It is difficult to compare the RFE rates on these nonimmigrant categories against one another since different types of evidence are required for each of the classifications. For example, the type of evidence and documentation required for a nonimmigrant O-1 alien with extraordinary ability in the sciences, arts, or athletics is very different than that required for an H-1B specialty occupation. Despite varying evidentiary requirements across the classifications, regular communication between VSC, CSC, and SCOPS regarding adjudications and standards has resulted in more consistent 2008 RFE rates for CSC and VSC than in previous years (2006 and 2007) on H-1B, L-1A, L-1B, O, and R nonimmigrant categories. While such communication efforts are in place to provide uniform adjudication, an RFE may still be necessary to adjudicate a petition, since each case is fact-dependent. In this regard, it is important to remember that each visa petition filing is a separate proceeding

and is decided on the basis of the evidence in that particular proceeding. Therefore, an RFE may be necessary to determine eligibility.

In March 2009, SCOPS formed a Business Operations component within its Business Branch to facilitate uniformity and consistency in adjudication between sister Service Centers. As such, the Business Operations component has been tasked with reviewing and determining areas where the field may need additional guidance regarding general standards for the issuance of RFEs.

C. K-3 Visa Family Reunification Process

In response to CISOMB's 2006 Recommendation 10,[11] cited in the 2009 Annual Report, USCIS consolidated the processing of Form I-130 and Form I-129F into a single adjudication and began sending both approved forms to DOS. Since 2006, USCIS has significantly reduced the I-130 backlog and the processing times of both forms. Because the adjudication of these two forms has been consolidated into a single adjudication, the processing time will necessarily be the same.

Consolidation of Forms I-130 and I-129F into a single adjudication has allowed USCIS to process I-130 approvals consistently, thus reducing processing times and preventing the waste of resources and duplication of processes.

The 2009 Annual Report suggests that the legislative intent of the LIFE Act is not being fulfilled since the current processing times for Forms I-130 and I-129F are the same. In the past, the processing time and wait for the issuance of an immediate relative immigrant visa were significantly longer due to lengthy I-130 processing times, coupled with the time needed to consular process for the immigrant visa. In light of this, Congress passed legislation to allow for the filing of an I-129F to allow DOS to issue a K-3 visa for a spouse to come to the United States as a nonimmigrant for family unity while awaiting approval of the I-130 petition; the spouse could then adjust status in the United States. The legislative intent of the LIFE Act was based on the historical I-130 backlog that existed when Congress created the K-3 category. USCIS has drastically reduced the backlog associated with I-130 petitions, and the processing times are no longer at 12 months or more. USCIS is committed to a processing time of 6 months and is currently meeting or exceeding that commitment.

D. USCIS Fee Funding Structure

USCIS appreciates the concerns CISOMB raises regarding the USCIS funding structure, including the impact of the recent decline in filings and the resulting decline in revenue. Given the parameters of the fee structure, USCIS has reduced planned spending in several areas, including personnel expenses, and will continue to look for additional cost saving

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[11] Citizenship and Immigration Services Ombudsman 2006 Annual Report to Congress.

measures and make every effort to minimize any impact on service. Consistent with the Chief Financial Officers Act of 1990, USCIS is required to review on a biennial basis the fees charged by the agency. To this end, USCIS is currently finalizing a fee study and will indicate whether or not existing fees need to remain the same or be changed. It is anticipated this process will be completed in the fall of 2009.

In addition, the President's FY 2010 Budget request included initial steps to reform immigration fees and USCIS plans to continue to work toward ensuring that fees are set at an appropriate level.

VIII. CONCLUSION

USCIS continues to enhance operational efficiency, improve customer service tools, and strengthen communication with stakeholders. USCIS is committed to providing further transparency into its operations as well as working with CISOMB to assist in the fulfillment of the agency's mission.

APPENDIX A. ACRONYMS AND INITIALISMS

AC21	American Competitiveness in the Twenty-First Century Act
A-File	Alien File
AFM	Adjudicators Field Manual
AILA	American Immigration Lawyers Association
BCS	Background Check System
BSS	Biometric Support System
CBO	Community-Based Organization
CBP	Customs and Border Protection
CFR	Code of Federal Regulations
CIS	Central Index System
CISOMB	CIS Ombudsman
CLAIMS	Computer-Linked Application Information Management System
CPMS	Customer Profile Management System
CRIS	Customer Relationship Interface System
CSC	California Service Center
CSOL	Case Status Online
CSR	Customer Service Representative
DHS	Department of Homeland Security
DOJ	Department of Justice
DOS	Department of State
EAD	Employment Authorization Document
EB-1	Employment-Based, First Preference
EDMS	Enterprise Document Management System
ePAS	Enterprise Performance Analysis System
ESB	Enterprise Service Bus
FAM	Foreign Affairs Manual
FBI	Federal Bureau of Investigation
FCO	File Control Office
FY	Fiscal Year
HLA	Human Leukocyte Antigen
IAFIS	Integrated Automated Fingerprint Identification System
IBIS	Interagency Border Inspection System
ICE	Immigration and Customs Enforcement
IDENT	Automated Biometric Identification System
INA	Immigration and Nationality Act

IOE	Integrated Operating Environment
ISRS	Image Storage and Retrieval System
IVAMS	Immigrant Visa Allocation Management System
IVR	Interactive Voice Response
IXM	IDENT Exchange Messaging
LESC	Law Enforcement Support Center
MOU	Memorandum of Understanding
NARA	National Archives and Records Administration
NBC	National Benefits Center
NCIC	National Crime Information Center
NCSC	National Customer Service Center
NFTS	National File Tracking System
NJPC	National Job Proficiency Certification
NRC	National Records Center
NSC	Nebraska Service Center
NSRV	National Security and Records Verification
NVC	National Visa Center
OCFO	Office of the Chief Financial Officer
OIT	Office of Information Technology
OMB	Office of Management and Budget
OTC	Office of Transformation Coordination
PCQS	Person Centric Query Service
PIPT	Program Integrated Product Team
POE	Port of Entry
RDF	Records Digitization Facility
REST-QA	Records Electronic Systems Training and Quality Assurance
RFE	Request for Evidence
RFID	Radio Frequency Identification
ROH	Records Operation Handbook
SCOPS	Service Center Operations
SIMS	Secure Information Management Service
SIV	Special Immigrant Visas
SLA	Service Level Agreement
SMART	Standard Management Analysis Reporting Tool
SMS	Short Message Service
SODA	Scan on Demand Application
SRMT	Service Request Management Tool
TLT	Transformation Leadership Team

TPS	Temporary Protected Status
TSC	Texas Service Center
TSD	Transformation Support Division
USCIS	U.S. Citizenship and Immigration Services
US-VISIT	U.S. Visitor and Immigrant Status Indicator Technology
VSC	Vermont Service Center
WIPT	Working Integrated Product Team

To monitor the agency's progress on implementing CISOMB recommendations, USCIS has prepared the following recommendation charts. The charts display a summary of the recommendation, the date USCIS responded to the recommendation, whether USCIS agrees to implement the recommendation, and the status of any resulting implementation. It is important to note that while USCIS may have initially agreed or disagreed to implement a recommendation in its response, there are occasions when USCIS revisits recommendation made by the CISOMB and reassesses implementation.

B1: Recommendations Results that Require Clarification

There are several recommendations listed on the chart provided in the CISOMB 2009 Annual Report (pp. 77-81) that USCIS needs to clarify.

Recommendation	Response Date	USCIS Comments
Annual Report Recommendation 2008-10: Workforce Elements of Surge Plan 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.	September 30, 2008	USCIS agreed to develop an after-action report to review the workforce elements of the 2007 surge plan. In our response, USCIS did not agree to make this report public. This report has been completed, but USCIS does not intend to release this document publicly.
Annual Report Recommendation 2008-09: Tip Sheets Expand the use of filing guidance "tip sheets" to reduce the current "Request for Evidence" (RFE) issuance rates.	September 30, 2008	USCIS has developed and continues to develop tip sheets to assist our customers with filing. Since the CISOMB 2008 Annual Report, USCIS has developed several tip sheets including filing tips for H-1B nonimmigrants, filing tips for religious workers, and an adoption tip sheet. USCIS will continue to provide guidance to our customers, but does not plan to further report on this recommendation.
Annual Report Recommendation 2008-07: Tier 1 Call Center Representatives Ensure its Tier 1 Customer Service Representatives (CSRs) of the NCSC follow the scripted	September 30, 2008	USCIS did not disagree with this recommendation, nor did we state that it would not be implemented, as suggested by the symbol used in the recommendation status chart in the CISOMB 2009 Annual Report. We indicated we already had procedures in

information and are properly notified of change of scripts.		place. Tier 1 representatives are contractually obligated to follow the scripts. Failure to follow the script may result in disciplinary action for the Tier 1 representative and demerits for the contracting agency. USCIS employs several quality assurance techniques to ensure that Tier 1 representatives are effectively doing their jobs.
Annual Report Recommendation 2008-03: National File Tracking Convene a working group to define and implement near-term national file tracking goals.	September 30, 2008	USCIS has created a national file tracking working group. This group has both short and long term goals and is working to implement them.
Annual Report Recommendation 2008-02: Digitization Initiative Publicize near-term goals for the "digitization initiative" (electronic form filing and case processing).	September 30, 2008	USCIS's efforts to digitize immigration files have been widely reported in the public arena. The agency's goals for digitizing immigration files were also discussed in the USCIS 2008 Annual Report.
Annual Report Recommendation 2007-23: Training in the Field Offices Amend job requirements to include knowledge of certain commercially-available computer programs and provide all interviewing officers with Interviewing Techniques Training.	February 13, 2008	CISOMB recommended that USCIS amend job requirements for employees to include basic knowledge of certain commercially-available computer programs. USCIS did not agree to implement this recommendation, noting that "…most employees come to the respective positions with a basic working knowledge of relevant commercially available programs. However, local training is also offered as needed…."
Annual Report Recommendation 2007-14: Records Management Define a program to ensure proper handling and monitoring of its records. The program should be assigned to a USCIS headquarters office element.	February 13, 2008	This recommendation has been fulfilled. USCIS has created NFTS to track the location and movement of files. Other DHS components that use immigration files also have access to and use of NFTS. While all offices are required to use NFTS, monitoring and maintenance of the system is conducted by Headquarters staff.
Annual Report Recommendation 2007-12: Request for Evidence Issuance (2) Develop transparent and easily understandable rejection	February 13, 2009	This recommendation was to develop transparent and easily understandable rejection criteria. Each application or petition that USCIS rejects contains a notice that clearly explains the reason

criteria;		for the rejection. USCIS considers this recommendation fulfilled.
(3) Develop RFEs written in simple, more direct language with less legalese and personalized to the recipient for the limited instances in which RFEs would be issued.	February 13, 2009	RFEs are issued to obtain information or documentation material to the benefit sought; therefore, an RFE is tailored to the specific case to request the evidence needed. USCIS makes a concerted effort to ensure that RFEs are relevant and request only what is necessary.
Annual Report Recommendation 2007-08: Fraud Interviews Institute same-day fraud interviews in all field offices. Timely adjudication of applications will deny fraud perpetrators additional preparation time and timely decisions will prevent issuance of interim benefits.	February 13, 2008	The CISOMB 2009 Annual Report states that USCIS "has not yet fully implemented this recommendation." USCIS has never agreed to fully implement this recommendation as there are several factors that may warrant not conducting same-day fraud interviews. In some instances, not conducting a same-day fraud interview will allow USCIS the opportunity to first conduct a site visit or conduct further research on the case.
Annual Report Recommendation 2007-06: FBI Name Check (1) Evaluate the value of the name check in its current format and establish a risk-based approach to screening for national security concerns.	February 13, 2008	USCIS has worked closely with the FBI regarding the name check process. Working together, the agencies were able to eliminate the backlog of pending name checks. USCIS believes that the FBI name check provides valuable information and will continue to work with the FBI to improve the name check process. This recommendation has been fulfilled.
Annual Report Recommendation 2007-04: FAQ List Adopt the frequently asked questions format used by Customs and Border Protection (CBP), incorporating a dynamic search feature on the Web site, rather than a static FAQ list. In addition, USCIS should provide a service on the Web site whereby customers can email a question and receive an answer within a short period of time.	February 13, 2008	USCIS does not disagree with this recommendation. As stated in the 2007 response, USCIS is currently working on new initiatives for the customer to submit inquiries via online capabilities.

Recommendation 30: Improvement of FOIA Operations	October 5, 2006	USCIS has implemented all the recommendations to the extent feasible. (Minor parts of Recommendations 13 and 17 were not implemented, the former because it is not possible to link to a non-existent Vermont FOIA Web site; the latter because using registered mail, return receipt requested, for all adverse FOIA decisions would be cost-prohibitive. The essential portions of these two recommendations—linkage between existing FOIA Web sites and providing information on appeal procedures on adverse decisions—were implemented.)

B2: Comments on other Recommendations

Recommendation	Response Date	USCIS Comments
Annual Report Recommendation 2008-08: Customer Service Systems Ensure that all systems used by customer service personnel to provide information to the public are consistent and accurate.	September 30, 2008	USCIS continues to work to ensure that all systems used by customer service personnel to provide information to the public are consistent and accurate.
Annual Report Recommendation 2008-04: Dissemination of Information Standardize proactive dissemination of information to all customer service avenues to ensure USCIS personnel can provide consistent and accurate information to customers.	September 30, 2008	USCIS has procedures in place to disseminate information. The agency continues to explore ways to improve the process.
Annual Report Recommendation 2008-01: Case Management System 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.	September 30, 2008	USCIS has determined that the SIMS pilot did not have the capabilities to be implemented as an agency-wide case management

		system, and is completing a final pilot evaluation report. A new case management system will be developed and implemented as part of the transformation initiative.
Annual Report Recommendation 2007-20: Office Communication Expand the opportunities for vertical and horizontal communication among offices by supporting conferences focused on specific work issues and providing funds for travel of working level staff to share best practices.	February 13, 2008	USCIS regularly hosts in-person conferences and meetings with subject matter experts. USCIS will continue to provide opportunities for information to be communicated both vertically and horizontally.
Annual Report Recommendation 2007-15: Information Technology Network Solutions (1) Ensure that a computer refresh does not adversely impact local systems;	February 13, 2008	USCIS is managing a careful balance between maintaining locally developed systems and placing an aggressive and rapid emphasis on improving the IT security posture.

2) Make available to each local office software that is authorized to enable offices to continue to use previously created documents in those systems; and	February 13, 2008	Some locally developed systems that were created without adequate IT safeguards are affected when necessary modifications to IT security are implemented. This does not occur when authorized software is updated.
(3) Consider a long-term solution to the onsite support issue, such as a central system.	February 13, 2008	The 2007 fee rule supports development of a viable central IT program that provides responsive service and better IT controls.
Annual Report Recommendation 2007-12: Request for Evidence Issuance Work to improve the clarity of form instructions, the Ombudsman recommends that USCIS develop: (1) Clearer application instructions so that applicants provide the required documentation at the outset;	February 13, 2008	All instructions are reviewed for plain-language when a form is revised or reissued.
Annual Report Recommendation 2007-02: Pending Cases Provide a clearer picture of the current backlog by providing information on the number of pending cases by form type with receipts that are: (1) less than 90 days; (2) less than 180 days; (3) less than 1 year; (4) less than 2 years; (5) less than 3 years; (6) less than 4 years; and (7) greater than 4 years.	February 13, 2008	Upon the launch of USCIS's new Web site, customers will be able to identify their place in the process as well as the total number of applications pending at that same point.

Annual Report Recommendation 2007-01: Transformation The Ombudsman recommends that the Transformation Program Office: (1) Publish transformation timelines, goals, and regular updates on the public USCIS Web site. The Ombudsman is concerned that transformation is proceeding largely without input from customers, Congress, and the public. The lack of transparency enables USCIS to modify deadlines and goals without producing meaningful results.	February 13, 2008	The transformation contract was recently awarded. Timelines and goals are currently being developed.

B3: Recommendation Update

Annual Report Recommendation 2007-11: Although USCIS initially agreed with this recommendation, the agency has reviewed the feasibility of implementation and does not think it is appropriate for the lockbox to automatically reject applications filed by those in removal proceedings. There are instances where an applicant who is in removal proceedings may be eligible to apply for an immigration benefit.

B4: Implemented Recommendations

USCIS appreciates the CISOMB recognizing that USCIS has implemented the following recommendations:

Annual Report Recommendation 2008-06: Tier 1 and Tier 2 Exchange Program
Annual Report Recommendation 2008-05: Web site Resources
Annual Report Recommendation 2007-25: Form I-589 Redraft
Annual Report Recommendation 2007-24: End the DORA Program
Annual Report Recommendation 2007-23-2: Interview Training
Annual Report Recommendation 2007-22: Personnel Recruitment and Development
Annual Report Recommendation 2007-21: Supervisor Training
Annual Report Recommendation 2007-19: Standardize Staffing Levels
Annual Report Recommendation 2007-18-1: Expand Blended Training Approach
Annual Report Recommendation 2007-18-2: Instructor Certification
Annual Report Recommendation 2007-17: Career Paths
Annual Report Recommendation 2007-16: Chief Human Capital Officer SES
Annual Report Recommendation 2007-13: Fund Headquarters Staff Visits to the Field
Annual Report Recommendation 2007-11-2: Notify Field Offices of Rejected Applications
Annual Report Recommendation 2007-11-3: Implement Quality Review Measures
Annual Report Recommendation 2007-10: Uniform Quality Assurance Training

Annual Report Recommendation 2007-09: Aging Report of Fraud Investigations
Annual Report Recommendation 2007-07: Premium Processing Cost Analysis
Annual Report Recommendation 2007-06-2: Work With the FBI on Name Check Cases
Formal Recommendation 32-2: Maintain Statistics on Deferred Action
Formal Recommendation 28: Change of Address Online