



**Homeland
Security**

RECOMMENDATION FROM THE CIS OMBUDSMAN TO THE DIRECTOR, USCIS

To: Robert Divine, Acting Deputy Director, USCIS
cc: Michael Jackson, Deputy Secretary

From: Prakash Khatri, CIS Ombudsman

Date: December 7, 2005

Re: Recommendation to USCIS that the Asylum Division utilize the automated and standardized USCIS Notice of Action Form (I-797) that includes Form I-94 for asylum approval notifications.

I. RECOMMENDATION

Recommendation to USCIS that the Asylum Division utilize the automated and standardized USCIS Notice of Action Form (I-797) that includes Form I-94 for asylum approval notifications.

II. BACKGROUND

Currently, USCIS asylum offices employ a labor-intensive process for notifying applicants of a grant of asylum pursuant to a Form I-589 application. This process involves individually preparing/issuing an asylum approval notice on Asylum Office letterhead stationary with a manual signature by the Asylum Office Director or designated subordinate, and issuing a new or updated Form I-94 card.

Asylum Officers type the requisite Form I-94 information into either a patterned/template Form I-94 or mail merge system on the computer, and then blank Form I-94 cards are manually placed on the printer feeder for printing. Thus each Form I-94 card is individually printed one card at a time. As each Form I-94 card is individually placed on the feeder, alignment issues often cause errors during printing resulting in repetitive printing and delays in processing documents and cases for asylum adjudications. In addition, Form I-94s cannot be printed in bulk or in rapid tandem thereby causing further delays. These new or updated Form I-94 cards are then manually combined with the approval notice and placed in the asylee's A-file.

After supervisory review, the A-file is sent to the clerical section for out-processing. Out-processing includes copying the approval notice in order to retain a duplicate for file records; issuance of an envelope for approvals necessitating mail-out or forwarding the A-file to the front desk for in-person decision delivery service; and updating RAPS (asylum database) reflecting mail-out/in-person service. For approvals necessitating mail-out, the issued documents (approval notice and I-94) are then manually re-combined, placed in an envelope, and mailed locally from each Asylum Office.

Outprocessing of an A-file by the asylum office does not include notification of CBP or US-VISIT of a change in the non-citizen's immigration status, nor does it include the providing to CBP or US-VISIT of Part I or Part II of the new/updated manually-prepared Form I-94.

In comparison, USCIS service centers offices print updated Form I-94s for approved non-immigrant applications (i.e. H, O, P, R classifications) and term extensions (i.e. B1, B2) at the bottom of an automated paper Notice of Action Form (I-797). The bottom of the Form I-797 states: 'Please tear off Form I-94 printed below,' and is considered a valid document for proof of legal immigration status. These are bulk issued, consolidated, and mailed with minimal manual processing.

The Ombudsman has been unable to determine the rationale for having two different processing procedures that print two different types of I-94s.

III. JUSTIFICATION

USCIS currently employs a technical mechanism to inform non-citizens of whether an application/petition has been approved or not. This mechanism is more accurate, more efficient, and system-wide throughout USCIS service centers. Thus, this effective process should be implemented within the USCIS Asylum Division so that the eight asylum offices utilize the automated I-797 for approval notification and Form I-94 issuance/update. Maintaining separate types of approval notification systems and Form I-94 processes/documents at different USCIS operations is counterproductive, confusing, and at-risk for fraud.

Implementation of this recommended process, whether by establishment of a separate facility that services the asylum offices or the tasking of an existing USCIS service center to interface with asylum offices (e.g. the Nebraska Service Center as it currently processes all other asylum-refugee related actions) is best determined by USCIS management.

As USCIS progresses towards greater efficiency in its operations, the need to timely accomplish its tasks more cost-effectively and with reduced labor necessitates greater reliance on singular, standardized, and uniform processes. Having all approval notices and Form I-94s similarly issued leads USCIS towards this goal, and is beneficial to immigrants, employers, and federal/state agencies requiring such documents.

IV. BENEFITS

Customer Service:

The benefits to immigrants and employers include:

1. *Eliminating confusion and frustration* – By standardizing the type of approval notice and new/updated Form I-94s issued by USCIS eliminates questions and confusion from employers and federal/state agencies (i.e. Social Security Administration and State Drivers License Offices) as to whether asylees and their dependents have a valid asylum grant and Form I-94 issued by USCIS. It also reduces any uncertainty on behalf of asylees and their dependents regarding whether they need a card or an automated paper Notice of Action Form (I-797) that includes a Form I-94. Hence, it eradicates public confusion as to why some immigrants possess one type of Form I-94, and others another.

2. *A more customer-friendly document* – The Notice of Action Form (I-797) is a more simplified, customer-friendly document as it creates a brief, organized copy of pertinent immigration information for an asylee and dependent(s) in the lower left corner (i.e. I-94 number, period of validity, etc.). The lower right corner is torn off from Form I-797 as the valid Form I-94. In comparison, asylum offices only issue the lower portion of Form I-94 without a copy to the asylee and dependent(s) (the two upper sections remain in the A-file or are discarded) with an extensive and lengthy grant letter written in English.

USCIS Efficiency:

The benefits to USCIS include:

1. *Eliminating unnecessary delays in processing* - Having all approval notices and Form I-94s generated through the standardized USCIS Notice of Action Form (I-797) system promotes timeliness and efficiency, and streamlines the process, whereby reducing additional time and expense in terms of labor resources. In addition, US-VISIT and Customs and Border Patrol (CBP) arrival/departure records can be updated more efficiently and timely as well.
2. *Improved use of labor resources* – As approval notices and Form I-94s could be generated at a centralized location, off-site from asylum offices; this allows a reallocation of asylum labor resources to assume other responsibilities.
3. *Promotes consistency within USCIS* – USCIS service centers and asylum offices should uniformly issue approvals and Form I-94s for improved standardization of USCIS processes.
4. *Establishing and promoting a uniform system* - As federal law governs immigration benefits, all individuals requiring possession of a Form I-94 should be handled similarly regardless of their type of application (i.e. asylum, non-immigrant visa, etc.); otherwise it is counterproductive to customer service, quality, and efficiency.

National Security:

This recommendation enhances national security as it could potentially reduce the existence of fraudulent asylum approvals and Form I-94 cards. Approval notices are at-risk for fraud as they are generated by off-the-shelf word processing systems, which can fabricate letterheads and signatures, on commercially available paper. Additionally, blank Form I-94 cards are readily available on commercial airlines arriving to the U.S. from international destinations for completion and presentation to CBP upon arrival inspections at airports.

The incorporation of the asylum approval process into the existing USCIS automated Form I-797 and Form I-94 system will provide better record-keeping as to the status of grants and the authorization of non-citizens to be in the U.S. As US-VISIT continues to mature, its accuracy, especially in Form I-94 tracking, is dependent upon USCIS providing timely Form I-94 updates.