



August 18, 2009

Memorandum

TO: Richard Flowers
Acting Citizenship and Immigration Services Ombudsman

FROM: Michael Aytes /S/ Michael Aytes
Acting Deputy Director

SUBJECT: Response to Recommendation 42, Motions Matter: Improving the Filing and Review Process for Motions to Reopen or Reconsider

USCIS thanks the CIS Ombudsman and his staff for researching and recommending improvements in the Motions to Reopen and Reconsider process. We hope you will find our response helpful.

Recommendation

The CIS Ombudsman recommends that USCIS:

- Establish more uniform filing and review procedures for motions to reopen and reconsider among field offices and service centers by:
 - Standardizing and clearly articulating to the public the procedures by which an applicant or petitioner may bring a clear Service error to the attention of a USCIS office without incurring the \$585 filing fee for a motion to reopen or reconsider;
 - Developing and implementing a uniform tracking mechanism for motions to reopen and reconsider; and
 - Instituting, publishing, and monitoring agency-wide completion goals for the adjudication of motions to reopen and reconsider.

The CIS Ombudsman also recommends that USCIS:

- Communicate the filing and review process for motions to reopen or reconsider more effectively to customers and stakeholders by:
 - Consistently incorporating standard language on how to file a motion to reopen or reconsider into written denials that cannot be appealed;
 - Revising the information on motions to reopen and reconsider provided by Tier 1 of the USCIS National Customer Service Center (NCSC); and
 - Posting on the USCIS website more specific information about the filing and review procedures for motions to reopen and reconsider.

USCIS Response

- 1. Establish more uniform filing and review procedures for motions to reopen and reconsider among field offices and service centers by:**
 - a. Standardizing and clearly articulating to the public the procedures by which an applicant or petitioner may bring a clear Service error to the attention of a USCIS office without incurring the \$585 filing fee for a motion to reopen or reconsider.**

USCIS concurs with this recommendation. We will be publishing information on our website advising customers of the procedure to bring a simple administrative error (e.g., correction of an alien's name or a relevant date when such information was clearly included in the original filing) to our attention without incurring a fee. It is important to note that this procedure will not be a substitute for filing a motion to reopen or reconsider where one is required.

- b. Developing and implementing a uniform tracking mechanism for motions to reopen and reconsider.**

Currently, Motions to Reopen or Reconsider that are filed at a Service Center are receipted just like any other application or petition. As a result, customers can track such motions via USCIS' website, particularly the Case Status Online function. Customers who do not have Internet access may contact the National Customer Service Center (NCSC) at 1-800-375-5283 for an update.

Because Field Offices do not have the same system capabilities as our Service Centers, motions filed at Field Offices are not receipted and may not be tracked via our Case Status Online function. As an interim solution, however, customers may contact the National Customer Service Center at 1-800-375-5283 to ask about the status of a motion filed at a Field Office if the motion is outside normal processing times.

USCIS plans to transition all I-290B filings to the Chicago Lockbox by the summer of 2010. Once this is complete, all customers will be issued a receipt notice and will be able to track the status of their motions using Case Status Online.

- c. Instituting, publishing, and monitoring agency-wide completion goals for the adjudication of motions to reopen and reconsider.**

USCIS concurs with this recommendation, and we are working on making this information available on our website.

- 2. Communicate the filing and review process for motions to reopen or reconsider more effectively to customers and stakeholders by:**
 - a. Consistently incorporating standard language on how to file a motion to reopen or reconsider into written denials that cannot be appealed.**

Many offices already incorporate language into the denial notice informing applicants and petitioners about the process for filing a motion when the decision cannot be appealed. USCIS will work to standardize our denial templates to provide information on filing motions with all appropriate denial notices. We are also updating our website to include additional information for our customers on filing motions.

b. Revising the information on motions to reopen and reconsider provided by Tier 1 of the USCIS National Customer Service Center (NCSC).

USCIS thanks the CIS Ombudsman for identifying an error within the scripts used by the NCSC. The scripts have been updated, and customers are now informed that motions should be filed on Form I-290B.

c. Posting on the USCIS website more specific information about the filing and review procedures for motions to reopen and reconsider.

USCIS concurs with this recommendation. In May 2009, USCIS posted on our website responses to questions from the CIS Ombudsman's national teleconference on "Motions to Reopen: How Are They Working for You?" Additionally, we are preparing a Fact Sheet on Motions for inclusion on our website.