

USCIS Has Unclear Website Information and Unrealistic Time Goals for Adjudicating Green Card Applications





DHS OIG HIGHLIGHTS

USCIS Has Unclear Website Information and Unrealistic Time Goals for Adjudicating Green Card Applications

March 9, 2018

Why We Did This Inspection

U.S. Citizenship and Immigration Services (USCIS) adjudicates applications for immigration benefits, including applications for permanent resident cards, also known as green cards. In response to congressional concerns, we examined green card application processing times, as well as why processing times vary among USCIS field offices.

What We Recommend

We recommend that USCIS present green card application processing information more clearly on its website and reassess its goal of adjudicating green card applications in 120 days.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

USCIS regularly posts information on its website about the time it takes field offices to adjudicate green card applications (processing time). Yet, the information is unclear and not helpful to USCIS' customers because it does not reflect the actual amount of time it takes field offices, on average, to complete green card applications. In addition, the actual average time it takes USCIS to complete green card applications has lengthened, and USCIS is not meeting its goal of adjudicating applications in 120 days. In fact, since fiscal year 2011, the overall average number of days it takes to complete applications has risen to more than twice the goal. Although USCIS has tried to help field offices stay close to the 120-day goal, we believe the time goal is unrealistic, given the number of factors that can slow the process and the importance of continuing to thoroughly vet green card applicants.

USCIS Response

USCIS concurred with both recommendations and described corrective actions it is taking and plans to take. We consider both recommendations resolved and open.

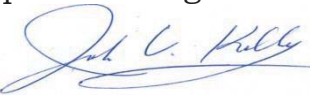


OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov
March 9, 2018

MEMORANDUM FOR: The Honorable L. Francis Cissna
Director
U.S. Citizenship and Immigration Services

FROM: John V. Kelly 
Acting Inspector General

SUBJECT: *USCIS Has Unclear Website Information and Unrealistic Time Goals for Adjudicating Green Card Applications*

For your action is our final report, *USCIS Has Unclear Website Information and Unrealistic Time Goals for Adjudicating Green Card Applications*. We incorporated the formal comments provided by your office.

The report contains two recommendations to enhance the program's overall effectiveness. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider both recommendations open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence showing completion of the agreed-upon corrective actions. Please send your response or closure request to OIGInspectionsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Jennifer Costello, Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.



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Background

U.S. Citizenship and Immigration Services' (USCIS) mission is to grant immigration and citizenship benefits, provide accurate and useful information to its customers, promote an awareness and understanding of citizenship, and ensure the integrity of the immigration system.

Foreign nationals may apply for a permanent resident card or "green card" by submitting Form I-485, *Application to Register Permanent Residence or Adjust Status*.¹ Green cards allow individuals to reside and seek employment in the United States. In fiscal year 2015, USCIS granted green cards to about 1 million applicants. Individuals become eligible to apply for green cards through various paths, such as family or employment sponsorship and refugee or asylum status. Approval to use one of these paths requires a separate application that either precedes or accompanies the green card application.²

USCIS' process for adjudicating green card applications, from receipt of the application to rendering a decision, involves the following general steps:

- determine the application is complete and accompanied by the proper fee;
- forward accepted applications that will be adjudicated by field offices to the USCIS National Benefits Center for initial review of background, criminal, and national security information, requesting additional information as needed;
- schedule an interview with the applicant (if required) and a biometrics appointment to capture fingerprints, photos, and a signature;
- interview the applicant, requesting additional information if needed; and
- decide whether to approve or deny the green card application.

Some green card applications require that USCIS staff interview the applicant in person; USCIS assigns these applications to its 86 field offices. At these field offices, immigration services officers interview applicants and complete the adjudication process. Because applicants must appear in person for interviews, field offices usually adjudicate green card applications from local applicants.

¹ USCIS uses application fees to fund its adjudicative activities. The law requires these fees be set at a level that ensures USCIS recovers the full cost of adjudicating applications.

² Throughout this report we refer to the Form I-485, *Application to Register Permanent Residence or Adjust Status* as the green card application.



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Once individuals have had a green card for 5 years, they become eligible to apply for U.S. citizenship.³ Spouses of U.S. citizens may apply for citizenship in 3 years. The bulk of USCIS field offices' workload is made up of citizenship applications⁴ and green card applications.

USCIS' goal for adjudicating green card applications, from receipt at USCIS to a decision, is 120 days. Lawmakers, immigration advocates, and the public have raised concerns about how long USCIS takes to adjudicate green card applications. In October 2016, Senator Claire McCaskill asked the Department of Homeland Security Office of Inspector General (OIG) to review the varying processing times for green card applications across USCIS' field offices.

Results of Inspection

USCIS regularly posts information on its website about the time it takes field offices to adjudicate green card applications (processing time). Nevertheless, the information is unclear and not helpful to USCIS' customers because it does not reflect the actual amount of time it takes field offices, on average, to complete green card applications. In addition, the actual average time it takes USCIS to complete green card applications has lengthened, and USCIS is not meeting its goal of adjudicating applications in 120 days. In fact, since FY 2011, the overall average number of days it takes to complete applications has risen to more than twice the goal. Although USCIS has tried to help field offices stay close to the 120-day goal, we believe the goal is unrealistic, given the number of factors that can slow the process and the importance of continuing to thoroughly vet green card applicants.

³ To be eligible to apply for U.S. citizenship, individuals must also meet other requirements, such as be 18 or older; have continuously resided in the United States for the duration of the 5-year period; be able to read, write, and speak English; have knowledge of U.S. civics; and be a person of good moral character.

⁴ Individuals use the N-400, *Application for Naturalization* to apply for citizenship.



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USCIS' Website Information Does Not Reflect Actual Green Card Application Completion Times

The information USCIS regularly publishes on its website is supposed to help green card applicants determine how long they can expect to wait for USCIS field offices to render a decision on their application. Yet, the website processing times do not represent the actual amount of time it is taking a field office to adjudicate green card applications. Consequently, the information is confusing, unhelpful, and makes it very difficult to determine how long applicants can realistically expect to wait for a decision.

On its website, USCIS posts information on the purported “age” of the applications each field office is processing at the time. That is, in any given month, USCIS will report that each field office is processing cases they received as of a certain date. For example, figure 1 shows information on the USCIS website from September 1, 2017.

Figure 1: USCIS Website Information for St. Louis, MO Field Office, September 1, 2017



Source: USCIS website



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Visitors to the site might assume that as of June 30, 2017, the St. Louis, Missouri field office (St. Louis) was adjudicating green card applications received on or after August 13, 2016. However, this published calendar date has nothing to do with the actual receipt date of the applications immigration services officers (ISO) were adjudicating at that time; nor does it reflect how long it was taking to adjudicate applications. Instead, every month, USCIS determines the number of applications pending adjudication in each field office and uses this number to calculate a calendar date.⁵ USCIS uses the calculated calendar date to represent the age of the applications being processed by each field office and then reports that a field office is processing cases as of this calculated date.

Two other factors may lead to confusion about green card application processing information on the USCIS website. First, because it takes time to collect internal data, when the calculated date is reported on the website it is already 6 weeks out of date. Second, because USCIS' calculated calendar date depends on pending applications, if the number of pending applications rises suddenly the calculated date on the USCIS website may move backward in time. This apparent lengthening in processing time may make a field office appear inefficient when the reality may be quite different. For example, on September 22, 2016, the USCIS website showed the Reno, Nevada field office (Reno) as having slow processing times, which Senator McCaskill interpreted as inefficiency. In actuality, Reno was completing applications more quickly than the national average. Because of this, USCIS shifted applications from other field offices to Reno, causing Reno's published website processing time to spike. Even though Reno continued to complete applications quickly, the USCIS website showed a sharp increase in expected wait times starting in FY 2015. For example, in FY 2016, even though Reno actually completed applications requiring interviews in 184 days on average, the USCIS website showed Reno taking 518 days to complete applications.

⁵ The pending applications do not include applications the field office is unable to actively work on. For example, if USCIS is waiting for an applicant to provide additional information, the application is not included in the calculation.



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USCIS Does Not Adjudicate Green Card Applications within Its 120-Day Goal, But the Goal Is Unrealistic

Although USCIS' goal is to adjudicate green card applications in 120 days, field offices rarely meet this goal for applications requiring interviews. USCIS has used temporary staffing assignments and overtime to keep processing times low, but it currently takes, on average, more than twice the amount of time. We believe USCIS is not meeting its 120-day goal because the goal itself is unrealistic given the complexity of adjudications and factors beyond USCIS' control that affect the timeline. A goal that does not reflect operational realities contributes to unmet customer expectations and reduces trust in USCIS.

USCIS Does Not Adjudicate Green Card Applications within Its 120-Day Goal

USCIS uses its Computer Linked Application Information Management System (CLAIMS) to internally track how long it takes applications to move from receipt to a decision. Our analysis of CLAIMS data revealed that USCIS field offices as a whole rarely meet USCIS' goal of adjudicating green card applications in 120 days. Between FYs 2011 and 2016, for green card applications requiring interviews, our analysis of CLAIMS data indicated USCIS field offices had average actual completion times within the 120-day (4-month) goal less than 3 percent of the time. The average completion time was just over 7 months, with about 31 percent of applications taking more than twice the 120-day completion goal.

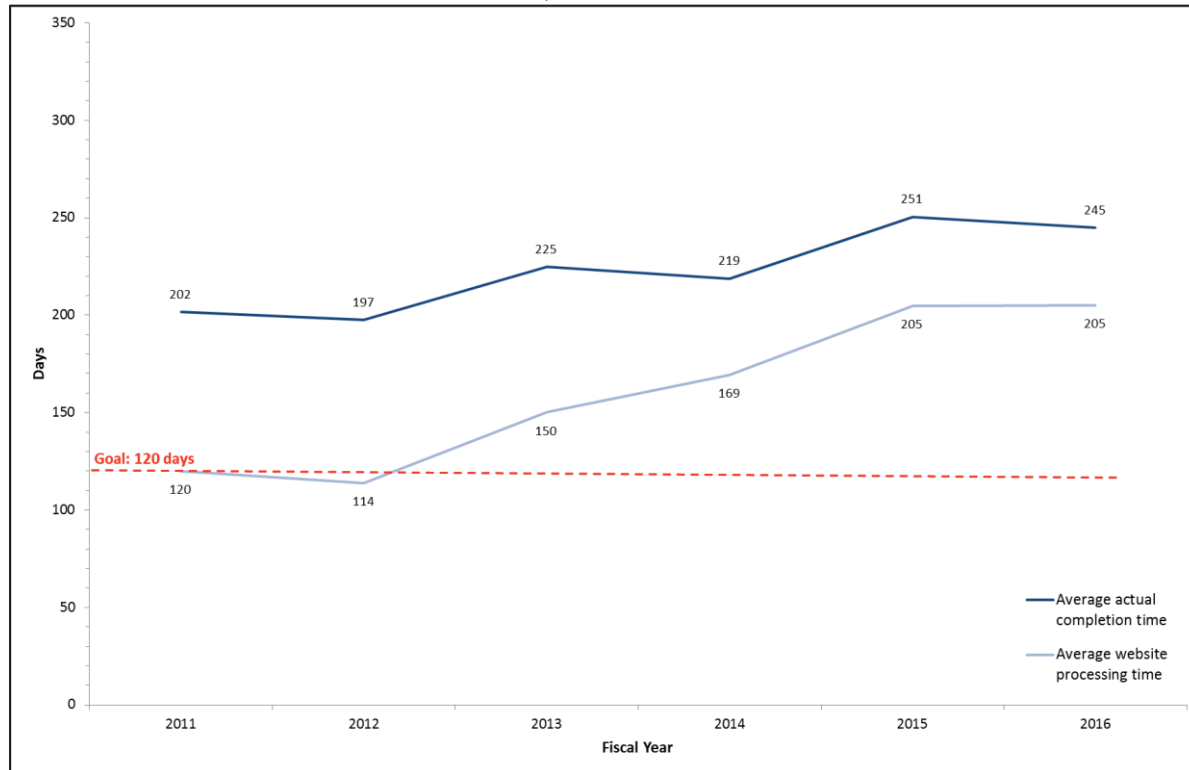
Further analysis revealed that the average time it takes USCIS field offices to complete applications has risen over time. As shown in figure 2, from FY 2011 through FY 2016, actual completion times for green card applications requiring an interview rose by 43 days. As of May 2017, the FY 2017 average actual completion time was 282 days or just over 9 months — more than double the goal set by USCIS.



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Figure 2: Average Actual Completion Times and USCIS Website Processing Times, FYs 2011–2016



Source: OIG analysis of USCIS data

Figure 2 also shows USCIS' average website processing times from FY 2011 through FY 2016, which also did not meet the 120-day goal and generally trended upward.

We did not identify any specific pattern of higher or lower than average completion times among USCIS field offices. Field office performance can rise or fall between fiscal years or even within a fiscal year. USCIS officials attributed the differences in actual completion times among field offices to varying staffing levels and the experience of the staff. For example, Senator McCaskill observed on the USCIS website that the St. Louis field office showed slower than average application processing times. In fact, St. Louis was also experiencing slower than average actual completion times because the field office had lost 50 percent of its ISOs at the beginning of FY 2016. The drop in staff caused actual completion times, as well as the processing times published on the website, to increase as cases aged without staff to work them, and while USCIS hired and trained replacements.



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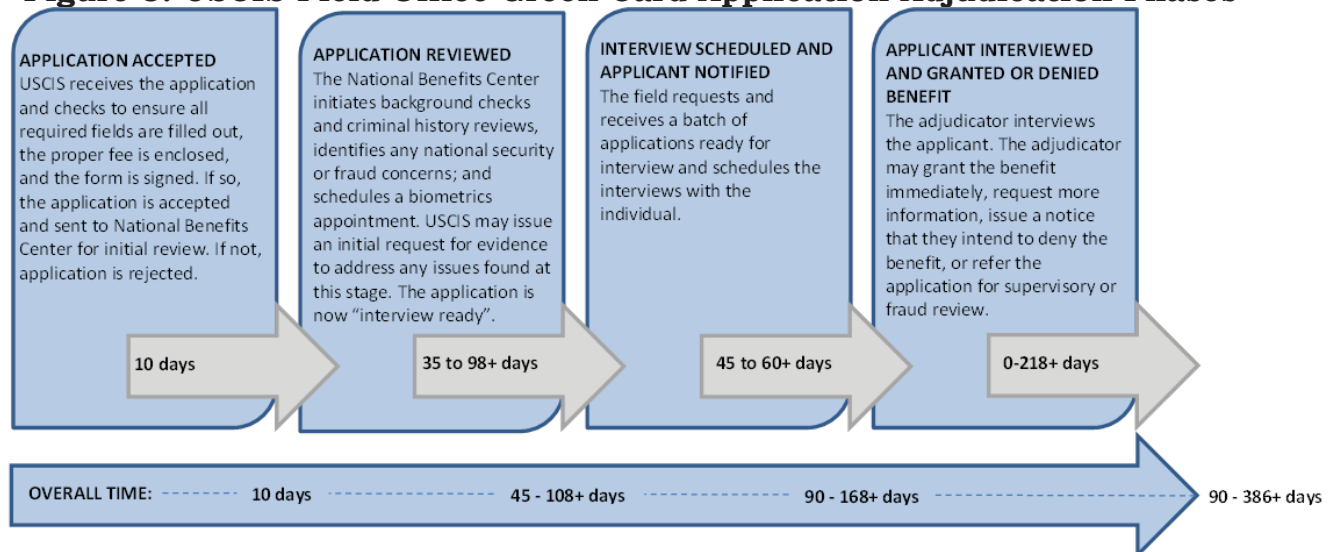
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Although USCIS Has Taken Steps to Lower Green Card Application Processing Times, The 120-Day Goal Is Unrealistic

USCIS has taken several steps to help field offices stay as close as possible to the 120-day processing time goal. Between FY 2012 and FY 2016, USCIS field offices spent \$42.5 million for ISOs to work overtime, including on Saturdays, to interview applicants and review applications. As of May 2017, the field offices were on track to meet or exceed USCIS' FY 2016 overtime expenditures. Over the same period, USCIS spent \$1.6 million detailing ISOs to support adjudication activities at field offices. USCIS may also detail additional fraud detection officers to vet green card applications that have been flagged for fraud and are stalled. Finally, when possible, USCIS also moves applications to field offices with more staff.⁶

Although USCIS has attempted to rebalance workloads and process applications more efficiently, the goal of rendering decisions on green card applications in 120 days is not realistic. Under USCIS' current estimates for the time it should take to complete each phase of the adjudication process, green card applications requiring an applicant interview can take from 90 to more than 386 days. As figure 3 shows, applications involving an interview can, in theory, move through the adjudication process in 90 days, which gives sufficient time to meet the 120-day goal.

Figure 3: USCIS Field Office Green Card Application Adjudication Phases



Source: OIG analysis of USCIS records and policies

⁶ For example, USCIS may move applications that do not require an interview or cases in which the applicant has already been interviewed, but a final decision has not been made.



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However, two elements can affect this timeline and slow the process. First, if the National Benefit Center's initial application review reveals conflicting or missing information, the center may issue a request for evidence (RFE) to the applicant. ISOs may also issue an RFE after an interview, if further evidence is needed. USCIS cannot control how long an applicant takes to provide information, and an applicant is allowed 87 to 98 days to respond to an RFE. Therefore, if an applicant takes the allowed time to respond, adding just one RFE to the 90-day timeline would mean missing the 120-day goal by about 60 days. Second, after the interview, an ISO may issue a notice of intent to deny the green card applications. An applicant has 30 days to give USCIS information that provides more context or mitigates the reasons for denial. Without any RFEs or other delays, this step takes the adjudication timeframe right up to 120 days.

Beyond these two elements, the time external agencies take to provide security or criminal information, as well as USCIS' internal fraud resolution process, can add an unknown amount of time to adjudication.

At the time of our fieldwork, 72 percent of green card applications required interviews and would follow, at a minimum, the path shown in figure 3.⁷ Officials also indicated a larger percentage of green card applications may be subject to interviews in the future. Therefore, the adjudication process outlined previously would affect a larger portion of green card applications and likely lead to increased average completion times.

Conclusion

Field offices' calculated processing times on the USCIS website do not effectively communicate expected wait times to customers. According to USCIS officials, when customers see a date on the website, they assume they are looking at "real time" information. USCIS is studying how to use system-derived data to make external reports more current, clear, and reflective of actual wait times. Further, green cards are the gateway to citizenship. Therefore, the integrity of the citizenship process depends on careful adjudication of green card applications. Given their responsibility and the consequences of their decisions, ISOs should continue to be given time to thoroughly vet applicants, especially if adjudicating green card applications becomes more complex. With the number of factors outside of USCIS' control that can lengthen the adjudication process, as well as the ongoing need to fully vet green card applicants, the 120-day goal may not be realistic.

⁷ Other green card applicants may have their interview waived and may get decisions more quickly.



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Recommendations

We recommend that the Director of USCIS:

Recommendation 1: Implement plans to present information on the USCIS website that more accurately reflects the length of the adjudication process for green card applications, so the website information is clear and helpful to stakeholders.

Recommendation 2: Reassess the current green card application processing time goal of 120 days to determine whether it is reasonable and realistic and increase the timeframe if necessary.

Management Comments and OIG Analysis

USCIS concurred with both recommendations. Appendix B contains a copy of USCIS' management comments in their entirety. We also received technical comments and incorporated them in the report where appropriate. We consider both recommendations to be resolved and open. A summary of USCIS' responses and our analysis follows.

USCIS Response to Recommendation 1: USCIS concurred with the recommendation. USCIS has begun testing a new method of determining processing times from existing systems, which will enable them to post processing time information within 1-2 weeks instead of the current 6 weeks. USCIS has also begun redesigning the processing times webpages to give applicants a clearer idea of where their case is in the adjudication process. USCIS anticipates these actions to be complete by December 31, 2018.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive the new methodology for determining processing times and USCIS has redesigned the way it reports processing times on its website so the information is clear and helpful to stakeholders.

USCIS Response to Recommendation 2: USCIS concurred with the recommendation. USCIS will monitor processing times under the new methodology for a year to determine data driven, final processing times for each application type. USCIS will analyze this data and consider whether adopting a new goal for I-485 (green card application) processing times is necessary and what the processing time goal should be. USCIS anticipates completing this analysis by December 2019.



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OIG Analysis: We consider USCIS' planned actions responsive to the recommendation, which is resolved and open. We will close this recommendation upon receiving USCIS' decision regarding any changes to the goal for processing green card applications and the rationale behind the decision, including analysis of the newly calculated processing times.



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Appendix A

Objective, Scope, and Methodology

DHS OIG was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

On October 6, 2016, Senator McCaskill's office requested that DHS OIG review USCIS field offices with slower processing times for green cards. Senator McCaskill requested that OIG assess the discrepancy in processing times across USCIS field offices, with particular attention to ways that processing times at the 34 field offices lagging behind the national average could be brought in line with the more efficient field offices.

Our objective was to examine green card application processing times, as well as assess variations in application processing times across USCIS field offices. Senator McCaskill highlighted three field offices — Reno, Nevada; Cincinnati, Ohio; and Saint Louis, Missouri — where processing times exceeded 14 months. Upon review of processing times, we determined that the Cincinnati field office's average processing times were in line with the national average and therefore did not consider this field office further.

We conducted our fieldwork between March 2017 and August 2017. We requested and analyzed various data sets ranging from January 2010 through May 2017. These data and reports included calculated I-485 (green card application) and N-400 (citizenship application) processing times; green card application monthly average completion times; internal process monitoring reports; receipt and completions data; and overtime, detailee, and staffing data. We interviewed USCIS officials responsible for conducting or overseeing adjudication of green card applications in headquarters and in the field, including in St. Louis, Missouri, and Reno, Nevada. We reviewed relevant laws and USCIS policies, as well as USCIS internal documents regarding ongoing initiatives.

We conducted this inspection under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.



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Appendix B
USCIS Comments to the Draft Report

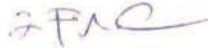
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



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

February 12, 2018

MEMORANDUM FOR: John Kelly
Acting Inspector General

FROM: L. Francis Cissna 
Director
U.S. Citizenship and Immigration Services

SUBJECT: Management's Response to OIG Draft Report: "USCIS Has
Unclear Website Information and Unrealistic Time Goals for
Adjudicating Green Card Applications"
(Project No. 17-048-ISP-USCIS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Citizenship and Immigration Services (USCIS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

USCIS appreciates the OIG recognizing the complexity of the adjudication process for the Application to Register Permanent Residence or Adjust Status (Form I-485) and USCIS' efforts to rebalance workloads and allocate resources to address timely processing. USCIS is pleased to note OIG's positive recognition of our current effort in studying how to use system-derived data to provide applicants more current, clear, and accurate processing times for Form I-485 applications.

In June 2017, USCIS published a new Form I-485 and corresponding instructions with detailed information regarding what evidence should be submitted with applications to USCIS. One of the goals of this major revision was to decrease the number of requests for evidence issued, which, as discussed in the report, can lengthen the total processing time for Form I-485.

USCIS also held several national engagements and focus groups, beginning in early 2017, to solicit feedback on current case processing times. Based upon this feedback, USCIS began to develop a new methodology for calculating processing times, from receipt date to date of final adjudicative action, as well as consider ways to redesign the relevant websites to present data more clearly. USCIS will display processing times in



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Management's Response to OIG Draft Report: "USCIS Has Unclear Website Information and Unrealistic Time Goals for Adjudicating Green Card Applications"
(Project No. 17-048-ISP-USCIS)
Page 2

this new format beginning in March 2018. In addition, USCIS will launch a pilot project in March 2018 that will introduce to the public processing times developed from the new methodology.

The draft report contained two recommendations with which USCIS concurs. Attached find our detailed response to each recommendation. Technical comments were previously provided under a separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment



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Attachment: Management Response to Recommendations Contained in 17-048-ISP-USCIS

OIG recommended that the Director of U.S. Citizenship and Immigration Services:

Recommendation 1: Implement plans to present information on the USCIS website that more accurately reflects the length of the adjudication process for green card applications, so the website information is clear and helpful to stakeholders.

Response: Concur. During the past year, USCIS' Office of Performance & Quality (OPQ) began testing a new methodology on developing processing times for Form I-485 using existing system of record data. By pulling data from systems of record, USCIS can validate the data more quickly and post processing times within 1-2 weeks instead of 6 weeks. USCIS' Customer Service & Public Engagement Directorate (CSPED) also began redesigning the look of the public processing times webpages, as well as how the data is displayed, in order to make it easier for external users to understand. With the new display, applicants will have a clearer idea of where their case is in the overall process, and they will know when they can make an inquiry regarding the status of their case.

In March 2018 USCIS will launch the redesigned processing times webpage, which will include a pilot that introduces the new methodology. The pilot project will run through September 2018, after which OPQ, CSPED, and other USCIS offices will assess the project and determine if any modifications are needed to make to the methodology and design.

Estimated Completion Date (ECD): December 31, 2018.

Recommendation 2: Reassess the current green card application processing time goal of 120 days to determine whether it is reasonable and realistic and increase the timeframe, if necessary.

Response: Concur. With a newly redesigned USCIS processing times webpage and updated processing times methodology, USCIS will be able to provide the public with more transparent and precise processing times for adjudicating Form I-485 applications. CSPED and OPQ will monitor processing times for approximately one year, and then OPQ will lead a working group to reassess the current 120-day goal for I-485 adjustments. The goal of these meetings will be to determine data-driven, final processing times per application type. Once these data have been analyzed, the working group will consider whether adopting a new goal for processing times is necessary and what the processing time goal should be.

ECD: December 31, 2019.



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Appendix C

Major Contributors to This Report

Erika Lang, Chief Inspector
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Appendix D

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