

**MEMORANDUM OF UNDERSTANDING BETWEEN U.S. CITIZENSHIP AND
IMMIGRATION SERVICES AND THE CITIZENSHIP AND IMMIGRATION
SERVICES OMBUDSMAN**

1. Intent of the Parties: U.S. Citizenship and Immigration Services (USCIS) and the Citizenship and Immigration Services Ombudsman (Ombudsman's Office) enter this Memorandum of Understanding (MOU) to:

- Satisfy the statutory requirements that USCIS and the Ombudsman's Office consult on resolving problems, 6 U.S.C. §§ 271(a)(3)(E), 272(d)(4);
- Assist the Ombudsman's Office in fulfilling its statutory mandate to assist individuals and employers in resolving problems with USCIS, identify areas in which individuals and employers have problems dealing with USCIS, and propose changes to mitigate identified problems, 6 U.S.C. § 272(b);
- Ensure continuity during transitions and other personnel changes;
- Maintain durable, productive, and positive relations between USCIS and the Ombudsman's Office; and
- Standardize operational processes for the referral of case-specific inquiries, the exchange of information, and the coordination of site visits.

2. Agreements: USCIS and the Ombudsman's Office agree as follows:

A. Regular Meetings: Per 6 U.S.C. § 271(a)(3)(E), the USCIS Director shall meet monthly with the Ombudsman. Ombudsman's Office managers/staff and the USCIS Project Liaison Team (PLT) will continue to meet bi-weekly to address current Ombudsman's Office issues and projects and discuss USCIS developments. Additional meetings will be scheduled on an *ad hoc* basis as needed.

B. Individual Case Problems: The Ombudsman's Office receives requests for assistance from individuals and employers experiencing difficulties with the immigration benefits process. As such, the following apply:

General Case Assistance. The Ombudsman's Office will inquire with the appropriate USCIS entity, per the Case Inquiry Criteria document, as agreed upon by the Ombudsman's Office and USCIS. The Ombudsman's Office will direct the case inquiry to the designated POC(s), as established in the Points of Contact (POC) document. The POC document will include representatives from USCIS offices including, but not limited to, service centers, district offices, the Administrative Appeals Office, the Refugee, Asylum, and International Operations Directorate, the PLT, or the Customer Assistance Office. The Ombudsman's Office will follow established protocols for case inquiry email correspondence per the POC document. USCIS will provide the Ombudsman's Office with the POC document, and update this document on a quarterly basis.

Expedite and Priority Case Assistance. The Ombudsman's Office and USCIS will use the criteria outlined on the USCIS website and in the November 30, 2001 Fujie O. Ohata memorandum entitled "Service Center Guidance for Expedite Requests on Petitions and Applications," to determine which case inquiries fall within the expedite criteria. The Ombudsman's Office may also request Priority Case Assistance for cases that do not fall within the expedite criteria.

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Case Assistance Timeframes. For general case assistance inquiries to the field, USCIS will respond to the Ombudsman's Office within 10 business days, where feasible, but no later than 30 business days. For expedite and priority case assistance requests to the field, USCIS will respond to the Ombudsman's Office within 3 business days. For case assistance inquiries to the USCIS Customer Assistance Office (CAO), USCIS will respond to the customer and update the IQ system within 30 business days for standard cases and 7 business days for priority cases ("special handling"). For case assistance inquiries to the PLT, USCIS will respond to the customer and update the IQ system within 10 business days, where feasible, but no later than 30 business days for standard cases, and 7 business days for priority cases ("special handling"). Where USCIS may require additional time, it will provide the Ombudsman's Office with an interim response.

USCIS Response to Case Assistance Inquiries. Responding to a case inquiry means USCIS has reviewed the issue and resolved it, or has informed the Ombudsman's Office of the steps it is taking to ensure the case inquiry is addressed within a reasonable period of time.

Review of the Casework Process. The Ombudsman's Office and USCIS will review the case inquiry criteria on an ongoing basis. The Ombudsman's Office and USCIS will promptly advise of POC updates and will provide accurate lists of POCs on a quarterly basis. The Ombudsman's Office will inform USCIS of any casework trends, policy, or training issues on at least a quarterly basis.

C. Visits to USCIS Facilities: The Ombudsman's Office periodically visits USCIS facilities to meet with USCIS managers and staff to learn about USCIS processes, better understand current issues, and research specific topics. When possible, the Ombudsman's Office will submit the site visit notice to the PLT at least 5 days prior to the proposed visit when the purpose of the visit is solely a "meet and greet," in all other circumstances the Ombudsman's Office will submit the site visit notice to the PLT at least 10 business days prior to the proposed visit, to ensure that proposed dates/times are mutually agreeable. The Ombudsman's Office will limit changes to site visit logistics, after submitting the site visit notice. The site visit notice will include information on: suggested visit dates and times, specifically morning or afternoon and whether the Ombudsman's Office has flexibility in scheduling the site visit; information desired in advance; areas of focus; and Ombudsman's Office staff who will be traveling. The Ombudsman's Office will consider all possible items prior to making a trip request but may discuss any follow-on issues that arise during the course of conversations conducted during the visit; USCIS will respond at that time or provide requested information subsequent to the site visit. The PLT will provide the Ombudsman's Office with a POC for each location to be visited, and the Ombudsman's Office will contact the POC prior to the site visit. Generally, a USCIS Headquarters representative will not be present at site visits.

D. Meeting and Information Requests: USCIS and the Ombudsman's Office agree to share information and data between our components and provide it timely. The Ombudsman's Office may request information and meetings from the PLT. The PLT will provide the requested information, a POC, or a meeting date within 10 business days of initial request, assuming availability. If the request cannot be fulfilled within 15 business

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days, the PLT will so inform the Ombudsman's Office and provide an estimated time-frame for fulfillment of the request.

Ombudsman's Office staff may contact relevant USCIS management/supervisory staff directly to discuss follow-up concerns and research that have recently arisen regarding the above-referenced meeting and information requests. The Ombudsman's Office will advise the PLT about these conversations and meetings during the bi-weekly liaison meetings or via email.

E. Teleconferences: The Ombudsman's Office will advise USCIS of upcoming Ombudsman's Office public teleconferences as far in advance as possible. The Ombudsman's Office and USCIS will discuss in advance of the call whether USCIS would like to participate by answering questions on the call, or providing information at the beginning of the call. Where USCIS will participate in the teleconference, the Ombudsman's Office will provide the specific information to be discussed 20 business days prior to the intended teleconference date. The Ombudsman's Office also agrees to provide ten phone lines for each teleconference for USCIS personnel to listen-in.

If requested by the Ombudsman's Office, USCIS will provide answers to questions arising from the Ombudsman's Office teleconferences within 20 business days after questions are provided in writing by the Ombudsman's Office. USCIS will review the Ombudsman's Office teleconference summary, and provide any comments, within 10 business days of receipt from the Ombudsman's Office.

F. Formal Recommendations: In conformity with its statute, 6 U.S.C. §§ 272(b)(3), (d)(4), the Ombudsman's Office issues formal recommendations to the USCIS Director. The Ombudsman's Office agrees to provide the USCIS Director and Deputy Director, with a draft recommendation (copy to the PLT) to review for errors of fact or law; misunderstandings of USCIS functions or policies; and any potentially sensitive issues – and to provide general feedback. From the date of receipt of the draft recommendation, the USCIS Director will have 5 business days to provide comments back to the Ombudsman's Office. The Ombudsman's Office or USCIS may request a meeting to discuss the draft recommendation. Except where disclosure is required by law, exchanges between USCIS and the Ombudsman's Office on draft recommendations will not be made public.

USCIS will provide the Ombudsman's Office 2 business days to review and provide feedback on draft USCIS responses to Ombudsman's Office recommendations.

G. Ombudsman's Office Annual Report: The Ombudsman's Office will provide USCIS with an electronic version of the Ombudsman's Office annual report as soon as possible after delivery to Congress but no later than close of business of that day. The Ombudsman's Office will provide USCIS with at least 10 business days' prior notice of the anticipated date that its report will be delivered to Congress. The PLT will provide the Ombudsman's Office with a courtesy copy of its response to the Ombudsman's Office Annual Report by close of business the same day after delivery to Congress.

H. Review of MOU: This MOU will be reviewed by the PLT and the Ombudsman's Office annually from the last date of signature to determine if any adjustments should be made.

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This MOU represents the understanding reached by USCIS and the Ombudsman's Office.

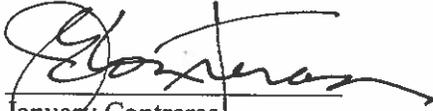
For USCIS:



Lori Scialabba
Deputy Director, USCIS

2/22/12
Date

For the Ombudsman's Office:



January Contreras
CIS Ombudsman

2/23/12
Date