April 9, 2019

Foreword


As required by statute, this report is being provided to the following Members of Congress:

The Honorable Jerrold Nadler  
Chairman, House Committee on the Judiciary

The Honorable Doug Collins  
Ranking Member, House Committee on the Judiciary

The Honorable Elijah E. Cummings  
Chairman, House Committee on Oversight and Reform

The Honorable Jim Jordan  
Ranking Member, House Committee on Oversight and Reform

The Honorable Lindsey Graham  
Chairman, Senate Committee on the Judiciary

The Honorable Dianne Feinstein  
Ranking Member, Senate Committee on the Judiciary

The Honorable Ron Johnson  
Chairman, Senate Committee on Homeland Security and Governmental Affairs

The Honorable Gary C. Peters  
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs

If the Office of Legislative Affairs may be of further assistance, please contact us at (202) 447-5890

Respectfully,

CHRISTINE M. CICCONE  
Assistant Secretary for Legislative Affairs

www.dhs.gov
Executive Summary


U.S. Citizenship and Immigration Services (USCIS), a component of DHS, received 8,466,383 cases (applications and petitions) and processed 8,691,929 cases to completion.\(^1\)

This report includes comprehensive data collected and compiled by the USCIS Office of Performance and Quality (OPQ) and contains region-by-region statistics on the aggregate number of immigration applications and petitions (Appendix B).

A total of 86,136 cases were added to the backlog,\(^2\) resulting in 2,415,573 cases in net backlog\(^3\) status that would need to be completed during the next FY.

The aggregate overall processing time for all applications and petitions averaged 5.7 months.

USCIS does not track the number and types of immigration-related grievances filed with any official of DOJ. Data relating to allegations of misconduct, corruption, and fraud involving any USCIS employee filed with USCIS is submitted via the “Report on Internal Affairs Investigations, Semi-Annual Report to Congress.”

Any plans to address or recommend enhancements to the grievance or the complaint process will be subject to review and determination by the Investigations Division within the USCIS Office of Security and Integrity (OSI).

USCIS reported to the DHS financial auditor that it has complied, in all material respects, with applicable laws and regulations. All immigration fees were collected and used in accordance with all applicable legal requirements.

Questions conveyed by telephone to USCIS were answered as follows: USCIS Call Center Tier 1 answered calls at an Average Speed of Answer\(^4\) of 48 seconds, and USCIS Call Center Tier 2 answered calls at an Average Speed of Answer of 6 minutes 48 seconds.

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\(^1\) The completions figure includes 97,728 credible fear referrals processed to completion during FY 2018.

\(^2\) Backlog is defined as the volume of pending applications that exceed the level of acceptable pending cases. Acceptable pending is pegged to the volume of applications received during the target cycle time period (e.g., 5 months). The target cycle time refers to the processing time goal for a given application type. For example, the processing time goal for Form N-400, Application for Naturalization, is 5 months. Therefore, the acceptable pending volume will be equal to the last 5 months’ worth of receipts.

\(^3\) Net backlog is defined similarly to backlog, except that the number of pending applications is reduced to account for cases in active suspense categories (i.e., cases that are deducted from the gross backlog, such as cases with a pending Request for Evidence or awaiting visa availability from the Department of State, or pending re-examination for an N-400, Application for Naturalization).

\(^4\) “Average Speed of Answer” is an industry-recognized category.
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I. Legislative Requirement


SEC. 478. IMMIGRATION FUNCTIONS.

(a) ANNUAL REPORT.—
(1) IN GENERAL.— One year after the date of the enactment of this Act, and each year thereafter, the Secretary shall submit a report to the President, to the Committees on the Judiciary and Government Reform of the House of Representatives, and to the Committees on the Judiciary and Government Affairs of the Senate, on the impact the transfers made by this subtitle has had on immigration functions.

(2) MATTER INCLUDED.— The report shall address the following with respect to the period covered by the report:
   (A) The aggregate number of all immigration applications and petitions received, and processed, by the Department.
   (B) Region-by-region statistics on the aggregate number of immigration applications and petitions filed by an alien (or filed on behalf of an alien) and denied, disaggregated by category of denial and application or petition type.
   (C) The quantity of backlogged immigration applications and petitions that have been processed, the aggregate number awaiting processing, and a detailed plan for eliminating the backlog.
   (D) The average processing period for immigration applications and petitions, disaggregated by application or petition type.
   (E) The number and types of immigration-related grievances filed with any official of the Department of Justice, and if those grievances were resolved.
   (F) Plans to address grievances and improve immigration services.
   (G) Whether immigration-related fees were used consistent with legal requirements regarding such use.
   (H) Whether immigration-related questions conveyed by customers to the Department (whether conveyed in person, by telephone, or by means of the Internet) were answered effectively and efficiently.

(b) SENSE OF CONGRESS REGARDING IMMIGRATION SERVICES.— It is the sense of Congress that—
   (1) the quality and efficiency of immigration services rendered by the Federal Government should be improved after the transfers made by this subtitle take effect; and
   (2) the Secretary should undertake efforts to guarantee that concerns regarding the quality and efficiency of immigration services are addressed after such effective date.
II. Background

Section 478 of the *Homeland Security Act* (HSA) requires that the Secretary of Homeland Security report to Congress annually on the impact of the transfers made by the HSA on immigration functions. From FY 2004 through FY 2009, this requirement was met through the incorporation of the relevant information into one of the USCIS quarterly reports on productivity required by the Senate Report accompanying the annual DHS Appropriations Acts (usually the third quarter report). However, the Senate Report that accompanied the *FY 2010 DHS Appropriations Act* no longer directed USCIS to submit quarterly productivity reports. Accordingly, the section 478 reporting requirement is now met through this separate report.
III. Reporting Responses

Section 478(a)(2)(A): The aggregate number of all immigration applications and petitions received, and processed, by the Department.

OPQ, within USCIS, develops and delivers service-wide level operational performance metrics and staffing models and provides data analysis and statistical reporting designed to help ensure the timely and effective delivery of immigration services.

See Appendix A, which includes comprehensive data collected that address this section of the report requirement.

Section 478(a)(2)(B): Region-by-region statistics on the aggregate number of immigration applications and petitions filed by an alien (or filed on behalf of an alien) and denied, disaggregated by category of denial and application or petition type.

See Appendix B, which includes comprehensive data collected that address this section of the report requirement. Appendix B is divided into two parts: one containing information on the four regional locations within USCIS, and the other containing information on the five center locations within USCIS.

Section 478(a)(2)(C): The quantity of backlogged immigration applications and petitions that have been processed, the aggregate number awaiting processing, and a detailed plan for eliminating the backlog.

The total net backlog volume is 2,415,573 cases, driven in large part by the following applications and petitions:

- I-485 Application to Register Permanent Residence or Adjust Status
- N-400 Application for Naturalization
- I-589 Application for Asylum and for Withholding of Removal
- I-130 Petition for Immediate Relative
- I-765 Application for Employment Authorization

Within USCIS, the responsibility of adjudicating most cases falls under the purview of the Field Operations Directorate (FOD), Service Center Operations Directorate (SCOPS), and the Refugee, Asylum and International Operations Directorate (RAIO). These components are responsible for the accurate and timely disposition of incoming cases. They are also charged with effectively eliminating any backlogs that are present or have the potential to build based on existing conditions.
FOD is responsible for the adjudication of applications and petitions for immigration benefits, other than asylum applications, requiring domestic, in-person (face-to-face) interviews.5

SCOPS is responsible for the adjudication of certain applications and petitions for immigration benefits which may be adjudicated remotely, thereby eliminating a need for in-person interviews.6

Backlogs have been increasing steadily since FY 2010, and there is no easy or quick fix for reducing these backlogs. Backlogs have grown mainly due to increased filings, increased complexity in adjudications, and a lack of resources necessary to complete that work. Current backlog elimination plans rely primarily on increasing staff, rebalancing workloads among staff/work units, and utilizing overtime. Some efficiencies may be gained through process or technology enhancements as well.

See Appendix A for comprehensive data on backlog levels.

As of the end of September 2018, USCIS had a net backlog of approximately 2.4 million cases. The main reasons for the current backlog are:

- An increase in the overall volume of petitions/applications (an average of a 1.5 percent increase between FY 2015 and FY 2018).7
- The growing complexity of the work: increasing complexity and length of forms, new statutory and policy decisions, and increased security checks; this also correlates to the decrease in completions per hour.
- Logistical limitations on responding to the increase in workload due to staffing difficulties at certain locations and facility constraints.

USCIS expects additional challenges in reducing backlogs in FY 2019.

- Executive Order 13780, Protecting the Nation from Foreign Terrorist Entry into the United States, requires an increased number of interviews, and the backlog will continue to grow as we transition operations to meet the new policy demands.
- USCIS adjusted its fee schedule on December 23, 2016, following publication of the final FY 2016/2017 Immigration Examinations Fee Account fee rule in the Federal Register on October 24, 2016. Application and petition fees increased by a weighted average of 21 percent. However, USCIS projections indicate that the current fee schedule will not generate sufficient revenue to support hiring at the FY 2018 recommended staffing levels due to the growing complexity of the work.

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5 The Asylum Division within RAIO is responsible for conducting the interviews and adjudication of Form I-589, Application for Asylum and for Withholding of Removal and Form I-881, Application for Suspension of Deportation or Special Rule Cancellation of Removal (Pursuant to section 203 of Public Law 105-100 NACARA). The Refugee Affairs Division and the International Operations Division within RAIO are responsible for conducting the interviews and adjudication of certain applications outside the United States.
6 The National Benefits Center (NBC), under the purview of FOD, also remotely adjudicates certain petitions and applications that do not require an in-person interview or that do not require a transfer to a USCIS Field Office.
7 There was an 8 percent decrease of receipts received in FY 2018 from FY 2017, which resulted in a lower overall average increase between FY 2015 and FY 2018.
Because USCIS does not currently have in place the resources to complete the volume of cases received, cases will continue to age out of the acceptable pending category and cause the backlog to continue to grow.

The affirmative asylum backlog is a product of both the receipt of a growing number of affirmative asylum applications and the diversion of USCIS Asylum Officers to other high-priority workloads, such as the credible fear caseload and overseas refugee processing in FY 2016.

USCIS is not staffed to meet its cycle time goals based on the current levels of productivity, and to do so as it did in FYs 2007 and 2008, would likely require increased resources. In accordance with the Chief Financial Officers Act of 1990, USCIS will continue to review its fee structure on a biennial basis to ensure fee levels are sufficient to recover the full cost of adjudications.

USCIS is implementing actions to increase productivity:

- Reinstated Last In First Out asylum application scheduling as of January 31, 2018, to deter non-meritorious filings, which aided in leveling off the backlog for the first time in several years. The Asylum Division has also implemented a pilot program to identify untimely filed claims and subject them to a streamlined adjudication process.
- Balancing workloads across competing priorities and locations to achieve processing time parity across locations.
- Making additional resources available to the field by pursuing expansion of facilities to support additional staff, managing the vacancy rate, and leveraging overtime, staff details, and other employee work scheduling options.
- Agile development of technological enhancements that automate and streamline adjudications, as well as moving towards centralizing fraud and security screenings for all asylum applications.
- USCIS continues to engage employees as well as its team of Quality Management Specialists to identify and implement process improvements.
- Through FY 2018, RAIO diverted approximately 100 staff from the Refugee Affairs Division (RAD) to assist the Asylum Division with credible and reasonable fear screenings and affirmative asylum cases. Fewer RAD staff are being deployed to the Asylum Division in FY 2019, as the Asylum Division gains and trains additional staff.

Section 478(a)(2)(D): The average processing period for immigration applications and petitions, disaggregated by the application or petition type.

See Appendix A, which includes comprehensive data collected that address this section of the report requirement.

Section 478(a)(2)(E): The number and types of immigration-related grievances filed with any official of the DOJ, and if those grievances were resolved.
USCIS does not track the number and types of immigration-related grievances filed with any official of the DOJ. In accordance with the Homeland Security Act, the Director of USCIS is responsible for conducting investigations of non-criminal allegations of misconduct, corruption, and fraud involving any USCIS employee who is not subject to investigation by the DHS Office of Inspector General.

The USCIS Director has delegated this investigatory responsibility to the USCIS OSI. OSI provides leadership in the management of security to protect employees, facilities, assets, and information to advance the agency’s mission by ensuring effective, efficient, and continual operations.

Data relating to allegations of misconduct, corruption, and fraud involving any USCIS employee filed with USCIS are submitted via the “Report on Internal Affairs Investigations, Semi-Annual Report to Congress.” These semi-annual reports contain January through June data and July through December data, and they are submitted to Congress by OSI through regular channels.

Section 478(a)(2)(F): Plans to address grievances and improve immigration services.

Any plans to address or recommend enhancements to the grievance or the complaint process will be subject to review and determination by the Investigations Division within OSI. This division is charged with the following responsibilities:

- Receiving allegations of employee misconduct and planning, organizing, and conducting internal investigations pertaining to USCIS employee misconduct;
- Developing investigative procedures and techniques; and
- Providing policy guidance to investigators and employees assigned to conduct field management inquiries.

The responsibility to address or enhance current immigration functions, as it relates to immigration services operations and adjudicative functions, rests with the operational directorates that are ultimately responsible for ensuring the accurate and timely adjudication of incoming cases. Recommendations and improvements are usually initiated by the operational components, because they have the most up-to-date knowledge and information regarding adjudication practices and standard operating procedures pertaining to the various form types. Broad improvements are usually a result of a collaborative effort undertaken by USCIS Headquarters directorates and program offices.

Section 478(a)(2)(G): Whether immigration-related fees were used consistent with legal requirements regarding such use.
With regard to the Annual Financial Statement Audit, USCIS asserted to the DHS financial auditor that it has complied, in all material respects, with applicable laws and regulations. All immigration fees were collected and used in accordance with all applicable legal requirements. Funds collected for the Fraud Prevention and Detection Fee account were distributed to the U.S. Department of Labor (DOL), DHS, and the U.S. Department of State in accordance with the guidelines specified in Public Law 108-447 and Public Law 115-218. Each agency received a one-third share of general fraud fee collections, which totaled $153.2 million in FY 2018, and USCIS received $0.2 million from the separate $50 Commonwealth of the Northern Mariana Islands fraud fee. USCIS’ FY 2018 share was $51.3 million. Funds collected for the H-1B Nonimmigrant Petitioner Fee account were distributed to DOL (55 percent), the National Science Foundation (40 percent), and DHS (5 percent), in accordance with relevant law. Collections totaled $390.0 million in FY 2018; USCIS’ FY 2018 share was $19.5 million.

Section 478(a)(2)(H): Whether immigration-related questions conveyed by customers to the Department (whether conveyed in person, by telephone, or by means of the Internet) were answered effectively and efficiently. The USCIS Customer Service and Public Engagement Directorate (CSPED) provides clear, accurate, and timely responses to individual concerns and questions by engaging the public in a transparent dialogue that promotes participation and feedback. Within CSPED, the Customer Service Division provides information and guidance to USCIS applicants, petitioners, and immigration advocates regarding immigration benefits. The Public Engagement Division facilitates agencywide collaboration with external stakeholders (both at the national and local levels using various languages) to maintain open communication and seek feedback regarding USCIS policies, priorities, and organizational performance reviews.

There were 271,408 electronic inquiries submitted in FY 2018. Every question asked received a response. Our goal is to respond within 48 hours from receipt of the inquiry. The average response time was about 46 hours. Of the 271,408 inquiries received, the primary questions were about password reset issues (24 percent) and case status (21 percent).

The USCIS engagement centers follow a typical, industry-standard workflow. All calls are first answered by the Interactive Voice Response system that provides a caller with general information and services. If more than general information and services information is required, the caller can request live assistance at the Tier 1 level. Tier 1 is a contractor-operated call center where more specific information on policy and procedures is available. The Tier 1 contractor works from scripts provided by USCIS. If the information sought is not available at the Tier 1 level, the caller is transferred to the Tier 2 level. Tier 2 is staffed with USCIS-trained Immigration Services Officers who have access to USCIS systems. The information requested at the Tier 2 level is often specific information about the status of applications and petitions submitted to USCIS. All inquiries regarding ELIS forms are managed through the agency’s online web form or within the myUSCIS online account experience.

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8 An annual financial statement audit is an annual assessment conducted by an independent auditor who, upon completion of the audit, provides reasonable, but not absolute, assurance as to whether the financial statements are presented fairly, in all material respects, in accordance with Federal Generally Accepted Accounting Principles. This opinion is intended to increase the value and credibility of the financial statements produced by management as well as the users’ confidence in information contained therein.
There were 6.6 million calls completed at the Tier 1 level. Tier 1 effectively answered calls at an average speed of 48 seconds of individuals calling our number. Of the 6.6 million calls received at Tier 1, individuals abandoned or terminated 2.6 percent of calls before being answered. There were 19.6 percent of calls to the Tier 1 level that required more specific assistance, and they were referred to the Tier 2 level. Tier 2 answered calls at an average speed of 6 minutes and 48 seconds after being transferred to a Tier 2 officer. Individuals at the Tier 2 level abandoned roughly 0.8 percent of the calls referred before the calls were answered by Tier 2 staff.
### Appendix A

#### FY 2018 USCIS Domestic Performance Data - Matters A/C/D

<table>
<thead>
<tr>
<th>Sponsoring Relatives &amp; Orphans</th>
<th>FY 2018 USCIS Domestic Performance Data - Matters A/C/D</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong>-Receipts</td>
<td><strong>A</strong>-Completions</td>
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<td>Immediate Relative</td>
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<td>Preference Relative</td>
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<tr>
<td>Total Alien Relative Petitions</td>
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<td>Fiance/Fiancé Petition</td>
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<td>Orphan Petitions</td>
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<td>Convention Country Adoption</td>
<td>6,227</td>
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<td>Refugee/Asylee Relative Petition</td>
<td>13,917</td>
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<tr>
<td><strong>Total Residents</strong></td>
<td>5,216,843</td>
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**Immigrants**

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<thead>
<tr>
<th>FY 2018 USCIS Domestic Performance Data - Matters A/C/D</th>
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<tr>
<td><strong>A</strong>-Receipts</td>
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<td>Renew/Replace PRC</td>
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<td>Family Petition / Refugee Travel Doc</td>
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<tr>
<td>Remove Conditions on Residence</td>
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<tr>
<td>Remove Conditions on Entrepreneur</td>
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<tr>
<td>Declaration of Intent</td>
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<tr>
<td>Preserve Residence</td>
</tr>
<tr>
<td>Military Naturalization</td>
</tr>
<tr>
<td>Other Naturalization</td>
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<tr>
<td>Posthumous Naturalization</td>
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<td>Disability Exception</td>
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<tr>
<td>Request for Hearing</td>
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<td>Premium Processed</td>
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<tr>
<td>Non-Immigrant Petition (non Premium filed)</td>
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<td><strong>Total all I-120</strong></td>
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<td>Premium Processed</td>
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<td>Immigrant Petition for Work (non Premium filed)</td>
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<td>Immigrant Petition</td>
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<td>Petition by Entrepreneur</td>
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**Nonimmigrants**

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<td>Asylum Adjustment</td>
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<td>Refugee Adjustment</td>
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<tr>
<td>Indo Chinese Adjustment</td>
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<td>Cuban Adjustment Act</td>
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<td>Employment-Based Adjustment</td>
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<td>Family-Based Adjustment</td>
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<td>All Other Adjustment of Status</td>
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<td>Subtotal I-485 Regular Cases</td>
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<td>Total Adjustment Cases</td>
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<tr>
<td>Advance Parole</td>
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**EOIR**

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<td>NACARA 203 Application</td>
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<td>Creditable Fear Referral</td>
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<td>Legalizations/STAY</td>
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<td>T Nonimmigrant Status</td>
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<td>U Nonimmigrant Status</td>
</tr>
<tr>
<td>Waiver filed with I-129</td>
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<tr>
<td>Qualifying Family Members of U/Nonimmigrants</td>
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<td>Certificate of Citizenship</td>
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<tr>
<td>Action on Approved Application or Petition</td>
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<td>Permission to Issue Health Care Certification</td>
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<td>Replace Certificate</td>
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<td>Provisional Waiver</td>
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<td>C33 DAD DACA</td>
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<tr>
<td>DACA Travel Doc</td>
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**Source:** September 2018 National Performance Report published 11.21.2018

**Note:** I-485 Regular is based on the following form types: Cuban, Employment, Family, and All Other Adjustment of Status cases. N-400 military naturalization pending, net cycle time and backlog data include International Operations (IO) data.

9
### Appendix B (Regions)

<table>
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<td>I-601A Provisional Unlawful Presence Waiver</td>
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#### REGION

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Source: PASEXEC Database, Data as of 12.18.2018

Note: Appendix B (Regions) reflects forms and form subtypes processed at Central Region (COR), Northeast Region (NER), Southeast Region (SER), and Western Region (WOR) offices only.
### Appendix B Cont'd (Centers)

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**Notes:**
- Appendices B (Centers) reflects forms and form subtypes processed at Vermont Service Center (ESC), Nebraska Service Center (NSC), Texas Service Center (SSC), California Service Center (WSC), Potomac Service Center (VSC), Immigrant Investor Program Office (IPO), and National Benefits Center (NBC) only.

**Source:** PMESIC Database, Data as of 23.18.2018

**Note:** Appendix B (Centers) reflects forms and form subtypes processed at Vermont Service Center (ESC), Nebraska Service Center (NSC), Texas Service Center (SSC), California Service Center (WSC), Potomac Service Center (VSC), Immigrant Investor Program Office (IPO), and National Benefits Center (NBC) only.