



U.S. Citizenship and Immigration Services

Backlog Elimination Plan

Fiscal Year 2006, 2nd Quarter Update
September 28, 2006



U.S. Citizenship
and Immigration
Services

Prepared for the United States Congress

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Message from the Director

I am pleased to present the U.S. Citizenship and Immigration Services (USCIS) Fiscal Year (FY) 2006 Second Quarter Update to report on our continued progress on Backlog Elimination and provide an update on our achievements.

The mandate of USCIS is to uphold national security while providing timely customer service, achieving the latter through Backlog Elimination. As an organization, we have pulled together around this effort and continue to make strides towards meeting the goals set out by the program. Elimination of the backlog will enable USCIS to provide for early application of security procedures when cases are received as well as to serve our customers within reasonable time frames while enhancing our ability to focus on customer-centric tasks. Since the announcement of the Backlog Elimination Plan (BEP), we have responded admirably to fulfill the requirements set forth by this mandate. I am confident that we are well on our way to achieving a six-month processing standard for most immigration applications by the October 1, 2006 without sacrificing security for expediency.

While the Backlog Elimination Program has been a major focus for us, we have also been engaged in implementing 90-day adjudication of adjustment-of status pilots in several offices aimed at reducing the number of travel and work authorization documents required by applicants applying for green cards. The pilots have yielded new strategies to reduce the wait time associated with green card adjudication and processing. Also, in an effort to better communicate the naturalization and benefits application process to applicants, we are taking a hard look at our website (www.uscis.gov), our 1-800 customer service line operation, and the efforts of our community liaison officers in the field to devise clearer communications across these media to better guide our customers through the benefits and naturalization process.

With the national spotlight focused on immigration reform and the debate over a possible Guest Worker Program, the mission of USCIS has never been more on the minds of our citizens and the world. Our goal is to position our agency as best-in-class and to meet the new demands resulting from the current immigration debate. We will be required to stretch ourselves collectively as an agency and as individuals, but I know that we are up to the challenges we face as we "Secure America's Promise."



A handwritten signature in black ink, appearing to read "Emilio T. Gonzalez". The signature is fluid and cursive.

Dr. Emilio T. Gonzalez
Director
U.S. Citizenship and Immigration Services

Production Update

Background

The USCIS quarterly report is designed to provide Congress with an update on the progress USCIS has made in its effort to eliminate the backlog of pending applications for immigration benefits by the end of FY 2006 and attain a six-month processing goal for many types of applications. This report will cover the progress made during the 2nd Quarter of FY 2006.

Changes in the number of pending applications are themselves significant when looking at performance. In the 2nd Quarter of FY 2006, the number of pending applications fell by 125,344 to a total of 3.34 million from the 3.47 million applications pending at the end of the 1st Quarter of FY 2006.

However, the number of pending applications is affected by changes in demand and production and, while a good indicator of performance, is not the best indicator of processing time. Current technology systems employed by USCIS District Offices and Service Centers do not produce aging reports from which average wait times or processing times can be calculated based on the actual processing age of each case. USCIS uses the "Cycle Time" measurement, in other words, the number of pending applications expressed in months of receipts, to closely approximate the average

processing time. This is a reliable measure when used with a "first in, first out" adjudications policy.

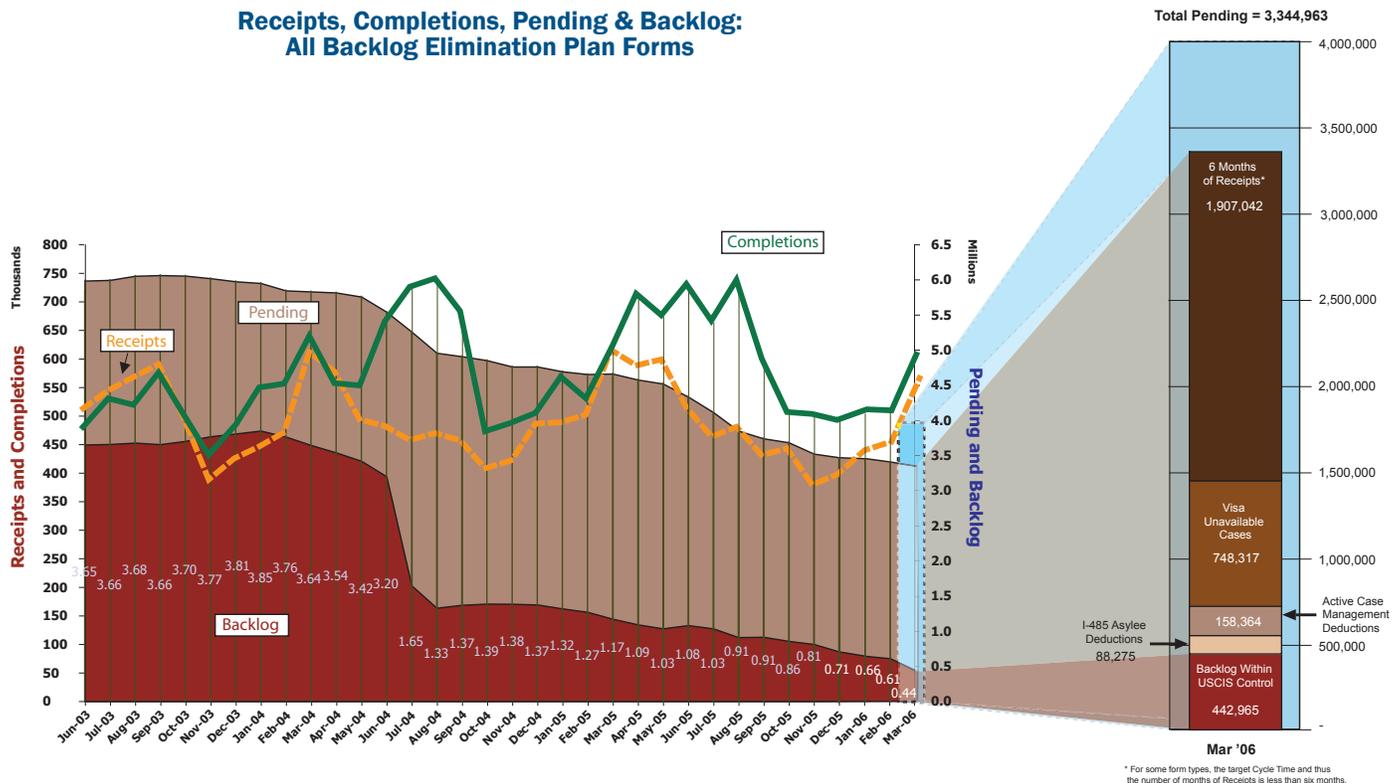
Backlog Defined

USCIS defines "backlog," generally, as the number of pending applications that exceed acceptable or target pending levels for each case type. Acceptable pending levels are determined for each distinct case type by totaling the number of applications received during a specific target cycle-time period (usually six months). Backlogs are calculated for each case type and totaled to determine the aggregate backlog. This ensures that backlogs in one product are not obscured by the faster production of less complex products.

Deductions from Backlog

For each application type, USCIS removes from the calculated backlog the total number of pending applications that it is unable to complete due to statutory caps or other bars, including applications where a benefit is not immediately available to the applicant or beneficiary (such as "non-ripe" Form I-130, Relative Alien Petitions where a required visa number is not available, and I-485 cases where the visa number is no longer available due to regression, see Applications Held in Abeyance, below).

**Receipts, Completions, Pending & Backlog:
All Backlog Elimination Plan Forms**



Applications Where a Benefit is Not Immediately Available

“Non-ripe” Form I-130, Relative Alien Petitions where a required visa number is not available have been deducted from the USCIS backlog since July 2004. At the end of the 2nd Quarter FY 2006 there were 670,757 non-ripe I-130s.

Applications Held in Abeyance

An alien may file an application for adjustment of status to permanent residence when a visa number is available. If a regression of priority dates occurs due to an oversubscription in a category, as determined by the Department of State, USCIS is legally prohibited from granting permanent residence to adjustment applications affected by the regression. By long-standing practice, USCIS holds such applications in abeyance until visa numbers become available.

For example, the July 2005 Department of State Visa Bulletin indicated that family-based visa numbers for unmarried sons and daughters (over age 21) from Mexico of United States citizens (F1) regressed more than ten years, and employment based visa numbers for skilled workers (EB3) became unavailable worldwide. This reflects a revision by the State Department of its assessment of the level of demand for limited visa numbers in the affected categories. These two significant shifts in visa number availability in July 2005 had an effect on the number of Applications to Register Permanent Resident or Adjust Status, Form I-485 that USCIS could complete under the statute. Those applications for which visa numbers are no longer available are considered pending, but are not counted as part of the backlog. Visa-regressed I-485s have been deducted from the USCIS backlog since May 2005.

USCIS has identified each affected case and only discounted from the backlog those cases where processing has otherwise been completed and the case approved but for the unavailability of a visa number due to limitations on annual immigration. These applications have been temporarily removed from the backlog and will be completed once visa numbers are available.

Asylee Adjustment of Status Applications

The Real ID Act “ripened” a significant number of I-485 Asylee Adjustment of Status applications by eliminating the statutory numerical restrictions that had limited production. Our initial sense was to immediately include all of these applications in the backlog count. After further evaluation, USCIS modified this conclusion, and determined that the number of applications made available for processing is so large that given a six month production cycle USCIS determined that adding these applications to the backlog would have significantly affected the production and cycle time for other

products. USCIS developed a production plan to eliminate by the end of FY 2007 the new backlog of applications “ripened” by the Real ID Act, and factored as backlog any volume of pending applications greater than the production plan’s goal of pending workload. For the 2nd Quarter of FY 2006 88,275 cases were removed from the Asylee Adjustment backlog based on this plan. These cases are scheduled for processing in FY 2007.

Active Case Management

As part of our effort to work through the backlog we worked to identify and quantify the many factors that can and do affect the processing of individual cases. We identified a number of factors that result in processing delays “outside of USCIS control.” These include applications awaiting customer responses to requests for information, applications in suspense to afford customers another opportunity to pass the naturalization test, and applications awaiting an FBI name check or other outside agency action. To provide more transparency to the factors that contribute to the backlog, USCIS will continue to provide the overall backlog total along with a breakdown of this total to illustrate how much of the backlog is under USCIS control and how much can be attributed to other factors outside of USCIS control. For these reasons, USCIS identified 158,364 cases, as of the end of the 2nd quarter of FY 2006 that were unadjudicable solely for reasons outside its control, in addition to the abeyance cases mentioned in the section above. By the end of the 2nd Quarter FY 2006, USCIS had implemented Active Case Management, file tracking procedures, and data extraction from systems to improve case management, and this enabled this accounting.

At the end of the 2nd Quarter of FY 2006 the overall backlog total is 689,604. Of this amount, the total backlog within USCIS control is 442,965. This is a reduction of 262,745 from the 705,710 case backlog reported at the end of the 1st Quarter of FY 2006.

Quality Assurance

Since the Agency’s creation, USCIS has sought to improve its performance. Completion rates, which are based on the time it takes to complete a particular form, have been consistently improving. This has allowed USCIS to increase its output. It should be noted that while production and efficiency are increasing, a high level of quality has been sustained.

As USCIS continues to become more productive we are also continuing to take actions that ensure the integrity of the immigration system. Efforts to benchmark and assure quality are at the heart of every USCIS production initiative. The current USCIS quality assurance program consists of an internal process validation through the review of random samples of completed work.

During the 1st Quarter of FY 2006, USCIS achieved a 99.88% accuracy rate for naturalization applications and a 99.21% accuracy rate for adjustment of status applications. Both rates exceed the minimum acceptable accuracy rate of 99%. In all applications where an error was identified, corrective actions to prevent future problems were implemented and no applicant received a benefit for which he/she was not eligible.

Completions, Receipts, and Backlog

We continue to be encouraged by the production levels realized during the past fiscal years. Great progress has been made since the establishment of USCIS. For example, FY 2005 completions were 3% higher than FY 2004, and 30% higher than FY 2003. During this same period, receipts levels have remained lower than those of FY 2003. FY 2004 receipts were 15% below FY 2003 totals and FY 2005 receipts were 10% below FY 2003 totals.

At the end of the 2nd Quarter, FY 2006, cycle time goals were met or exceeded for 8 of the 16 application form types for which annual targets were set by the BEP at the beginning of the BEP period. USCIS added Form I-485, Asylee Adjustment of Status, in the FY 2005 3rd Quarter Update as the 17th distinct form type to be tracked in the BEP. Because of our implementation of the 2-year production plan for this form type, a cycle time target was not set for FY 2006.

The forms I-485, Application for Adjustment of Status, and N-400, Application for Naturalization cycle times represent the greatest challenge for USCIS. Although the N-400 cycle time is a little over two months short of the target and the I-485 cycle time is six and a half months short of the target, these forms have relatively large backlogs and take the longest to complete. Therefore, it will take more effort to reduce the cycle times for these two form types as compared to other forms. With the exception of Form I-589 Asylum Application, which has a cycle time of 11.7 months, all other form types not mentioned have actual cycle times within five months or less of the FY 2006 target and are expected to meet those targets.

As explained above, Forms I-485 and N-400 take longer to complete than all other BEP forms. A completion for such a form type represents a greater effort in backlog elimination than a completion for a more quickly completed form, such as the Form I-765, Application for Employment Authorization. It is important to note that the high number of Form I-485 and Form N-400 completions during the 2nd Quarter FY 2006 means that backlog elimination efforts were actually greater than the completions figure alone suggests.

Equally important is to frame the progress made toward backlog elimination in terms of increased efficiency. For the past two years, USCIS has outlined in quarterly updates initiatives that will streamline processes and increase efficiency while maintaining

security. Among the many initiatives, USCIS has:

- Piloted new processes to find more efficient methods of operations;
- Updated policies and procedures to eliminate duplicative efforts;
- Initiated systems sweeps to replace inefficient manual queries to increase productivity while at the same time bolstering process integrity;
- Reallocated staff to align resources with workload; and,
- Redistributed workloads to offices with excess capacity.

In the June 16, 2004 Backlog Elimination Plan Update, USCIS indicated that significant increases in productivity were required to eliminate backlogs. Analysis of production data from FY 2004 and FY 2005 demonstrates that the initiatives referenced above had a dramatic effect on productivity that is continuing into FY 2006. Overall, USCIS was 24% more efficient, in terms of output per hour expended, in the 2nd Quarter of FY 2006 than during the period April 2003 to March 2004, the 12 months prior to the implementation of the update to the BEP.

Backlog Elimination Prognosis

Completion targets for BEP forms are calculated based on pending levels and projected receipts. In order to prevent a backlog, annual completions must generally be equivalent to the current pending plus half of the projected annual receipts. Each form type requires a different average amount of adjudicator time to complete. This completion rate multiplied by the number of required completions for the particular form type results in the measure of workload in expected adjudicator hours required.

In response to provisions of the Real ID Act of 2005 that eliminated the annual limitation on asylum adjustments, USCIS immediately added approximately 174,000 Asylee Adjustment of Status applications to the backlog in June 2005. Completions of Form I-485, Application to Register Permanent Resident or Adjust Status, filed by individuals granted asylum in the United States, had previously been capped by statute at 10,000 per year, and the workload had been included in the total Form I-485 figures for pending and completions. USCIS has developed a production plan to eliminate the new backlog of applications ripened by the Real ID Act by the end of FY 2007, and factored as backlog any volume of applications pending greater than that required to meet that production plan and goal. The implementation of this production plan has resulted in a change in the reported backlog for this form type. The backlog is now reported as 8,392 applications.

Due to variances between actual historical receipts and the receipt projections used in previous office staffing efforts, resources have not

Backlog Totals & Cycle Time

| Form Name | Form Number | End of 2nd Quarter FY 2006 Cycle Time | End of FY 2006 Target Cycle Time | End of 2nd Quarter FY 2006 Backlog |
|---------------------------------------------------|---------------|---------------------------------------|----------------------------------|------------------------------------|
| Application to Adjust Status (Non-Abeyance Cases) | I-485 | 12.51 | 6 | 186,424 |
| Application to Adjust Asylee Status | I-485 | n/a | 6 | 8,392 |
| Petition for Non immigrant Worker | I-129 | 1.46 | 2 | 0 |
| Application to Extensx/Change Status | I-539 | 2.60 | 3 | 0 |
| Application to Replace Permanent Resident Card | I-90 | 2.87 | 6 | 0 |
| Petition for Alien Relative (Visa Available Only) | I-130 | 8.43 | 6 | 111,265 |
| Application for Travel Document - Advanced Parole | I-131 Adv/Pri | 2.40 | 3 | 0 |
| Application for Travel Document - Reentry Permit | I-131 RP/RD | 1.86 | 3 | 0 |
| Immigration Petition for Alien Worker | I-140 | 4.85 | 6 | 0 |
| Petition to Remove Conditions on Residence | I-751 | 7.55 | 6 | 14,690 |
| Application for Employment Authorization | I-765 | 2.56 | 3 | 0 |
| Application for Temporary Protected Status | I-821 | 10.17 | 6 | 25,249 |
| Application for Naturalization | N-400 | 9.19 | 7 | 31,941 |
| Application for Certificate of Citizenship | N-600 & N-643 | 8.68 | 6 | 13,554 |
| Asylum Application | I-589 | 11.68 | 6 | 40,234 |
| NACARA 203 Application | I-881 | 10.68 | 6 | 11,216 |
| Credible Fear Referral | I-867 | 0.36 | <1 | 0 |
| | | | TOTAL | 442,965 |

been fully aligned with where the workload resides. In particular, the Eastern Region is experiencing backlogs greater than the Western and Central Regions. In the past, Adjudications Officers were detailed out of Central and Western Region District Offices that were on track for backlog elimination. Adjudications Officers are now being detailed out of Service Centers with sufficient capacity to Eastern Region District Offices with greater backlogs. USCIS plans to continue these details and to relocate non-interview work from Eastern Region offices throughout FY 2006.

As stated previously, by the end of the 2nd Quarter FY 2006, USCIS had fully implemented its Active Case Management program. Active Case Management involves clearly identifying which cases are ready for final adjudication and removing those cases from the backlog which are not ripe for processing, because we have asked a customer for more information and we are awaiting their response; they failed a naturalization test on the first try and are awaiting their response; or we're waiting for the results of record checks from other agencies. Doing so will allow USCIS to more efficiently process its workload by focusing its attention and resources on those cases ready for final processing. USCIS has also begun to remove from the calculated backlog approved naturalization cases that remain pending only for the customer to take the Oath of Allegiance and be sworn in as a new citizen. To ensure that applications awaiting the Oath do not themselves become backlogged, USCIS has adjusted the cycle time goal for naturalization applications to reflect six months to decision and one

month for the Oath to be scheduled and taken. USCIS believes that by providing a breakdown of the overall backlog by those cases backlogged under USCIS control vs. those outside USCIS control, we are more accurately quantifying the volume of pending applications that exceed target pending levels due to USCIS processing delays that adversely affect eligible applicants.

Finally, as more offices reduce cycle times in FY 2006 toward the six-month targets, limitations to the extent to which the time spent in each segment of case processing can be shortened are becoming more constraining. As discussed, many applications

A Brief Review of FY 2006 2nd Quarter Data:

| FY 2006 Q2 Data as compared to: | |
|--------------------------------------|------------------|
| Completions Exceeding Filings | 164,160 |
| Q1 Filings | + 19.11% |
| Q1 Completions | + 7.33% |
| BEP Quarterly Completions Target | + 104.22% |
| | |
| Overall YTD Completions compared to: | |
| BEP Target | + 100.66% |
| FY 2005 Cycle Time Targets Met | 8 of 16 products |

Quarterly Completion Volumes During 4th Quarter 2005 & 1st and 2nd Quarter 2006:

| Form Name | Form Number | 4th Quarter FY 2006 Completions | 1st Quarter FY 2006 Completions | 2nd Quarter FY 2006 Completions |
|---------------------------------------------------|---------------|---------------------------------|---------------------------------|---------------------------------|
| Application to Adjust Status | I-485 | 209,536 | 182,105 | 232,393 |
| Application to Adjust Asylee Status | I-485 | 16,390 | 28,844 | 53,549 |
| Petition for Non immigrant Worker | I-129 | 117,686 | 97,928 | 96,350 |
| Application to Extend/Change Status | I-539 | 70,174 | 49,114 | 59,138 |
| Application to Replace Permanent Resident Card | I-90 | 104,331 | 206,425 | 207,148 |
| Petition for Alien Relative | I-130 (All) | 320,185 | 253,095 | 246,381 |
| Application for Travel Document - Advanced Parole | I-131 Adv/PrI | 61,563 | 57,923 | 52,963 |
| Application for Travel Document - Reentry Permit | I-131 RP/RD | 57,562 | 30,454 | 32,521 |
| Immigration Petition for Alien Worker | I-140 | 24,301 | 22,751 | 23,832 |
| Petition to Remove Conditions on Residence | I-751 | 41,810 | 40,221 | 26,648 |
| Application for Employment Authorization | I-765 | 535,763 | 307,929 | 302,839 |
| Application for Temporary Protected Status | I-821 | 178,148 | 15,326 | 28,773 |
| Application for Naturalization | N-400 | 209,722 | 172,756 | 201,831 |
| Application for Certificate of Citizenship | N-600 & N-643 | 12,868 | 12,772 | 14,419 |
| Asylum Application | I-589 | 31,416 | 15,095 | 19,126 |
| NACARA 203 Application | I-881 | 6,204 | 6,568 | 11,679 |
| Credible Fear Referral | I-867 | 886 | 1,385 | 1,128 |
| | Totals | 1,998,545 | 1,500,691 | 1,610,718 |

are being held up for weeks and months for a variety of reasons; applicants must, by regulation, be afforded 87 days to respond to Requests for Evidence when there are documentary deficiencies in their application; and applicants who fail the English/Civics test in the Naturalization process must be afforded 90 days before re-examination. The greater the number of applications requiring more than six months to complete due to issues outside of USCIS control, the greater the need to complete the other applications even more quickly in order to achieve the overall average cycle time target.

These challenges will not discourage the invigorated USCIS workforce. During the past two years, USCIS has made dramatic progress in backlog elimination and customer service while simultaneously increasing its role in supporting national homeland security initiatives. USCIS will meet the challenges for the remaining months of FY 2006 with the same dedication, commitment, and integrity. At the end of FY 2006, USCIS will be proud of the progress it has made in its backlog elimination effort and of the success the young agency has had in restoring integrity to the nation's immigration system.

Conclusion

Since the high point of the backlog in January 2004 of 3.85 million applications, USCIS has streamlined existing processes and procedures, leveraged existing information technology systems to assist the adjudicative process, and reenergized its workforce of nearly 15,000 men and women. What's more important, however, is what USCIS has not done. It has not cut corners. It has not lost its focus on national security and customer service above all. It has not compromised quality or integrity in the name of production.