

# OMBUDSMAN

## QUARTERLY UPDATE

### IN THIS ISSUE

Highlights of Current Areas of Focus.....2

Recent Recommendations .....2

USCIS Issues Tip Sheet in Response to Ombudsman’s Recommendation.....2

Concerns with VIBE.....2

Helping the Public- One Case at a Time .....3

Meet the Ombudsman’s Leadership Team.....4

### From the Ombudsman

There are a few questions that commonly come up when I have the opportunity to meet with stakeholders. Whether speaking to a room of hundreds or a table of twelve, I am often asked what happens after recommendations are published by the Ombudsman’s Office and who is held accountable for implementation.

These are important questions. Currently, the Ombudsman’s Annual Report to Congress includes an update on what action or inaction has occurred in response to prior recommendations. The results vary. Sometimes USCIS disagrees that action is needed on a particular issue. Other times, USCIS agrees that some action is appropriate but concludes that such action is different than what we recommended or is already underway. Finally, there are times when USCIS has agreed with a recommendation and implements or agrees to implement changes. This year, we have seen USCIS implement actions included in the Ombudsman’s recommendations regarding Adjudication of Applications for Refugee Status. You can learn more about this on page 2 of this update.

In an effort to encourage more frequent implementation of sound recommendations, our office is instituting an automatic follow-up review one year after formal recommendations are published. Look for the one year later updates beginning in May.

In addition, this year the Ombudsman’s Office will begin wiping the dust off of past recommendations and USCIS responses, to not only provide updates on what USCIS actions have occurred, but also, when appropriate, to provide new or revised recommendations on the issue. Your continuous feedback is key to helping us assess the impact that action or inaction is having on both USCIS and its customers. If you feel strongly about a prior recommendation, please share your feedback with us at [cisombudsman.feedback@dhs.gov](mailto:cisombudsman.feedback@dhs.gov).

Finally, in this update, we introduce you to the Ombudsman’s leadership team. We have welcomed experienced leaders and practitioners with diverse backgrounds who will lead our team of Immigration Law Analysts, Case Resolution Specialists, and mission support staff, to meet the needs of all those who count on our assistance. Please feel free to reach out to us directly at any time.

Most Sincerely,



January Contreras  
Citizenship and Immigration Services Ombudsman



## Highlights of Current Areas of Focus

### Recent Recommendations to USCIS

#### [Special Immigrant Juvenile Adjudications: An Opportunity for Adoption of Best Practices](#)

On April 15, the Ombudsman's Office issued a recommendation highlighting an opportunity for USCIS to adopt and implement best practices nationwide. Specifically, the Ombudsman's Office recommends that USCIS provide training and up-to-date guidance to support adjudicators who make critical decisions for SIJ applicants. For inquiries related to this topic and recommendation, please contact [Stephanie.Fast@dhs.gov](mailto:Stephanie.Fast@dhs.gov).

#### [Customer Complaints: A Tool for Quality Customer Service and Accountability](#)

On March 23, the Ombudsman's Office recommended that USCIS implement an effective complaints or comments system that would be beneficial to both the agency and its customers. Without a comprehensive method of accepting, tracking, and addressing customer complaints or comments, USCIS loses the chance to learn about customer experiences system-wide and to identify trends, including both issues of concern and best practices. For inquiries related to this topic and recommendation, please contact [Jonathan.Perezous@dhs.gov](mailto:Jonathan.Perezous@dhs.gov).

### New Tip Sheet Available on Refugee Process

In response to the Ombudsman's April 2010 recommendations on refugee processing, on March 8, 2011, USCIS developed new resources to assist customers seeking review of their Notice of Ineligibility for Resettlement as a refugee. On the USCIS website, customers now can find information on how to file a Request for Review (RFR) with USCIS, as well as an updated list of addresses for proper submission. This [USCIS Request for Review Tip Sheet](#) includes information on what customers need to know when filing, including information on deadlines, format, content, representation, what not to include, varying wait times (but no specific processing time) and what happens next. Additionally, USCIS provides hyperlinks on its website to relevant news, portions of laws, benefit forms, and related governmental departments.

Based on feedback from stakeholders, these resources would add even more value if all U.S. Refugee Assistance Program agencies actions were consistent with the Tip Sheet when issuing RFRs. The Ombudsman's Office suggests monitoring the USCIS Tip Sheet for any updates. For inquiries related to the Refugee Processing Recommendations, please contact [Stephanie.Fast@dhs.gov](mailto:Stephanie.Fast@dhs.gov).

### Issues Under Review

The Ombudsman's Office is constantly conducting reviews or projects related to a number of USCIS policies and procedures. We highlight three current projects below. If you would like to share your experience with our team, highlight a best practice, or submit a case related to a particular issue, please reach out to the named contact.

- Asylum Clock – [Rena.Cutlip-Mason@dhs.gov](mailto:Rena.Cutlip-Mason@dhs.gov)
- USCIS Regulations and Regulatory Process – [Wendy.Kamenshine@dhs.gov](mailto:Wendy.Kamenshine@dhs.gov)
- USCIS Responses to Customer Service Request – [Paulette.Brooks@dhs.gov](mailto:Paulette.Brooks@dhs.gov)

### Concerns with VIBE

The Ombudsman's Office is hearing concerns from stakeholders regarding Validation Instrument for Business Enterprises (VIBE), a new tool USCIS launched in February 2011 to help confirm an employers' *bona fides* as a part of the adjudications process.

Specifically, VIBE is triggering Requests for Evidence (RFEs) and Notices of Intent to Deny (NOIDs) for sole proprietors that unofficially do business under a trade name, which may not be officially registered with state or local regulatory entities. Businesses, such as farms or farm labor contractors are also seeing VIBE RFEs and NOIDs. These issues may arise because of the type of legal framework under which these entities are organized. In addition, business that use a mailing address other than their official address (e.g., the address of their legal counsel or their "agent"), for example on Forms I-129, Petition for a Nonimmigrant Worker or I-140, Immigrant Petition for Alien Worker, may also receive RFEs and NOIDs.

The Ombudsman's Office has begun and will continue to closely monitor VIBE in the coming weeks and months, and raising these issues and possible solutions with USCIS. For information or questions regarding VIBE, please contact [Frederick.Troncone@dhs.gov](mailto:Frederick.Troncone@dhs.gov).

## Providing People With the Help They Need One Case at a Time

The Ombudsman provides individual assistance to members of the public who have not been able to resolve a problem with their USCIS application or petition. We are often asked in what kinds of situations our assistance is most effective. Below are recent examples in which USCIS resolved problems in response to inquiries from the Ombudsman's Office.

### Ombudsman Assists Military Spouse With Expedited Processing

In fall 2010, the Ombudsman's Office received a request for help from a U.S. citizen serving in the military who was scheduled for deployment in early 2011, on behalf of his spouse, a citizen of Romania whose adjustment and advance parole applications were pending. The spouse had a family emergency that required her to visit Romania as soon as possible. Upon the Ombudsman's recommendations for expedited adjustment of status processing, the USCIS National Benefits Center sent the interview-ready application packet to the relevant USCIS field office. In February, the applicant attended an interview and subsequently obtained permanent residence status.

### Case Reopened and Approved

After several failed attempts to resolve a problem directly with USCIS through the National Customer Service Center, a Jamaican applicant and his U.S. citizen spouse contacted the Ombudsman's Office for help. USCIS had denied their Form I-130, Petition for Alien Relative, due to failure to respond to a Request for Evidence (RFE), despite the fact that the applicant had sent the proper information to USCIS. The applicant provided documentation showing that the RFE response was submitted on time by certified mail. Upon the Ombudsman's intervention, USCIS reopened the file and approved the petition.

### Applicant Adjusts After Case Erroneously Transferred

An individual contacted the Ombudsman's Office for help because she was unable to obtain a response from USCIS about her pending application. USCIS had approved her Form I-140, Immigrant Petition for Alien Worker, in 2007 and she subsequently filed for a green card. After her application retrogressed on two occasions and after waiting three years, she was eligible to adjust her status to permanent resident but could not obtain a response from USCIS. The Ombudsman inquired on her behalf and learned that USCIS had transferred the application to the wrong service center. Following the Ombudsman's inquiry, USCIS contacted the individual and processed her application.

### Employer Benefits from Ombudsman Intervention

The Ombudsman's Office assisted an employer that had difficulties obtaining timely approval of his petition for 120 H-2A agricultural workers from Mexico who were needed to harvest fruit in Florida. The same employer had been approved to do the same work every year since 2006. This year, an unusual frost occurred that placed the employer's entire harvest at risk of spoilage, particularly without the needed workers. The Ombudsman's Office interfaced between the employer, the employer's agent, and USCIS to bring the case to a successful resolution.

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“We are so grateful you helped us out, we got your letter, were interviewed and received the green card two weeks ago. I can see everything is becoming normal now. From the bottom of our hearts, thank you very much for helping us.”

-An Ombudsman Customer, March 2011

### The Ombudsman Leadership Team

Over the last several months, the Ombudsman's leadership team has expanded its resources to better accomplish our mission. These highly experienced professionals who come from a wide variety of immigration practice backgrounds are here to help the public on a one-on-one basis and system-wide. Along with Ombudsman Contreras, the entire team is working with colleagues inside and outside of the U.S. Government to contribute to the improvement of the delivery of citizenship and immigration services on a daily basis. Please feel free to reach out to any team member.

#### Debra Rogers, Deputy Director

[Debra.Rogers@dhs.gov](mailto:Debra.Rogers@dhs.gov)

Debra Rogers joined the Ombudsman's Office in November 2010 to serve as Deputy Director. Ms. Rogers brings experience serving in a variety of leadership positions at USCIS, most recently as Associate Director of the Field Operations Directorate, where she led USCIS Domestic Field Offices including four regional offices, 26 district offices, and 90 field and support offices across the country. The Ombudsman's Office has already benefited from Ms. Roger's leadership as we work to improve our case resolution process, ready online submission capability, and identify policy issues that impact the public.

#### Wendy Kamenshine, Senior Ombudsman

[Wendy.Kamenshine@dhs.gov](mailto:Wendy.Kamenshine@dhs.gov)

Wendy Kamenshine has been with the Ombudsman's Office since May 2005 and currently serves as Senior Ombudsman. Ms. Kamenshine also serves as Chair of the Coalition of Federal Ombudsmen and is a mediator and facilitator with the Federal Sharing Neutrals Program. Prior to joining the Ombudsman's Office, Ms. Kamenshine practiced law with Akin Gump Strauss Hauer & Feld LLP and was a Research Associate at the economics consulting firm, Economists Incorporated.

#### Gary Merson, Chief of Policy

[Gary.Merson@dhs.gov](mailto:Gary.Merson@dhs.gov)

Gary Merson joined the Ombudsman's Office in April 2005 and currently serves as Chief of Policy. Prior to joining the Ombudsman's Office, Mr. Merson served as Government Affairs Counsel with Fragomen, Del Rey, Bernsen & Loewy, PC, and prior to that as an Advocacy Associate with the American Immigration Lawyers Association.

#### Rená Cutlip-Mason, Senior Advisor

[Rena.Cutlip-Mason@dhs.gov](mailto:Rena.Cutlip-Mason@dhs.gov)

Rená Cutlip-Mason joined the office in 2010 to serve as the Senior Advisor for humanitarian immigration issues. Ms. Cutlip-Mason previously served as the Director of Legal Services at the Tahirih Justice Center. Ms. Cutlip-Mason also has served as the Immigration Program Director at La Esperanza Community Center in Georgetown, DE, and as an attorney with Farmworker Legal Services, a division of Legal Services of South Central Michigan.

#### Peggy Gleason, Senior Advisor

[Margaret.Gleason@dhs.gov](mailto:Margaret.Gleason@dhs.gov)

Peggy Gleason joined the office in 2010 to serve as the Senior Advisor for family immigration issues. Previously, Ms. Gleason worked for 23 years as an attorney with the Catholic Legal Immigration Network, Inc. (CLINIC), where she trained other attorneys in immigration law. Ms. Gleason also served as Managing Attorney and Staff Attorney for the Micronesia Legal Service Corporation in the Marshall Islands and has represented farm workers in labor and immigration cases.

#### Frederick Troncone, Senior Advisor

[Frederick.Troncone@dhs.gov](mailto:Frederick.Troncone@dhs.gov)

Frederick Troncone joined the Ombudsman's Office in March 2008 and currently serves as the Senior Advisor for employment immigration issues. Previously, Mr. Troncone served as an immigration attorney at Global Immigration Partners Limited and Case & Lynch. Additionally, Mr. Troncone has served as an Attorney-Advisor with the National Labor Relations Board General Counsel's Office, Division of Enforcement Litigation.

#### Veronica Vaughan, Assistant Chief of Case Resolution

[Veronica.Vaughan@dhs.gov](mailto:Veronica.Vaughan@dhs.gov)

Veronica Vaughan joined the office in September 2008 and currently serves as the Assistant Chief of Case Resolution. She is responsible for assisting individuals and employers with case problems and helps to lead a team of newly created Case Resolution Specialists. Previously, Ms. Vaughan worked as a Senior Immigration Legal Assistant for several law firms, assisting attorneys in complex immigration matters.

**The Ombudsman Leadership Team Continued**

**Matthew O'Brien, Assistant Chief of Policy**

[Matthew.O'Brien@dhs.gov](mailto:Matthew.O'Brien@dhs.gov)

Matthew O'Brien joined the Ombudsman's Office in March 2011 as the Assistant Chief of Policy. Mr. O'Brien previously served as the USCIS Chief of the National Security Policy & Program Development Unit. He has previously served as counsel for Immigration and Customs Enforcement (ICE) and has additional years of experience as a private immigration attorney.

**Stacy Shore, Lead Immigration Analyst**

[Stacy.Shore@dhs.gov](mailto:Stacy.Shore@dhs.gov)

Stacy Shore joined the Ombudsman's Office in April 2011 as a Lead Immigration Analyst to assist the Deputy Director with operational issues. Ms. Shore most recently managed the permanent labor certification program (PERM) at the Department of Labor's (DOL) Office of Foreign Labor Certification. Prior to joining DOL, Ms. Shore practiced immigration law for approximately ten years and is the former Chair of the Washington, DC Chapter of the American Immigration Lawyers Association.

**CONGRATULATIONS TO JAMES REAVES,  
CHIEF OF CASE RESOLUTION, ON HIS  
RETIREMENT**

The Ombudsman's Office congratulates James Reaves on his retirement and thanks him for his more than 37 years of service to the U.S. Government. Mr. Reaves dedicated his life to public service. After serving with the U.S. Military, including deployments to Vietnam, Mr. Reaves joined the former Immigration and Naturalization Service and later USCIS. Mr. Reaves completed his career as the Chief of Case Resolution in the Ombudsman's Office where he personally resolved hundreds of cases, many of which were stuck in the system for years. We appreciate his commitment to helping the public throughout his career.

**Recent Public Teleconferences**

The Ombudsman's Office recently hosted public teleconferences on the topics below. Teleconferences are open to the public and allow anonymous feedback by participants. During calls, the Ombudsman's Office shares information on a specific topic and moderates a question and answer session with callers. Recently, the Ombudsman's Office started posting [recaps](#) from teleconferences, available on our webpage.

**Application Processing Times: A Conversation with USCIS** *April 27*

**Export Controls Requirement on Form I-129: A Conversation with the Commerce Department** *March 24*

**Family-Based Retrogression – What Is It and How Does It Impact Applicants?** *March 15*

**Child Status Protection Act (CSPA): How Is It Working For You?** *February 7*

**TALK TO US**

Citizenship and Immigration Services  
Ombudsman

[oisombudsman@dhs.gov](mailto:oisombudsman@dhs.gov)

202-357-8100

[www.dhs.gov/oisombudsman](http://www.dhs.gov/oisombudsman)

\*sign up on our website to receive periodic  
email updates from the Ombudsman

**HOW THE OMBUDSMAN WORKS FOR YOU**

The Ombudsman is here to help individuals and employers who need to resolve a problem with U.S. Citizenship and Immigration Services (USCIS). The Ombudsman also makes recommendations to fix systemic problems and improve the quality of services provided by USCIS.

The Ombudsman is an independent, confidential, and impartial resource within the Department of Homeland Security.