Homeland Security

Ombudsman Recommendation Update: USCIS Processing of Waivers of Inadmissability

On June 10, 2010, the Citizenship and Immigration Services Ombudsman recommended enhancements to the administration of Form I-601, Application for Waiver of Grounds of Inadmissibility. While specifically focused on the USCIS Ciudad Juarez Field Office, many of the recommendations applied to all overseas posts: (1) Centralize I-601 processing; (2) Allow applicants to concurrently file Form I-601 and Form I-130, Petition for Alien Relative; (3) Prioritize the finalization of the overseas case management system, already under development, to ensure accurate statistical reporting on Forms I-601, to allow processing times to be posted, and to enable customers to track a Form I-601 application via the "My Case Status" feature on the USCIS website; (4) Publish clear instructions for customers seeking expedited waiver processing; (5) Increase coordination between Department of State (DOS) and USCIS officers who work with I-601 waivers; and (6) Allow USCIS employees to request digitized A-Files upon receipt of interview schedules. This Recommendation update provides the status of recommendations made by the Ombudsman at least twelve months after the recommendations were issued.

Ombudsman Recommendation 1

Centralize the I-601 adjudication process.

USCIS Response

USCIS agreed in part with this recommendation and stated that it was evaluating different models to improve overseas filing of I-601s.

Status as of November 2011

USCIS is considering plans for centralized filing through a Lockbox facility in the United States with adjudication to be performed at the Nebraska Service Center (NSC). To date, USCIS has not finalized these plans or provided an implementation timeline. USCIS' goal appears to be processing all I-601 waivers at a single service center, rather than distributing applications to various international and domestic offices for adjudication. USCIS has also indicated that it hopes that centralizing processing will: 1) Eliminate the existing three-month appointment delay; and, 2) enable I-601s that are not readily approvable to be reviewed and processed more quickly than those that are referred by Ciudad Juarez and sent to other USCIS facilities for adjudication, which may take up to eleven months.

Ombudsman Recommendation 2

Allow applicants to concurrently file Form I-601 and Form I-130, Petition for Alien Relative.

USCIS Response

In October 2011, USCIS stated that it was considering this recommendation.

Status as of November 2011

USCIS is continuing to explore the proposal to adjudicate I-601 waivers prior to an applicant's consular interview.

Ombudsman Recommendation 3

Prioritize the finalization of the USCIS overseas case management system in order to provide for accurate statistical reporting of Forms I-601, allowing for posted processing times, and enabling I-601 applications processed at Ciudad Juarez (CDJ) to be tracked via the case status online feature on the USCIS website.

USCIS Response

USCIS agreed with this recommendation and noted a plan to post actual processing times for overseas filing of Forms I-601 online. USCIS also stated that many overseas offices manually post case-specific processing information on the local DOS website on a regular basis.

AILA InfoNet Doc. No. 11120960. (Posted 12/09/11)

Status as of November 2011

USCIS does not post general processing information for all Forms I-601on its website. Instead, individual posts submit information on local processing times for publication on individual DOS embassy/consulate websites. At present, there is no uniform system for reporting Form I-601 processing information. On August 16, 2010, USCIS announced that it had released an overseas case management system for use by International Operations Division called Case and Activity Management for International Operations (CAMINO), which will eventually allow posting of case processing times for overseas offices. USCIS anticipates, with a future release of CAMINO, that applicants will be able to access case status via the "My Case Status" feature on the USCIS website. However, if USCIS decides to centralize the intake and adjudication of Form I-601 in the United States, domestically-filed cases will be tracked and updated in USCIS mainframe case system, CLAIMS, rather than CAMINO. USCIS indicates that the use of CLAIMS will ensure accurate statistical reporting, allow processing times to be posted, and enable customers to track applications via the "My Case Status" feature on the USCIS website. The Ombudsman's Office will continue to monitor progress on posting of processing times and making more data available on "My Case Status."

Ombudsman Recommendation 4

Publish clear filing instructions to guide customers in need of expedited Form I-601 processing.

USCIS Response

USCIS agreed with this recommendation.

Status as of November 2011

USCIS published final guidance on expedite criteria and processing for I-601 waivers in a May 9, 2011 memorandum entitled, "Requests to Expedite Adjudications of Form I-601, Application for Waiver of Grounds of Inadmissibility, filed by individuals outside the United States." See http://www.uscis.gov/USCIS/Laws/Memoranda/2011/May/Expedited_I-601_PM_Approved_5-9-11.pdf.

Ombudsman Recommendation 5

Increase coordination between DOS consular officers and USCIS adjudicators at CDJ who work with Form I-601.

USCIS Response

USCIS agreed with this recommendation and stated in part, "USCIS believes there is value in providing and inviting DOS to distribute a list of documents that USCIS typically needs from applicants."

Status as of November 2011

USCIS and DOS continue working together to find opportunities for coordination. USCIS points to efforts to provide direct filing of Forms I-601s where USCIS and the Department of State are co-located as evidence of the high level of coordination between USCIS and DOS. However, stakeholders continue to report to the OmbudsmanÕs Office that lack of coordination on individual cases, policy interpretations, and processes are problematic.

Ombudsman Recommendation 6

Allow USCIS employees to request digitized Alien Files upon receipt of interview schedules, amending CDJÕs current office policy.

USCIS Response

USCIS agreed in part with this recommendation, but indicated that, due to technical limitations, the implementation of an electronic system enabling the transfer of digital files is not currently practical and will not become feasible in the near future.

Status as of November 2011

In certain circumstances (e.g., when an applicant has a criminal conviction, etc.) USCIS officers in CDJ request and review the A-file prior to referring the case for adjudication. In this process: 1) the A-file is requested; and 2) upon receipt of the A-file, the waiver application and file are reviewed to determine whether the waiver appears to be approvable on its face. If the case is subsequently deemed not to be approvable on its face, it is then referred to the appropriate USCIS office for further review and adjudication. This new process addresses the problem identified by the Ombudsman's Office in its recommendation.

AILA InfoNet Doc. No. 11120960. (Posted 12/09/11)

Conclusion

Over the last year, USCIS has implemented a number of innovative strategies to improve the quality and effectiveness of the overseas waiver process including publication of clear criteria and timelines for adjudications of waiver expedite requests. While USCIS should be applauded for these efforts, stakeholders continue to report that further efforts to promote consistency, transparency, and efficiency in information shared and in adjudications would further strengthen I-601 waiver processing.

This page was last reviewed / modified on December 8, 2011.

AILA InfoNet Doc. No. 11120960. (Posted 12/09/11)