



**Walled Off: How USCIS Has Closed Its Doors on Customers and Strayed from Its
Statutory Customer Service Mission**

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Introduction

Over the past four years, there has been a well-documented shift in USCIS’s priorities. While Congress established the agency through the Homeland Security Act of 2002 to focus on the effective and efficient administration of immigration benefits, it has in recent years sought to

distance itself from its customer-oriented origins.¹ This shift in priority is evident in several changes that the agency has made to its services both on a national and local level, and in several policies enacted during the last four years that appear to have been designed to make it harder for USCIS customers to obtain benefits. In making these changes, the agency effectively walled itself off from its customers, creating barriers to immigration benefits and timely and efficient customer service. This invisible wall has resulted in a significant decrease in customers' ability to access meaningful assistance and informational updates from the agency. It has also reduced customers' ability to provide much-needed feedback to USCIS regarding problematic case issues and other trends. As the agency transitions to work under a new administration, agency officials must take active measures to reduce and eliminate inefficient processes and policies and increase transparency at both the national and local levels. AILA provides this policy brief to offer smart, sensible solutions for USCIS to rebuild a transparent, efficient, and customer service-oriented agency.

Deterioration of Customer Service at the National and Local Levels

USCIS demonstrated its intention to move away from its previously customer-oriented mission through several measures over the last four years. These measures have decreased customers' ability to obtain meaningful engagement regarding case status, or necessary, and in some cases, urgent, or complex solutions to case-related issues. The changes made to USCIS's public engagement model have also limited, if not eliminated, customers' options to engage with USCIS staff, thereby limiting valuable access to both case-specific information and general policies.

Below we discuss several of these issues, as well as recommendations that AILA has for agency officials and members of Congress to ensure that USCIS returns to fulfilling its mission to provide timely and efficient service to its customers.

1. USCIS Must Reframe Its Mission Statement

In February 2018, USCIS revised its mission statement to remove reference to the United States as a "nation of immigrants," as well as to remove the reference to "customers."² The agency also stopped using the word "customer" when referring to petitioners/applicants in general.³ USCIS supplemented this change by quietly rebranding the National Customer Service Center (NCSC), as the USCIS Contact Center, and removing the word "customer" from agency materials such as the USCIS Policy Manual and offices designed to provide information and assistance to customers.⁴ Considering that USCIS, in its own words, is

¹ See Homeland Security Act of 2002, available at: <https://www.dhs.gov/homeland-security-act-2002>.

² See USCIS, "USCIS Director L. Francis Cissna Issues Statement on the New Agency Mission" (Feb. 22, 2018), AILA Doc. No. 18022300, available at: <https://www.aila.org/infonet/uscis-statement-the-new-agency-mission-statement>.

³ See USCIS website's "About Us" page, available at: <https://www.uscis.gov/aboutus>.

⁴ See "AILA Submits Comments on USCIS Policy Manual, Volume 1, Part A: Public Services" (May 24, 2019), AILA Doc. No. 19052836, available at: <https://www.aila.org/infonet/aila-comments-uscis-policy-manual-vol-1-part-a>.

funded primarily by fees paid by petitioners/applicants, it is striking that the agency has determined that its mission is no longer to provide benefits to those very same individuals and entities.⁵

AILA's Recommendations:

USCIS should alter its current mission statement to reflect our nation's commitment to welcoming immigrants from across the globe. AILA recommends the following be adopted as the agency's mission statement to ensure that the agency adheres to its statutory mission and signals that foreign nationals are an essential and welcomed component of building our country back better:

USCIS administers our nation's immigration system in a way that honors our history and future of welcoming immigrants from all walks of life and recognizes the contributions they make to build a better America. USCIS justly establishes national immigration policies and accurately, fairly, and efficiently adjudicates immigration benefit applications based on our immigration laws, which were designed to welcome individuals on their path to U.S. residence and citizenship. Moreover, USCIS provides timely and accurate information to its customers regarding immigration policies, procedures, and individual case status, while securing our homeland and supporting our shared strengths as a nation.

AILA urges the agency to return to its customer service origins and to recognize once again the individuals that fund its operations as "customers." To reflect this, USCIS should rename the USCIS Contact Center to the USCIS National Customer Service Center. Moreover, USCIS should elevate the customer service and public engagement divisions into its own directorate that reports to the USCIS director. These changes will demonstrate the agency's intention to once again serve its customers and fulfill its statutory mission of efficiently administering immigration benefits.

2. The USCIS Customer Service Center Must Be Made More Accessible to Customers

The ability for individuals, businesses, and their representatives to get case information, status updates, or assistance on their cases is a vital part of the immigration process. However, historically USCIS's toll-free phone system has not been a paragon of efficient and effective customer service. In the summer of 2017, USCIS began limiting who can access case information or case-specific assistance via the 1-800 number.⁶ Before this time, a member of the attorney of record's staff or firm was able to raise a question or submit a

⁵See USCIS Policy Manual, Chapter 1 – Purpose and Background, available at: <https://www.uscis.gov/policy-manual/volume-1-part-b-chapter-1>.

⁶See "Practice Alert: Paralegal Access to Case Information Via USCIS's 1-800 Number" (Aug. 16, 2017), AILA Doc. No. 17081630, available at: <https://www.aila.org/infonet/practice-alert-paralegal-access-case-information>.

service request. Without providing notice to the public, the agency stopped accepting calls from law firm staff apart from the attorney of record. Attorneys must now spend significant time on hold or working their way through the USCIS phone system to complete what were previously simple tasks such as scheduling a local appointment or submitting a service request for an issue with a particular case.

Soon after fully implementing this change, the agency consolidated almost all case-specific customer inquiries through the USCIS 1-800 phone line, making it the primary point of contact for customers. Customers are now expected to near-exclusively utilize the phone line to make appointments at local offices, follow up on previously-submitted service requests, and address complex case issues even in instances where prior attempts at calling the phone line had not succeeded in resolving these issues. Customers using the phone line have faced significant technical and training issues without a separate recourse for follow up.

According to a June 2020 annual report from the Office of Citizenship and Immigration Services Ombudsman (CIS Ombudsman), “To speak to a live representative, callers must first navigate a long series of prompts and menu options and listen to at least one substantive (and sometimes complicated) message.”⁷ This process has clearly proven excessive for many, as data that USCIS provided on April 15, 2020, indicates that nearly 25 percent of callers “abandon their attempts to reach the Contact Center” before reaching a live representative.⁸ Once customers reach a live representative (Tier 1) and submit a request, there is still another step left in the process. They may still have to wait days before receiving a call back from an officer (Tier 2) able to assist, which could be received during non-working hours. If they miss callbacks from the agency, they may be required to start the process from scratch.

Long delays are not limited to attorneys and their staff. Many pro se applicants must also endure extensive wait times and irregular callback hours that may also hamper their ability to do their work or require them to start the inquiry process anew after missing calls from USCIS. Lastly, USCIS has confirmed to the CIS Ombudsman in the July 2020 Annual Report that due to the implementation of a new vendor contract in late 2018, the agency saw its Tier 1 staffing shrink significantly. As of March 31, 2020, the number remains below the expected level anticipated in late 2018.⁹

⁷ See Office of the Citizenship and Immigration Services Ombudsman, “CIS Ombudsman Releases 2020 Annual Report to Congress” (June 30, 2020), AILA Doc. No. 20070100, available at: <https://www.aila.org/infonet/cis-ombudsman-2020-annual-report>.

⁸ *Id.*

⁹ *Id.* In coordination with its efforts to consolidate most customer engagement through the USCIS Contact Center, in October 2018, USCIS contracted out the staffing requirements for Tier 1 representatives, expecting to have 750 Tier 1 representatives. The CIS Ombudsman reports that as of March 31, 2020, the USCIS Contact Center reportedly employs 680 representatives after a decrease to as low as 500 representatives in January 2019.

Most recently in May 2020, the agency added another significant hurdle by moving to an interactive response telephone system that requires customers to perform voice response commands to speak with a representative and removes the ability to utilize keypad options to speak to a representative.¹⁰ The agency claims that the new system creates a personalized experience for customers. However, AILA members report excessively long wait times, dropped calls, and a voice response that leads them around in circles rather than actually directing them to a live representative. A recent survey of AILA members showed that 40 percent of those who responded reported difficulties reaching a live person through the new phone system.¹¹ That same survey showed that 25 percent of respondents reported issues involving abrupt disconnections when attempting to reach a live person, or when being transferred to a Tier 2 officer.¹² The process is far from efficient and given that customers have to work to reach a live representative, it also does not seem personalized. In addition, AILA members reported that the new system would often state that customers do not qualify to speak to an agent and would terminate the call, in some cases when an expedite request was being made. Lastly, even when AILA members have gotten through to a live representative, they have received incorrect information and advice to both legal representatives and their clients due to a lack of training.

AILA's Recommendations:

AILA recommends the following actions be taken to address the issues plaguing the USCIS Customer Service Center.

- 1. Return to the Joint Keypad/Interactive Voice Response Phone Tree System.** While the new phone system enacted in May 2020 may have been implemented with good intentions, it is not functioning in the intended manner. Customers are reporting increased frustration navigating the new system, which seems to disregard attempts by customers to reach a live representative before abruptly terminating the call. Returning to a joint keypad/interactive voice response system will allow those who require assistance from a live representative to reach them. Further, it will significantly reduce the time spent utilizing the system, as well as the likelihood of a disconnection occurring.
- 2. Expand and Promote Other Mechanisms to Raise Case-Specific Issues or Schedule Appointments.** USCIS should strive to limit the amount of time that customers actively spend attempting to request a service, submitting a case inquiry, or scheduling an appointment via telephone. The agency should establish and

¹⁰ See USCIS, "USCIS Introduces Interactive Voice Response Telephone System for Calls to the USCIS Contact Center" (May 18, 2020), AILA Doc. No. 20051832, available at: <https://www.aila.org/infonet/uscis-introduces-interactive-voice-response>.

¹¹ See "Practice Alert: Summary of Examples Collected by AILA Regarding USCIS Customer Service" (Jan. 29, 2021), AILA Doc. No. 21012942, available at: <https://www.aila.org/advo-media/aila-practice-pointers-and-alerts/practice-alert-summary-of-examples-collected>.

¹² *Id.*

promote other mechanisms for scheduling appointments or submitting other inquiries or service requests, including the e-request system and Emma, the agency's virtual assistant. USCIS should also expand the ability to schedule a local office appointment through an online form, as well as options available to customers when submitting an e-request to allow for issues not currently contemplated on the website, such as submitting an expedite request. Offering and promoting additional options for scheduling appointments or making service requests will reduce the traffic through the USCIS phone system, thereby reducing the burden on staff and the wait times experienced by countless customers.

- 3. Allow Law Firm Staff to Make Requests Through the USCIS Customer Service Center.** To further reduce the burden on agency staff and customers, USCIS should rescind its internal policy of disallowing law firm staff other than the attorney of record to submit an initial service request or InfoMod appointment. In many cases, the staff are more readily able to provide case-specific information, answer questions, and be available during the day to field calls from the agency. In addition, situations in which the attorney of record is out of the office or otherwise engaged create a huge inconvenience when follow up on a case is required. Expanding the type of individuals able to make these requests to pre-2018 levels will reduce customer frustration and the likelihood of missed callbacks, and provide greater efficiency for both the agency and its customers.
 - 4. Ensure that USCIS Customer Service Staff Are Thoroughly Trained.** USCIS must ensure that all USCIS customer service staff are provided with consistent and regular training. The agency must ensure that Tier 1 representatives, in particular, adequately understand the processes and procedures for requesting services such as case assistance, submitting a service request, scheduling a local office appointment, and submitting an expedite request without providing legal advice to customers.
- 3. USCIS Must Resolve Issues Plaguing the Scheduling of Appointments at Local USCIS Offices**

One of the most important and commonly used services offered by USCIS is scheduling a local USCIS office appointment. For many years, these appointments were made via a self-scheduling portal on the agency's website through the InfoPass system; however, this has been completely phased out and replaced with the InfoMod program at all local USCIS offices. Under the InfoMod program, in order to schedule an appointment, customers must follow a three-tiered process through the USCIS Customer Service Center system:¹³

¹³ See Office of the Citizenship and Immigration Services Ombudsman, "CIS Ombudsman's Office Summary of Teleconference on USCIS Applicant Support Services" (Feb. 14, 2019), AILA Doc. No. 19020500, available at: <https://www.aila.org/infonet/cis-ombudsmans-teleconference-uscis-applicant>.

1. When calling the USCIS phone line (1-800-375-5283), customers are first directed through the voice response system to see if their question can be answered through automated responses.
2. Tier 1: After navigating the various voice prompts, customers can speak to a Tier 1 representative (likely a USCIS contractor) who will attempt to determine if, in fact, an in-person appointment at a local field office is needed to resolve a particular issue. If the issue is deemed appropriate for a local appointment, the representative will escalate the issue to a Tier 2 officer (USCIS officer).
3. Tier 2: If the case is escalated to Tier 2, customers should receive a callback from a USCIS officer typically within 24-72 hours. The USCIS officer will then schedule an appointment.¹⁴

The goal of this program is supposedly to ensure that in-person appointments are attended or used for issues that cannot be resolved in other ways.¹⁵ Whereas the process for scheduling an InfoPass appointment was relatively quick and online, the InfoMod program takes a surprising step back technologically to a phone-based system where customers are required to schedule an appointment via a multi-pronged process with live officers. This change has created several issues that have caused both confusion and frustration for customers. AILA has received reports of, among other issues, confusion concerning the issues that qualify for an InfoMod appointment, erratic callback times outside of normal business hours, and inordinate amounts of time spent on or near a telephone. It has proven to be a significant inconvenience for petitioners, applicants, and law firm staff and has created yet another obstacle for individuals seeking to navigate an already complicated immigration system just to schedule an appointment to get benefits or seek case resolution.

AILA's Recommendations:

1. **Expand and Promote Other Mechanisms to Schedule Appointments.** As stated earlier, USCIS should work to limit the amount of time customers are required to spend on the 1-800 phone line. In order to do so, the agency should consider two options. First, the agency should review the InfoMod program and determine whether it would be more efficient and effective to reconsider a self-scheduling system that provides better parameters for when appointments may be scheduled. Second, in lieu of reimagining the scheduling system once again, the agency should set up and promote alternative ways to schedule a local USCIS office appointment, including an online form and functional use of the Emma system. Offering and promoting these options will reduce traffic on the 1-800 phone line and provide a more convenient process for customers.

¹⁴ *Id.*

¹⁵ *Id.*; see also Office of the Citizenship and Immigration Services Ombudsman, "CIS Ombudsman Releases 2020 Annual Report to Congress" (June 30, 2020), AILA Doc. No. 20070100, available at: <https://www.aila.org/infonet/cis-ombudsman-2020-annual-report>.

2. **Provide Transparent and Accommodating Callback Windows for InfoMod Appointments.** USCIS must also do better to provide callback windows for all requests that qualify for an appointment. The current callback standard of any time of day within 24-72 hours is excessively vague. If a call is missed, customers are required to start the process all over again. Customers should not be expected to be available at all times for a call from USCIS, and requiring such availability is counterproductive if the agency's goal is to facilitate appointments for those issues that require one. AILA recommends, at minimum, that the agency work with customers to provide a shorter callback window that is within business hours for the time zone in which the customer resides.
3. **Make InfoMod Criteria Public.** If the agency is truly seeking to make appointments only for those cases or issues in which they are warranted, it would be beneficial for customers to understand what issues the agency views as deserving of an appointment, and what specific USCIS services are available for issues that do not warrant an appointment. There will obviously be complex issues that USCIS cannot account for, but making this information public will both help educate customers and reduce the number of requests for an appointment. USCIS should also provide an explanation of the InfoMod process(es) and the expected wait times for completion.

4. **USCIS Must Offer Walk-In Availability at Local USCIS Offices**

One of the most significant changes brought forth by the new InfoMod program is the elimination of walk-in availability at local USCIS field offices. This is a stark change in policy that eliminates a key customer service function of the local USCIS office. For emergencies or time-sensitive issues, USCIS field offices offered walk-in availability to assist individuals seeking to urgently obtain immigration benefits. This benefit was integral for individuals with an urgent need to, among other things, travel, demonstrate their current immigration status, follow up on their application, obtain an I-94 record for a defensive asylum grantee, or for individuals seeking to fee-in a motion or application with the Executive Office for Immigration Review (EOIR). USCIS claims that these services are still provided under InfoMod. However, USCIS has not made the public aware of any protocol for handling emergency requests in lieu of walk-in availability except that those who request emergency appointments through the USCIS Customer Service Center, if they are able to reach a live representative, will be prioritized. AILA has also received reports from members of requests for urgent scheduling of an appointment on an issue being rejected. While it is possible that not every situation that customers deem urgent requires an emergency appointment, USCIS offices have traditionally been available to handle these rare requests. The current set up of the InfoMod program exacerbates this problem as the process creates an environment in which miscommunication between contracted Tier 1 representatives and pro se applicants or attorneys of record could lead to a meritorious

request being rejected either due to a misunderstanding on the contractor's part or due to an applicant's misunderstanding about the nature of their case.

AILA's Recommendations:

USCIS local field offices must be made adequately available to handle emergencies or time-sensitive issues. The agency can ensure availability by advising local field offices to once again accept walk-in appointments in limited circumstances. To avoid overuse of these appointments, USCIS should provide guidance concerning issues that would qualify as time-sensitive or urgent. While an exhaustive list of relevant issues cannot be provided based on the often unique emergencies that arise, some common issues that should be considered include obtaining a temporary I-551 stamp, feeing in motions or applications with EOIR, and making an emergency advance parole request. While there will understandably be some unique and complex issues for the agency to consider on a case-by-case basis, this public notice will ensure that only customers with issues that merit urgent attention receive it.

5. USCIS Must Take Steps to Reduce Crisis-Level Processing Delays

A critical part of quality customer service is adjudicating cases in a timely fashion. Indeed, the Homeland Security Act expressly references the elimination and prevention of case backlogs and conveys the sense of Congress that, upon implementation of Act, "concerns regarding the quality and efficiency of immigration services are addressed."¹⁶ In February 2020, AILA reviewed available USCIS case processing data from FY2014 to FY2019.¹⁷ Our resulting analysis showed crisis level delays across various form types for immigrant and nonimmigrant applications and petitions. The overall average case processing time surged by 25 percent from the end of FY2017 through FY2019 despite a 10 percent decrease in overall case receipts, and by 101 percent from FY2014 to the end of FY2019.¹⁸ Over the last fiscal year, the agency's overall processing times have continued to rise by close to 5 percent.¹⁹ These delays result in lapsed work authorization, prolonged family separation, and extreme anxiety for USCIS's customers.

¹⁶ See Homeland Security Act of 2002, available at: <https://www.dhs.gov/homeland-security-act-2002>.

¹⁷ See "AILA Policy Brief: Crisis Level USCIS Processing Delays and Inefficiencies Continue to Grow" (Feb. 26, 2020), AILA Doc. No. 20022502, available at: <https://www.aila.org/advo-media/aila-policy-briefs/crisis-level-uscis-processing-delays-grow>.

¹⁸ *Id.*

¹⁹ See Historical National Average Processing Time for All USCIS Offices, available at: <https://egov.uscis.gov/processing-times/historic-pt>. Please note that the data cited throughout this brief has been rounded to the nearest whole number. Please also note that when releasing new statistics on the "Historic National Average Processing Time for All USCIS Offices" page, USCIS will occasionally update data from a previous fiscal year to reflect updated information that it has received.

The worsening of processing time delays and the millions of backlogged cases are products of the agency's deleterious policies.²⁰ Over the last four years, the agency has implemented several policies that have expanded its already excessive workload and served to slow down case processing rather than make it more efficient.²¹ Two examples of such policies include the agency's October 1, 2017, implementation of universal, in-person interview requirements for employment-based immigration applications and I-730, Refugee/Asylee Relative Petitions at local USCIS offices, and the October 23, 2017, rescission of guidance advising adjudicating officers to defer to prior approvals of nonimmigrant employment-based extension petitions.²² These policies, among others, have required that the agency expend valuable time and resources by requiring interviews for individuals not deemed a concern by the agency and mandating the agency's readjudication of petitions previously deemed approvable.

AILA's Recommendations:

To cut down on superfluous work, the agency must rescind inefficient and costly policies put in place over the last four years. Many implemented policies, such as the expanded interview requirements for employment-based I-485 applications and I-730 beneficiaries, have proven to be time intensive and unnecessary. Recently, the agency has further expanded interview requirements for most I-730 petitioners and has also updated its criteria for case-by-case interviews of asylee and refugee I-485 applicants. The agency can further reduce delays by rescinding these policies and working to more efficiently streamline the adjudication process by adjudicating related cases together, only requiring biometrics appointments when necessary, reducing unnecessary Requests for Evidence, and ensuring that staffing is properly allocated to reducing backlogs. Taking such actions will serve to reduce the number of inquiries raised through the USCIS Customer Service Center.²³

6. USCIS Must Take Steps to Reduce Cost and Secure Funding Without Passing the Cost on to Customers

In light of financial difficulties primarily brought on by its policies and mismanagement, USCIS has sought to increase fees for customers—in essence, requesting more money for less service. On August 3, 2020, USCIS published a final rule adjusting the USCIS fee

²⁰ See "AILA Policy Brief: USCIS Processing Delays Have Reached Crisis Levels Under the Trump Administration" (Jan. 30, 2019), AILA Doc. No. 19012834, available at: <https://www.aila.org/advo-media/aila-policy-briefs/aila-policy-brief-uscis-processing-delays>.

²¹ See "AILA Report: Deconstructing the Invisible Wall" (April 24, 2018), AILA Doc. No. 18031933, available at: <https://www.aila.org/infonet/aila-report-deconstructing-the-invisible-wall>.

²² See "AILA's Statement for House Hearing on 'Oversight of U.S. Citizenship and Immigration Services'" (July 27, 2020), AILA Doc. No. 20072702, available at: <https://www.aila.org/advo-media/aila-correspondence/2020/aila-statement-house-hearing-oversight-uscis>.

²³ See "A Vision for America as a Welcoming Nation: AILA Recommendations for the Future of Immigration" (Jan. 19, 2021), AILA Doc. No. 20110933, available at: <https://www.aila.org/infonet/a-vision-for-america-as-a-welcoming-nation>.

schedule for certain benefits by over 300 percent.²⁴ As recognized in Executive Order 14012, this rule “fails to promote access to the legal immigration system.”²⁵ The rule enacted significant fee hikes that risked pricing countless customers out of immigration benefits such as lawful permanent resident and citizenship applications. The rule also eliminated access to fee waivers for these applications and many others, eliminating a path to immigration benefits for vulnerable customers.²⁶ While the rule was enjoined before it could become effective on October 2, 2020, the agency has commented that its operations will continue to be affected without additional funding brought by increased fees.²⁷

On September 30, 2020, President Trump signed H.R. 8337, the Continuing Appropriations Act, 2021 and Other Extensions Act into law,²⁸ which included language from the Emergency Stopgap USCIS Stabilization Act (title I of division D of Public Law 116–159). It sought to address USCIS’s funding issues by allowing the agency to raise premium processing fees for certain forms, expand premium processing services to additional form types, and allow USCIS to spend premium processing fees on agency operations other than infrastructure improvement. Utilizing the authority it was provided, the agency increased its premium processing fees on October 19, 2020. However, it has not yet taken additional steps in line with the authority provided to further expand premium processing availability to other form types, which would not only help raise revenue but also provide faster processing times. Moreover, the agency has not outlined how it will use the additional revenue to improve its operations. President Biden has demanded that USCIS recommend steps to improve access to the legal immigration system pursuant to the authority granted by this Act.²⁹

AILA’s Recommendations:

USCIS must take measures to secure additional funds without significant and detrimental fee increases on the backs of its customers. The agency should reduce cost by rescinding overly burdensome, redundant, and inefficient policies that have led to inefficiencies and unnecessary costs. AILA also recommends that USCIS make use of the additional authority provided by Congress to further expand premium processing services. As required by Congress, AILA encourages USCIS to use this authority while also ensuring that any expansion does not adversely impact the standard processing of other form types, and to

²⁴“Practice Alert: Key Takeaways from the Final USCIS Fee Rule” (Aug. 3, 2020), AILA Doc. No. 20080333, available at: <https://www.aila.org/advo-media/aila-practice-pointers-and-alerts/practice-alert-key-takeaways-from-the-final>.

²⁵ “Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans,” 86 Fed. Reg. 8277 (Feb. 5, 2021), available at: <https://www.aila.org/infonet/executive-order-restore-faith-in-our-immigration>.

²⁶ *Id.*

²⁷ See USCIS, “USCIS Response to Preliminary Injunction of Fee Rule” (Sept. 30, 2020), available at: <https://www.uscis.gov/news/news-releases/uscis-response-to-preliminary-injunction-of-fee-rule>.

²⁸ See “Featured Issue: USCIS Budget Shortfall and Furloughs” (Oct. 1, 2020), AILA Doc. No. 20071436, available at: <https://www.aila.org/advo-media/issues/all/uscis-furloughs>.

²⁹ 86 Fed. Reg. at 8278.

develop a thorough plan on how it will reduce case processing times. Finally, AILA recommends that USCIS provide a public accounting of how premium processing funds are being used to ensure that they are being spent in a manner consistent with its statutory mission, rather than on additional enforcement mechanisms.

7. USCIS Must Reinstate Local and National Email Inquiry Boxes at Relevant Offices

In early 2018, USCIS eliminated the public use of the SCOPSSCATA@uscis.dhs.gov email address utilized by customers to follow up on case-specific inquiries.³⁰ This email functioned as an important check on USCIS service centers, allowing customers to alert USCIS Service Center Operations staff about cases where the then National Customer Service Center (NCSC) and respective USCIS service center were either unresponsive or unhelpful in their response to a case-specific inquiry. The agency followed this decision in December 2018 by discontinuing email boxes at its service centers and eliminating Community Relations (CRO) and Community Engagement Officer (CEO) positions, thereby dramatically reducing customers' ability to engage with agency staff familiar with the content of their cases.³¹ Instead, customers are now expected to funnel all requests and follow up through the USCIS Customer Service Center or USCIS Public Engagement, which has proven inefficient and ineffective for many customers, as well as the agency, as it creates additional bureaucratic layers of review to address problematic cases, rather than having the problem addressed immediately at the source.

AILA's Recommendations:

Without meaningful access to assistance, customers are often left without administrative recourse when a case languishes well outside of the agency's processing times or when a complex issue or request requires attention from agency staff. Frequently, this results in customers suing the government for inaction in a court of law, which creates additional costs for both the agency and its customers. For many years prior to the agency's elimination of these email boxes, AILA observed countless case examples resolved through inquiry escalation to the specific service center and SCOPSSCATA email boxes. Even where an inquiry was not resolved, these boxes often provided more substantive information that would inform customers of the status of their case.

AILA encourages USCIS to reopen a tiered inquiry escalation system that allows customers who have already completed a service request through the USCIS Customer Service Center with substantive avenues to address unanswered or unaddressed inquiries. The previous three-tiered email system was not perfect but it did allow customers access

³⁰ See "AILA Submits Comments on USCIS Policy Manual, Volume 1, Part A: Public Services" (May 24, 2019), AILA Doc. No. 19052836, available at: <https://www.aila.org/infonet/aila-comments-uscis-policy-manual-vol-1-part-a>.

³¹ See USCIS, "Update on Case Assistance by Service Centers," available at: <https://www.uscis.gov/news/alerts/update-case-assistance-service-centers>.

to the USCIS service center or local office staff with the best information on their case. It also ensured that USCIS Service Center Operations staff and local leadership had proper oversight of USCIS adjudications. Returning to a tiered escalation system will provide the agency with a mechanism not only to resolve customer issues, but also to provide adequate oversight of its staff to ensure that proper adjudication and inquiry handling protocols are being followed.

Lastly, USCIS should reopen the CRO and CEO email boxes and reassign staff to CRO and CEO roles. These email boxes allow customers to directly reach out to a service center with a complex issue or a problematic trend in order to ensure prompt resolution. In addition, reinstalling community engagement positions will further facilitate engagement with customers on a national and local level and ensure greater transparency at service center locations.

8. USCIS Must Once Again Offer Robust National and Local Engagements with Customers

As of the publishing of this brief, the agency has eliminated nearly all of its national and local customer engagement opportunities. The agency will occasionally offer a one-hour long opportunity to listen to members of USCIS's many directorates provide limited information and scripted answers to questions in a way that does not allow for meaningful dialogue. The agency has also ordered local USCIS offices to reduce or eliminate their engagement with local customers, as well as any specific local processes or procedures set up to address case-specific questions. This is in stark contrast to four years ago when both the national and local USCIS offices maintained robust engagement with the community. National offices offered consistent telephonic and in-person national engagement opportunities, and local offices held regularly scheduled meetings with customers in their communities to address local procedures and offered ways to resolving complex case issues. This type of communication is essential in the highly dynamic environment created by the COVID-19 crisis and rapidly changing immigration policies.

The benefits of this type of engagement are immense, as was witnessed during USCIS's rollout of the H-1B Registration Tool in 2020, during which USCIS held interactive stakeholder meetings, responded to case-specific inquiries, and provided a number of resources to ensure the success of the new process for both USCIS and its stakeholders.³² When customers are more informed and able to readily access agency staff and get information on substantive issues, it results in a clearer understanding of agency expectations in the community. During a discussion of previously scheduled quarterly asylum stakeholder events, the CIS Ombudsman noted that engagement may reduce the risk of inadequate filings, the need for Requests for Evidence, and unnecessary anxieties

³² See USCIS, "H-1B Electronic Registration Process," available at: <https://www.uscis.gov/working-in-the-united-states/temporary-workers/h-1b-specialty-occupations-and-fashion-models/h-1b-electronic-registration-process>.

among customers.³³ Instead, the agency has eliminated Community Engagement Officer and Community Relations Officer positions at its services centers and significantly curbed the number of customer questions it addresses during its limited webinars.

AILA’s Recommendations:

USCIS should expeditiously work to restore customer access to its offices at both a national and local level. The importance of public engagement cannot be overstated. It facilitates a greater understanding on the part of customers regarding how the agency functions while giving agency staff valuable insights into problematic adjudication or customer service trends. An example of the importance of customer engagement is demonstrated by the confusion surrounding how USCIS has altered the way it releases updates to its Policy Manual. The agency no longer provides a list of changes that it has made to the Policy Manual, leaving it to customers to compare and contrast new language with previous language, making it harder to determine what has changed. Providing a forum for customers to raise substantive issues or questions concerning agency policies and procedures will reduce frustration and alert the agency to issues that it may not otherwise be aware of.

9. USCIS Must Reopen International USCIS Field and District Offices

On March 12, 2019, USCIS indicated its intention to close its 23 international offices, thereby drastically reducing its global footprint and access to important services for customers currently living or stationed overseas. This announcement came as a surprise to many and provided no further information about how the important services handled at USCIS international offices would be affected. These offices offer important services for U.S. citizens, lawful permanent residents, members of the U.S. military and their families, adopted children and their U.S. citizen parents, refugees, and more. USCIS has since partially reversed this decision, indicating on August 20, 2019, that it would maintain operations at seven international offices in Beijing and Guangzhou, China; Nairobi, Kenya; New Delhi, India; Guatemala City, Guatemala; Mexico City, Mexico; and San Salvador, El Salvador. While, in context, this is welcome news, it does not change the significant impact that the decision to close these offices has had on USCIS customers’ ability to obtain critical services abroad.

AILA’s Recommendations:

USCIS should immediately review its current operations footprint abroad and consider the need for greater access to USCIS services in those areas not covered by the seven

³³See Page 53, Office of the Citizenship and Immigration Services Ombudsman, “CIS Ombudsman Releases 2020 Annual Report to Congress” (June 30, 2020), AILA Doc. No. 20070100, available at: <https://www.aila.org/infonet/cis-ombudsman-2020-annual-report>.

offices still being maintained, particularly given President Biden's order that USCIS facilitate naturalization for eligible candidates abroad and members of the military.³⁴ AILA understands that this might take some time given the need to scale operations back up in countries where USCIS offices have already closed, but USCIS should work with the Department of State to ensure necessary services are being provided abroad.

Recommendations for Members of Congress

In addition to agency action, Congress must continue to ensure that the agency is operating efficiently and effectively, while also ensuring that USCIS's customers are provided sufficient and timely access to USCIS services at both a national and local level. Many offices are already aware of the agency's customer service issues, having received countless constituent requests for assistance. AILA urges members of Congress to take the following steps to ensure that USCIS is continually held to account for these issues:

- 1. Request regular statistics on USCIS Customer Service Center services.** Members of Congress should ensure that USCIS is adhering to its statutory responsibility by consistently requesting information and statistics concerning the USCIS Customer Service Center. Requesting statistics regularly will serve to hold the agency accountable for its services and ensure that delays or inefficiencies do not adversely impact customers. Examples of statistics that should be regularly collected, reviewed by Congress, and made available to the public include:

Service Requests Through Phone System and E-Request:

- a. The current staffing for Tier 1 and Tier 2 services;
- b. The average time spent navigating through the USCIS phone system;
- c. The average response time for callbacks for both phone and e-requests;
- d. The average response time after a service request has been submitted;
- e. The number of customers who choose to abandon their call to USCIS.

The InfoMod Program:

- f. The total number of appointment requests that are accepted and the total number of rejected requests;
- g. The average time that customers spend on hold while waiting to request an appointment;
- h. The number of successfully and unsuccessfully completed callbacks;
- i. The average time that customers wait for a callback;
- j. The average time from the point at which a local appointment is requested to the actual appointment date.

³⁴ 86 Fed. Reg at 8279.

Case Backlog and Processing:

- a. The average increase or decrease in overall processing times each fiscal year;
- b. The current case backlog;
- c. The plan implemented by the agency to address backlog.

2. Increase Congressional Oversight of USCIS's Public Service Tools. As Congress created USCIS with the intent of being a service-oriented agency, members of Congress must hold USCIS accountable to its congressional duty to provide substantive service to its customers efficiently and effectively. Congress should examine the utility and functionality of all USCIS public service tools to ensure that USCIS is fulfilling its statutory mission.

3. Support USCIS accountability legislation. Members of Congress can help ensure that the agency fulfills its duty as a service-oriented agency by supporting legislation that would hold USCIS accountable for providing timely, efficient, and substantive services to all its customers. This would work to formalize USCIS as a service-based agency and bring the agency back in line with Congress's original intent.

Conclusion

Over the last four years, USCIS has distanced itself from its duties to its customers. Through redundant and unnecessary policy changes, it has inflicted upon itself and its customers considerable processing delays and a large backlog of cases. The agency has further insulated itself from the resulting frustration and confusion by significantly reducing its accessibility to customers, walling itself off, and refusing to address the concerns of the very individuals that fund its activities. The agency may have stopped using the word "customer," but these individuals are still the users and recipients of USCIS's services, and frequently pay high fees for them. As such, the agency must ensure the quality of the services it provides.

During the Biden administration, it is crucial that those leading USCIS not only take steps to rescind or amend the inefficient, costly, and in some cases destructive policies of the last four years, but also to instruct agency officials to reestablish USCIS's customer service tools, rescind ineffective and inefficient policies, and ensure that USCIS is held accountable for the continued implementation of its customer service initiatives.