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USCIS Processing Times Teleconference Recap

On April 27, 2016, the Citizenship and Immigration Services Ombudsman's Office hosted a public teleconference regarding the U.S. Citizenship and Immigration Services' (USCIS) processing times.

Topic: The teleconference discussion focused on how posted processing times are calculated, the factors that can affect the processing time for a product line or individual case, and resources available for customers to make a case status inquiry for those cases that appear to be outside of USCIS' posted processing times.

Speakers: Representatives from the USCIS Office of Performance and Quality (OPQ) and the Public Engagement Division within USCIS's Customer Service and Public Engagement Directorate (CSPED) responded to questions posed by the Ombudsman's Office and the public.

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USCIS' Posted Processing Time Methodology Explained (#)

During the call, USCIS explained that the agency has developed a methodology for estimating the average processing times for some of its form-types at individual field

offices and service centers, referred to as cycle times. USCIS defined cycle time for a given form as the volume of active pending cases represented by the number of months of new applications received by USCIS.

For example, if the active pending volume was 30 cases for the reporting month, and for the past three months the applications received were exactly 10 cases each month, the processing time would be 3 months in cycle time. Whereas, if the active pending volume was 30 cases for the reporting month, and for the past two months the applications received were exactly 15 cases each month, the processing time would be 2 months in cycle time.

USCIS stated it is currently unable to provide processing times for all of its form types due to data limitations, and that it currently does not use real time data to calculate processing times, but is actively exploring ways to capture real time data and to replace the cycle time posted processing times with date ranges that more accurately reflect the customer's experience.

Data Collection Detailed (#)

USCIS explained how it collects data from the field offices and service centers on a monthly basis, including total receipts, number of pending cases, and number of completions for the monthly reporting period. Each office provides data for each product line with a posted processing time. The field offices and service centers provide OPQ with the data, usually within 10 working days after the close of the month, and OPQ works with the individual field offices to review the data and finalize for publication. USCIS reported that it takes an average of 45 days to receive and process the data from the field offices and facilities, for a total of approximately 75 days from the first day of the performance month to publication. For example, data for March was collected and reported to OPQ in early April, and will be finalized for posting in mid-May (approximate 45 days after

the end of March, and 75 days from March 1).

Processing Times Posted in Months or Dates (#)

USCIS posted processing times are at times reported in months or alternatively by a particular date.   During the teleconference and its website at https://egov.uscis.gov/cris/processTimesDisplayInit.do (https://egov.uscis.gov/cris/processTimesDisplayInit.do) , USCIS explained that if a given adjudication facility is meeting its processing time goal for a particular form type the processing time will be reflected in months (i.e., 5 months), but if the office is not meeting its processing time goals, the actual receipt date of the application or petition currently being processed in the office or service center is posted (i.e., Sept. 25, 2015). However, there will always be variations as to how long any individual case will take to process to completion, and the posted date does not mean that all cases received before the posted processing time will be adjudicated within the posted processing timeframe.

How to Use Posted Processing Time Reports (#)

USCIS reminded customers that processing times should be calculated from the "as of" date on the current posted processing times. For example, the posted processing times for the N-400 is 5 months at the Boise Field Office as of February 29, 2016, meaning that by the end of February, the Boise Field Office was processing N-400s received 5 months earlier, or October 29, 2015. Until the new processing times are posted for the next month, applications received after the posted processing time, from the as of date (or in the example above after October 29, 2015), are not considered outside of normal processing times.

In some situations, for example when and I-140 visa petition

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and I-485 adjustment application are filed concurrently, customers must take both processing times for the individual applications into account because the adjustment application cannot be processed until the underlying I-140 petition is adjudicated.

The Ombudsman recommended that USCIS make an annotation to this effect on the processing time reports to alert customers to consider both processing times when calculating their total processing time to receiving a final decision. In another example, USCIS provided that for I-821D requests for Deferred Action for Childhood Arrivals (DACA) filed concurrently with an I-765 application for employment authorization, while both processing times should be considered in determining the customer's total processing time, USCIS tends to adjudicate the I-765 in considerably less time than the 90-day posted processing time once the DACA request is approved.

Factors that Impact Processing Times (#)

USCIS provided an overview of some of the factors that can affect the processing times for a product line or individual case. Adjudication delays may result if USCIS issues an initial Request for Evidence (RFE), or an RFE requesting additional evidence it believes is necessary before a decision can be made on a particular case. In the former situation, the customer is responsible for providing USCIS with a response to an initial RFE within 30 days, and 87 days to an RFE seeking additional evidence.

Time expended responding to RFEs is included in the cycle time calculations but USCIS is unable to differentiate those cases from those without an RFE. However, customers who receive RFEs should expect that their cases will take longer to process, particularly if customers take the entire response time of 30 or 87 days to answer the RFE.

Other factors that might impact the processing times include any follow-ups or delays related to the taking or clearance of biometrics/name checks that may third-party agencies; customer requests to reschedule interviews; scheduling demands for court proceeding including naturalization, delays in receipt of a filing fee on account of a returned check or other payment delay; staffing and resources shortages; file transfers; and surges in receipts.

At this time, USCIS is not able to include in its processing time delays on account of file transfers in their overall cycle time calculations. Nevertheless, USCIS commented that routine file transfers as part of the ordinary adjudication process should not result in case processing delays. USCIS clarified that customers should use the posted processing times for the office where their files have been transferred to determine the current processing time for their filings. Generally, USCIS will mail the customer a case transfer notice identifying the new office that will be processing their filing.

Processing Times Case Inquiries with USCIS (#)

If your case is outside of the posted processing times, USCIS offers a number of options for customer assistance. Customers can check their case status online using the receipt number on the I-797 Notice of Action, or by creating an account to receive case status updates at https://egov.uscis.gov/casestatus/landing.do (https://egov.uscis.gov/casestatus/landing.do) . Customers can also submit a case inquiry online at https://egov.uscis.gov/e-Request/Intro.do (https://egov.uscis.gov/e-Request/Intro.do) .

Customers can obtain case status information from the National Customer Service Center (NCSC) by calling 800-375-5283, or by visiting https://www.uscis.gov/about-us/contact-us/national-customer-service-center (https://www.uscis.gov/about-us/contact-us/national-customer-service-

center) .

The NCSC relies on the same processing times as those posted on USCIS' website. USCIS goes by the current processing time, rather than the processing time that was posted at the time the application was submitted. NCSC officers are available to clarify processing times and verify if a case is actually outside of normal processing times.

USCIS acknowledged that the posted processing times, particularly when calculated from the "as of" date, creates confusion for customers and expressed a willingness to make improvements to the website to provide greater clarification for customers calculating their processing time.

These same officers have authority to take the customer's information and to open an inquiry under various circumstances including cases confirmed to be outside normal processing times. For example, if a case is found to be outside normal processing times but it was discovered that they do not have access to file transfer information, officers can open an inquiry.   This is an issue that USCIS is aware of and is actively working to resolve.

Where a customer receives a response to an inquiry that is deemed as nonresponsive or unsatisfactory, customers are permitted to make additional inquiries with the service centers directly or may make an InfoPass appointment at the local field office where their cases are currently pending (see https://infopass.uscis.gov/ (https://infopass.uscis.gov/)).

Please direct any inquiries related to the topics raised in this teleconference to CISOmbudsman.PublicAffairs@hq.dhs.gov (mailto:CISOmbudsman.PublicAffairs@hq.dhs.gov) .

The Ombudsman also offers case assistance to customers with pending applications outside of normal processing time. For more information or to submit a case assistance request (Form DHS-7001) with the Ombudsman's office, please visit www.dhs.gov/case-assistance (www.dhs.gov/case-assistance) .

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