



# U.S. Citizenship and Immigration Services

## *Backlog Elimination Plan*

Fiscal Year 2005, 4th Quarter Update  
April 7, 2006



U.S. Citizenship  
and Immigration  
Services

# Prepared for the United States Congress

The Honorable James Sensenbrenner  
Chairman, House Judiciary Committee

The Honorable John Conyers  
Ranking Member, House Judiciary Committee

The Honorable John Hostettler  
Chairman, Subcommittee on Immigration, Border Security and Claims  
House Judiciary Committee

The Honorable Sheila Jackson Lee  
Ranking Member, Subcommittee on Immigration, Border Security and  
Claims, House Judiciary Committee

The Honorable Thad Cochran  
Chairman, Senate Appropriations Committee

The Honorable Robert Byrd  
Ranking Member, Senate Appropriations Committee

The Honorable Judd Gregg  
Chairman, Senate Appropriations Committee  
Subcommittee on Homeland Security

The Honorable Arlen Specter  
Chairman, Senate Judiciary Committee

The Honorable Patrick Leahy  
Ranking Member, Senate Judiciary Committee

The Honorable John Cornyn  
Chairman, Subcommittee on Immigration, Border Security and  
Citizenship, Senate Judiciary Committee

The Honorable Edward Kennedy  
Ranking Member, Subcommittee on Immigration, Border Security and  
Citizenship, Senate Judiciary Committee

The Honorable Jerry Lewis  
Chairman, House Appropriations Committee

The Honorable David Obey  
Ranking Member, House Appropriations Committee

The Honorable Harold Rogers  
Chairman, Subcommittee on Homeland Security  
House Appropriations Committee

The Honorable Martin Olav Sabo  
Ranking Member, Subcommittee on Homeland Security  
House Appropriations Committee

The Honorable Peter King  
Chair, House Committee on Homeland Security

The Honorable Bennie G. Thompson  
Ranking Member, House Committee on Homeland Security

# Table of Contents

<i>Acknowledgement</i>	<i>i</i>
<i>Table of Contents</i>	<i>ii</i>
<i>Message from the Acting Deputy Director</i>	<i>iii</i>
<i>Production Update</i>	1
Background	1
Applications Held In Abeyance	1
Completions, Receipts, and Backlog	2
Quality Assurance	3
Fraud Detection and National Security	3
FY 2006 Preview and Backlog Elimination Prognosis	4
<i>Conclusion</i>	6

# Message from the Acting Deputy Director

I am pleased to present the U.S. Citizenship and Immigration Services (USCIS) Fiscal Year (FY) 2005 Fourth Quarter Update to report on our continued progress on Backlog Elimination efforts. During the remaining year in the backlog elimination period, USCIS will apply the full extent of our corporate experience and ingenuity to meet mounting challenges head-on. Recent progress, such as described in this report, has successfully positioned USCIS for this ultimate twelve-month effort to eliminate backlogs while maintaining the quality and integrity of our adjudication processes and upholding our national security responsibilities.

As we did in the Third Quarter Update, in this report we will focus solely on the progress toward backlog elimination targets that USCIS made during the quarter. Previous quarterly reports have covered ongoing USCIS efforts in streamlining processes, pilot initiatives, fraud assessment, and information technology developments. Additionally, the Second Quarter Report addressed the Homeland Security Act Section 478 reporting requirements in detail. USCIS will continue to report on these areas on an annual basis.

Our progress in backlog elimination has been built on our objectives of valuing people and creating a culture that promotes common identity, innovation, mutual respect, accountability and teamwork to achieve efficiencies, effectiveness and operational synergies.

This Fourth Quarter FY 2005 Update shows a continuing trend towards eliminating our backlog. Completions have increased and outpaced receipts by about 629,000 cases. Cycle times have been reduced in several key areas, but also increased slightly for two BEP form types. The backlog at the end of FY 2005 stands at less than 915,000 cases. This is down from 3.66 million at the end of FY 2003 and 1.37 million at the end of FY 2004.

Significant challenges persist into FY 2006. USCIS needs to continue to increase production in both applications for adjustment of status (Form I-485) and applications for naturalization (Form N-400). Both of these workloads require a high level of adjudicative effort and time, and while we met the FY 2005 target for Form I-485, a relatively large number of case completions are needed to move that cycle time from 14 to 6 months.

In order to eliminate the backlog, we must shift our workforce temporarily to where backlogged applicants need to be interviewed, and shift other work to where resources are available, and in doing so we must apply risk management principles to apply these resources most wisely. But national security initiatives will remain paramount and we will never sacrifice integrity in the interest of production.



Robert C. Divino

Acting Deputy 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. This report will cover the progress made during the fourth quarter of FY 2005.

Changes in the number of pending cases is itself significant when looking at performance. For the 4th quarter, pending fell by 594,560.

But the pending level can be affected by changes in demand as well as production, and is not the best indicator of processing time. Current technology systems employed by USCIS District Offices and Service Centers are unable to produce reliable aging reports from which average wait times or processing times can be calculated. That said, USCIS believes that the “Cycle Time” measurement, pending expressed in months of receipts, in conjunction with the first-in-first-out adjudication policy comes close to approximating average processing time. USCIS continues to define “Backlog,” generally, as the number of pending cases 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 cases received during the target cycle-time period (usually six months). Backlogs are calculated for each case type, then totaled to determine the aggregate backlog. This ensures that backlogs in a product are not obscured by faster production of other products.

For each product USCIS removes from the calculated backlog total those pending applications that it is unable to complete due to statutory caps or other bars and those cases 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). In this respect the Real ID Act ‘ripened’ a significant number of asylum adjustment applications by eliminating the statutory numerical restrictions that had limited production. Our initial sense was to immediately factor all these cases into the backlog, increasing the backlog in June by 174,000. After further evaluation, USCIS has modified this conclusion. The number of applications freed for processing is so large that, combined with a 6 month production cycle, USCIS could not complete these cases in this timeframe without significantly affecting production and processing time for other products. USCIS has developed a production plan to eliminate the new backlog of cases ripened by the Real ID Act by the end of FY 2007, and factored as backlog any volume of cases pending greater than that required to meet that production plan and goal.

For the 4th quarter, while pending fell by 594,560, the backlog dropped by only 166,889. At the end of the fourth quarter of FY

2005, the total backlog is 914,864 cases. This is down from the 1.08 million cases backlogged at the end of the third quarter of FY 2005.

## 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, USCIS is legally prohibited from granting permanent residence for pending adjustment applications affected by the regression. By long-standing tradition, USCIS holds such cases in abeyance until visa numbers become available.

For example, the July 2005 Visa Bulletin issued by the Department of State 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 have 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 no visa number is available are considered pending, but not part of the backlog.

USCIS uses data extracted from current legacy technology systems to compute the backlog according to the definition provided earlier. In doing so, cases meeting certain criteria (e.g. non-ripe Forms I-130 and Forms I-485 held in abeyance due to visa number regression) are added to acceptable pending only when distinctly identified. Current technology systems do not provide the required granularity to identify each case that meets these criteria. The result is that backlog is overstated by the number of pending applications that USCIS is unable to identify as meeting criteria that would exclude them from backlog.

At the end of the fourth quarter, 35,918 cases were removed from the USCIS Form I-485 backlog due to the unavailability of visa numbers for these applicants. This is nearly double the amount previously removed as improvements in the methodology for identifying these cases have allowed for this figure to include applications of family members of those cases held in abeyance. Although these cases have been temporarily removed from the backlog, they will be completed once visa numbers are available. USCIS is not currently able to identify pending family-based or employment-based Form I-485s in District Offices that are being held in abeyance due to visa number regression. As a result, this volume of applications remain in the backlog total. USCIS is exploring means to identify such cases in order to calculate backlogs more accurately.

## Completions, Receipts, and Backlog

We continue to be encouraged by the production levels realized during the past fiscal year and believe that this is part of a larger historical trend of year-to-year increases in production and productivity. Great progress has been made since the establishment of USCIS as shown by the chart on the right. For example, FY 2005 completions were 3% higher than a year ago, and 30% higher than two years ago.

At the end of the Fourth Quarter, FY 2005 cycle time goals were met or exceeded in 13 of the 16 application form types for which annual targets were set by the BEP at the beginning of the year. USCIS added Form I-485, Asylee Adjustment of Status, in the FY 2005 Third Quarter Update as the 17th distinct form type to be tracked in the BEP. Because of its addition in the middle of the fiscal year, this application type had no cycle time target set for FY 2005.

The three form types that did not meet the FY 2005 cycle time goals were N-400s, I-881s and N-600/N-643. The N-400 cycle time was short of the goal due to completions lower than BEP targets. The I-881 NACARA did not meet the cycle time goal due to significantly higher than expected receipts. Forms N-600/N-643 missed the cycle time goal by 0.05 months. The table on the next page provides backlog totals by form-type to illustrate the make-up of the backlog, which is equally important to the total backlog volume and relating cycle times.

Following improved production in the third quarter, monthly completion levels through the fourth quarter remained at a relatively high level, albeit with a drop-off in September. Completion levels for Form N-400, Application for Naturalization, increased from the previous quarter. For Fiscal Year 2005 as a whole, USCIS production exceeded target levels by 6.3%.

As indicated in the previous quarterly report, Forms I-485 and N-400 take longer to complete than 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 means that backlog elimination efforts were

actually greater than the completions figure alone suggests.

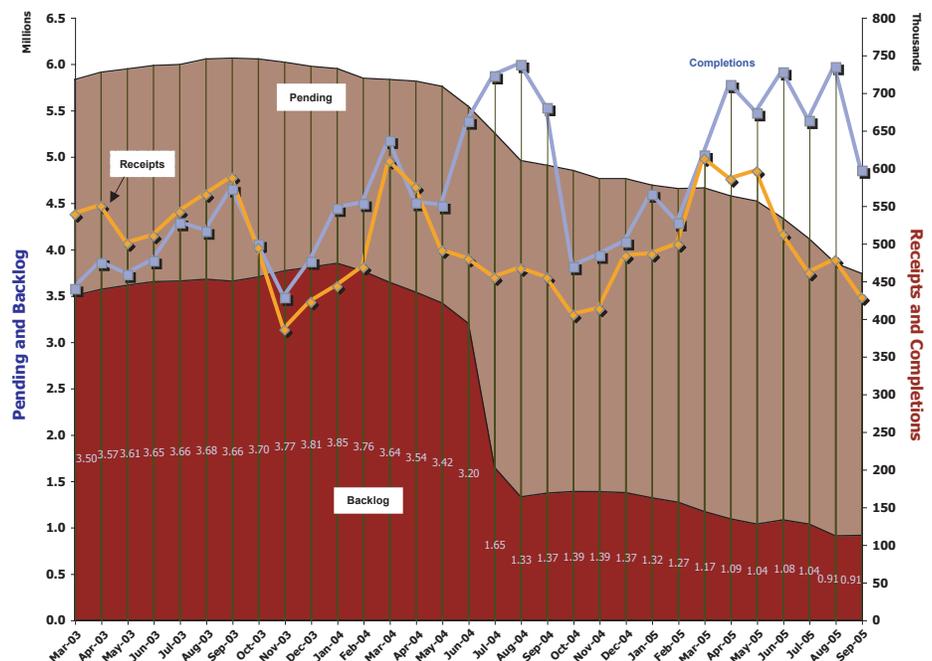
Equally important is to frame the progress made toward backlog elimination in terms of increased efficiency. USCIS is not simply throwing additional resources at inefficient processes. For the past fifteen months, USCIS has outlined in quarterly updates initiatives that will streamline processes and 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 affect on productivity. Overall, USCIS has been 28% more efficient in FY 2005 than during the period April 2003 to March 2004, the twelve months prior to the implementation of the update to the Backlog Elimination Plan.

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



## Backlog Totals

Form Name	Form Number	End 4th Qtr FY '05 CT	End of FY '05 Target CT	End of 4th Qtr FY '05 BL	End of FY '05 Target BL
Application to Adjust Status (Non-Abeyance Cases)	I-485	13.9	15	362,132	561,480
Application to Adjust Asylee Status	I-485	54.3	n/a	73,809	-
Petition for Nonimmigrant Worker	I-129	1.5	2	-	-
Application to Extend/Change Status	I-539	2.0	4	-	22,747
Application to Replace Permanent Resident Card	I-90	4.3	8	-	97,389
Petition for Alien Relative (Visa Available Only)	I-130	10.4	16	158,606	578,445
Application for Travel Document - Advanced Parole	I-131 Adv/Prl	1.9	3	-	-
Application for Travel Document - Reentry Permit	I-131 RP/RD	1.9	7	-	49,435
Immigration Petition for Alien Worker	I-140	5.2	7	-	8,135
Petition to Remove Conditions on Residence	I-751	7.9	11	21,979	65,694
Application for Employment Authorization	I-765	2.5	3	-	-
Application for Temporary Protected Status	I-821	4.6	6	-	-
Application for Naturalization	N-400	10.9	10	233,656	166,667
Application for Certificate of Citizenship	N-600 & N-643	7.1	7	6,108	5,381
Asylum Application	I-589	10.3	14	41,354	43,767
NACARA 203 Application	I-881	15.7	9	17,220	-
Credible Fear Referral	I-867	0.2	<1	0	-

## 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, based on the same capacity. It should be noted, however, that although the work is being done more efficiently, a high level of quality has been sustained.

It is imperative that the integrity of the immigration system not be compromised in the effort to stimulate additional productivity. 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 random samples of completed work.

For cases reviewed during the third quarter of FY 2005, USCIS achieved a 99.8% accuracy rate for both overall processing and critical processing of naturalization applications, exceeding the minimum acceptable accuracy rates of 96% and 99% respectively. In all cases, corrective actions to prevent future problems were implemented. It was also verified that in applications where errors were detected, no applicant received a benefit for which he/she was not eligible.

## Fraud Detection and National Security

Introduced in May 2004, the Office of Fraud Detection and National Security (FDNS) has worked diligently to acquire,

develop, and implement the structure, policy, procedures, and other tools needed to detect and combat immigration benefit fraud and to enhance the background check process. FDNS has completed the recruitment, hiring, and deployment of approximately 160 Immigration Officers (IOs) and Intelligence Research Specialists (IRs) throughout the country. All Service Center-based Fraud Detection Units (FDUs) have a cadre of IRs and background check resolution officers. Furthermore, at least one FDNS IO has been deployed to each of the more than 80 field offices. All officers have attended either the newly developed anti-fraud training course or the intelligence training course at the Federal Law Enforcement Training Center (FLETC) in Brunswick, Georgia.

Another notable achievement was the development of the Benefit Fraud Assessment (BFA) Program. This initiative was

### A Brief Review Of FY 2005 Fourth Quarter Data:

FY 2005 Q4 Data as compared to:	
Completions Exceeding Filings	629,281
Q3 Filings	-19.27%
Q3 Completions	-5.53%
BEP Quarterly Completions Target	16.66%
Overall YTD Completions compared to:	
BEP Annual Target	6.3%
FY '05 Cycle Time Targets Met	13/17 forms

## Quarterly Completion Volumes During FY 2005:

Form Name	Form Number	FY '05 Qtrly Target	Q1 Comps Actual	Q2 Comps Actual	Q3 Comps Actual	Q4 Comps Actual	FY '05 Totals
Application to Adjust Status	I-485	209,676	195,181	234,268	256,207	209,536	895,192
Application to Adjust Asylee Status	I-485	2,500	2,205	5,124	8,665	16,390	32,384
Petition for Nonimmigrant Worker	I-129	105,818	97,516	100,458	109,446	117,683	425,103
Application to Extenu/Change Status	I-539	57,875	55,799	66,174	61,314	70,174	253,461
Application to Replace Permanent Resident Card	I-90	147,151	174,896	194,571	228,645	101,202	699,314
Petition for Alien Relative	I-130 (All)	396,404	202,617	279,772	433,696	320,178	1,236,263
Application for Travel Document - Advanced Parole	I-131 Adv/Prl	63,964	63,647	65,301	63,342	61,563	253,853
Application for Travel Document - Reentry Permit	I-131 RP/RD	29,534	43,135	39,533	27,744	57,562	167,974
Immigration Petition for Alien Worker	I-140	26,767	26,780	37,204	30,251	24,301	118,536
Petition to Remove Conditions on Residence	I-751	44,815	44,032	52,636	53,871	41,810	192,349
Application for Employment Authorization	I-765	365,799	346,638	393,013	483,301	535,763	1,758,715
Application for Temporary Protected Status	I-821	24,586	10,262	19,278	121,153	178,148	328,841
Application for Naturalization	N-400	190,914	142,937	162,659	193,295	209,965	708,856
Application for Certificate of Citizenship	N-600 & N-643	14,971	14,604	16,023	14,732	12,437	57,796
Asylum Application	I-589	23,433	28,676	34,781	19,318	31,416	114,191
NACARA 203 Application	I-881	4,776	4,399	6,334	4,318	6,204	21,255
Credible Fear Referral	I-867	1,271	2,489	3,046	2,645	886	9,066
	Totals	1,710,256	1,455,813	1,710,175	2,111,943	1,995,218	7,273,149

implemented in February of 2005, and is intended to help determine the fraud rate among various immigration applications and petitions. This year's BFA focused on 6 "high risk" form types, i.e., religious worker petitions (I-360), employment-based petitions (I-129/140), replacement resident cards (I-90), asylum (I-589), and marriage-based petitions (I-130). The religious worker and replacement resident card assessments have been completed, and the employment-based petition assessment is currently under way.

FDNS has also initiated and/or assisted our Immigration and Customs Enforcement (ICE) partners in a number of successful indictments and prosecutions involving immigration benefit fraud. Over the past year alone, several conspirators were indicted and convicted of labor and immigration fraud associated with thousands of false labor certifications, fraudulent employment or family-based petitions.

Identification of immigration fraud is being greatly facilitated by the development and launch of the new FDNS Data System. Release 2 of this tool, which will provide even greater fraud detection capabilities through Analytics and Data Mining, is under development.

USCIS' background check policy and process plays a vital role in national security and public safety. Working with counterparts from other government agencies, FDNS re-engineered the Name Trace Process by replacing the paper-based process with the automated Interagency Border Inspection System (IBIS). FDNS acquired responsibility for the receipt and initial review and processing of FBI Name Check responses, coordinating this activity with field offices.

Additionally, FDNS created a Headquarters Background Check Analysis Unit (BCAU) responsible for the direction, oversight, tracking, and processing of national security-related IBIS and FBI Name Check responses. The BCU also works on national security-related impact assessment referrals.

FDNS recognizes the significance of its data and operational support to the law enforcement and intelligence communities. In that regard, on October 1, we began standing up the National Immigration Information Sharing Operation (NIISO), a centralized immigration hard copy file and automated systems data sharing operation at the USCIS National Records Center in Lee's Summit, MO.

## FY 2006 Preview and Backlog Elimination Prognosis

Completion targets for the listed BEP forms are calculated based on pending levels and projected receipts. Generally, annual completions must be equivalent to the current pending plus half of the projected annual receipts, in order to eliminate the backlog. 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. Assuming that receipts continue at the same level as the previous twelve-month average, USCIS must complete 5% more workload in FY 2006 than completed in FY 2005. Any increase in receipts in

the first six months of FY 2006 would require a greater workload output in order to meet backlog elimination goals. Delays in hiring up to required human resource levels would make cycle time targets harder to reach by the end of FY 2006. Greater than anticipated attrition among current term employees as their employment periods approach expiration will have the same effect.

In response to provisions of the Real ID Act of 2005 that eliminated the annual limitation on asylum adjustments, USCIS added approximately 81,000 Asylee Adjustment of Status cases to the backlog. 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 cases ripened by the Real ID Act by the end of FY 2007, and factored as backlog any volume of cases pending greater than that required to meet that production plan and goal.

The effect of this statutory change was that the backlog at the end of the fourth quarter for Form I-485 Asylee Adjustment stood at 73,809 applications. Resources that were to be applied to other workload will now be redirected toward the Asylee Adjustment workload.

September 2005 completions, while exceeding the BEP target, were the lowest monthly total since February. USCIS has historically experienced a production slump in the first quarter. For each of the last four fiscal years USCIS has completed fewer applications in October than it did in September of the previous fiscal year. The September 2005 drop would appear to foreshadow this effect yet again.

Due to variances between actual historical receipts and the receipt projections used in previous office staffing efforts, resources have not been fully aligned with where the workload resides. In particular, the Eastern Region is experiencing backlogs greater than the Western and Central Regions. Adjudications Officers are being detailed out of District Offices with sufficient capacity in the Western and Central Regions to Eastern Region District Offices with greater backlogs. We plan to continue these details and to relocate non-interview work from Eastern Region offices throughout FY 2006.

USCIS has removed from the calculated backlog cases that it is unable to complete due to statutory caps and other bars, or where benefits are not immediately available to the applicant or beneficiary. Over FY 2006 USCIS will continue to quantify those cases but will remove from the calculated backlog work it cannot complete because of factors outside its control, such as cases awaiting customer responses to requests for information, cases in suspense to afford customers another opportunity to pass the naturalization test,

cases awaiting an FBI name check or other outside agency action, or where USCIS has determined a naturalization case is approvable and the case remains pending only for the customer to take the oath. To ensure that cases awaiting the oath do not themselves become backlogged, USCIS will adjust the processing time goal for naturalization cases to reflect 6 months to decision and one month for the oath to be scheduled and taken. USCIS believes the refined backlog calculation most accurately quantifies the volume of pending applications that exceed target pending levels due to USCIS processing delays that adversely affect eligible applicants. USCIS anticipates that applying these refinements in the first quarter of FY 2006 will reduce the calculated number of cases backlogged due to USCIS processing delays by over 200,000 cases compared to the older less refined calculation.

Finally, as more offices reduce cycle times 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. Many cases are being held up for weeks, months, and sometimes years in the FBI name check process; 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 number of cases requiring more than six months to complete due to issues outside of USCIS control, the greater the need to complete the other cases even more quickly in order to achieve the overall average cycle time target.

During the past two years, USCIS has made dramatic progress in backlog elimination and customer service while simultaneously increasing its role in supporting national security initiatives. USCIS will meet the challenges of FY 2006 with the same dedication, commitment, and integrity.

# Conclusion

Since the high point of the backlog in January 2004 of 3.8 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 customer service and national security, and it has not compromised quality or integrity in the name of production.