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Trump admin eliminates Ombudsman that helped immigrants: Be it H-1Bs, international students or even green card applicants

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Recently, the Trump administration has taken steps to dismantle three vital oversight bodies, including the Office of the Citizenship and Immigration Services (CIS) Ombudsman. According to immigration attorneys, this is a big blow to the Indian diaspora especially those on an H-1B visa and international students on F-1 visas, to whom the Ombudsman had provided invaluable service. The American Immigration Lawyers Association (AILA) has warned that elimination of these oversight bodies would result in unchecked exercise of power by the current Trump administration.

Sharvari Dalal-Dheini, senior director for government relations at AILA told TOI that “Individuals or businesses sought assistance

from the CIS Ombudsman for a variety of issues, ranging from erroneous rejections of filings and denials to typographical errors on secure documents (such as Green Cards and Employment Authorization Documents) and even mailing issues. Last year, the Ombudsman’s office assisted approximately 30,000 applicants.”

Rajiv S Khanna, an Arlington based immigration attorney told TOI, “F-1 and H-1B visa holders turned to the CIS Ombudsman when they hit bureaucratic roadblocks within US Citizenship and Immigration Services (USCIS) that threatened their legal status and livelihoods.”

According to him, the most common issue which the CIS Ombudsman dealt with involved unreasonable processing delays, particularly for H-1B extensions where people were stuck in limbo for months despite following

all rules. Khanna went on to illustrate: "In one instance, an engineer from Bangalore had his H-1B extension pending for 11 months despite multiple service requests. His employer was considering termination, and he faced losing his home. After the Ombudsman's intervention, approval came within two weeks."

"Students frequently sought help when their optional practical training (OPT) applications were mishandled, threatening job offers they had already accepted. Perhaps, most telling was a case involving an F-1 student whose OPT application was erroneously rejected because USCIS misinterpreted her evidence. She had already missed her start date with a major tech company when we approached the CIS Ombudsman. They quickly identified the error and facilitated reopening of the case, saving both her job and legal status," said Khanna.

Sharvari Dalal-Dheini, shares an example where an international student had paid the STEM OPT fee, but the payment was rejected two months after submission due to a bank processing error (which they admitted). The student could not reapply as the application window had closed. The CIS Ombudsman negotiated with the USCIS and was able to get the student reapproved.

Adam Cohen, partner at Siskind Susser, an immigration law firm, told TOI, "The CIS Ombudsman helped in acquiring receipt or approval notices, which were not received and USCIS insisted on filing Form I-824 which entailed a prolonged process to get another one (i.e.: a duplicate). Additionally, the Ombudsman would issue helpful tip sheets such as how to avoid OPT processing delays and have sessions jointly with USCIS, including on F-1 and H-1B matters."

The office of the CIS Ombudsman also helped employers, who had filed a petition (application) for their employees with USCIS, helping them to navigate delays, rejections, missing employment authorization documents, etc, points out Sharvari Dalal-Dheini.

"The CIS Ombudsman also intervened in cases where USCIS made clear errors in adjudication (decision making) but would not correct them through normal channels. What made the Ombudsman uniquely valuable was its independence from USCIS - they could objectively evaluate whether the agency was following its own procedures and policies," added Khanna.

“In another case, a promising researcher's green card application was caught in an administrative black hole for over three years without explanation. The Ombudsman facilitated communication between agencies, revealing a background check that had been completed but never properly logged in the system,” he said.

When asked whether the Ombudsman could have helped students facing self-deportation notices for campus activism, Cohen points out that it involves other agencies, viz – Department of State (DOS) and Immigration and Customs Enforcement (ICE) – the Ombudsman’s office never had a review of DOS and ICE as part of its mission.