

USCIS Ombudsman: A solution to difficult immigration cases

Synopsis

The USCIS ombudsman's office is housed within the Department of Homeland Security but watches over the USCIS independently. You can open a case with them online. They are often successful where the USCIS bureaucracy fails because they can function as a neutral mediator.



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Trying to resolve difficult immigration cases through the layers of bureaucracy under which the USCIS functions is frustrating. One of the possibly effective methods to deal with this is the USCIS ombudsman's office, an agency devoted to creating an interface between the opaque USCIS and the people it serves – – you.

The USCIS ombudsman's office is housed within the Department of Homeland Security but watches over the USCIS independently. You can open a case with them online. They are often successful where the USCIS bureaucracy fails because they can function as a neutral mediator. Also, they submit a comprehensive report of the USCIS functioning to the U.S. Congress annually. They are charged with "improving the quality of citizenship and immigration services delivered to the public by providing individual case assistance, identifying systemic issues, and making recommendations to improve the" functioning of the USCIS.

The ombudsman's office notes that they can provide assistance with:

- Cases past posted processing times or with no posted processing times.
- Processing Delays Related to Employment Authorization Documents (EADs)
- Typographic errors in immigration documents.
- Lost files and/or file transfer problems.
- Mailing issues, including non-delivery of notices or action and/or completed immigration documents.
- Cases involving an emergency or a hardship that fall under USCIS expedite criteria.
- Cases where the beneficiary may "age out" (for instance, over 21) of eligibility for the requested immigration benefit.
- Applications and petitions improperly rejected by USCIS due to clear error of fact or misapplication of law.
- Cases involving U.S. military personnel and their families.
- Cases where an individual is in removal (deportation) proceedings before the immigration court and has an application/petition pending before USCIS that may have a bearing on the outcome of the court case.

Sounds amazing, doesn't it? Unfortunately, they may be neither quick, nor always effective. The ombudsman's office is itself backlogged with complaints and cases. They can also not reverse individual decisions made by the USCIS; but they can be relentless, to your advantage.

The ombudsman's office has the following advice before you file a request for case assistance:

- Check posted processing times. With very limited exceptions, they are not able to inquire with USCIS on your behalf if your case is within processing times.
- Create a USCIS online account so you can communicate directly and electronically with USCIS. Even if you have filed on paper, you can link your case to your online account. This will allow you to see your case status and history.
- Research the last recorded action on your case by using Case Status Online with your receipt number.

According to them, the ombudsman's office reviews all requests for case assistance within 7 business days. However, because of their backlogs, they state, some reviews take longer to process. After their review, the ombudsman's office contacts the USCIS. The USCIS then has 15 business days to respond to the ombudsman.

In our experience, the ombudsman, the Lokpal of the USCIS, can be quite effective in resolving cases as well as creating a trail of your efforts at resolution before you are constrained to bring the matter to a court. Use them.