AMERICAN IMMIGRATION LAWYERS ASSOCIATION

November 13, 2018

Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Policy and Strategy
Regulatory Coordination Division
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

Submitted via www.regulations.gov
Docket ID No. USCIS-2005-0033

Re: OMB Control Number 1615-0080
USCIS 60-Day Notice and Request for Comments:
Extension, Without Change, of a Currently Approved Collection:
USCIS Case Status Online

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) respectfully submits the following comments in response to the above-referenced 60-day notice to extend, without change, a currently approved collection published in the Federal Register on September 13, 2018.[1]

Established in 1946, AILA is a voluntary bar association of more than 15,000 attorneys and law professors practicing, researching and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on the USCIS Case Status Online tool. We believe that our members' collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government.

I. Functionality of the USCIS Case Status Online Website and Recommendations for Improvements

Case Status Information is Often Unavailable through the USCIS Case Status Online Tool

The USCIS Case Status Online tool should provide a reliable and efficient method by which stakeholders can check the status of any case that has previously been filed with USCIS or is currently pending with USCIS. In reality, AILA frequently receives reports from our members

Al[1] 83 Fed. Reg. 46509 (Sept. 13, 2018).

highlighting problems they are having with checking their client's case status on the USCIS Case Status Online webpage. Specifically, AILA members have been reporting that the USCIS Case Status Online tool frequently does not recognize their client's receipt number, even if an actual receipt notice has been issued by USCIS for the case. In this scenario, they receive a message on the USCIS Case Status online page that indicates that USCIS is unable to provide information on the case. Please see **Appendix A** for a case example and screen shot of this issue. This is problematic because our members and other stakeholders who encounter this situation are unable to effectively and reliably track the status of a petition or petition through the USCIS Case Status Online tool. In turn, this decreases trust by stakeholders in the tool as a reliable source of information and diminishes usage of the platform by stakeholders.

During a February 27, 2018 teleconference hosted by the Office of the Citizenship and Immigration Services Ombudsman[2], USCIS instructed stakeholders experiencing this issue to send an email to myuscissupport@uscis.dhs.gov to report that a receipt number is not recognized in the USCIS Case Status online system.[3] Our members report, however, that receipt numbers sent to this email address are not consistently added into the USCIS Case State online system. In some cases, the receipt numbers are added into the system, but others are not, leaving many applicants, petitioners and representatives without the ability to utilize this important USCIS tool. Stakeholders generally never receive a response from this email box confirming whether the issue of getting the receipt number recognized in the USCIS Case Status online system has been addressed. As a result, stakeholders are not informed if or when USCIS adds the receipt numbers into its system and makes the case status information available for these cases. In reality, despite following the above-mentioned redress procedure, many cases continue to receive an error message indicating that they cannot be found in the USCIS Case Status Online system. Although stakeholders encountering this situation are directed to call the USCIS Contact Center, the USCIS Contact Center often cannot provide the latest update on the case over the phone.

To ensure better functionality of the USCIS Case Status Online tool, AILA recommends that USCIS allocate additional resources to better address this ongoing issue of receipt numbers failing to be found in the USCIS Case Status Online tool. In response to problematic reports that AILA has received from members who have indicated that USCIS officers have stated that there is not any way for USCIS to enter the receipt number into the online system if it is not done as an initial matter, AILA recommends that a process be adopted and implemented to allow USCIS to enter a receipt number into the online system for a case if it was not done as an initial matter.

USCIS should also establish a better redress process to quickly and promptly resolve situations in which the USCIS Case Status Online tool does not recognize a receipt number. Stakeholders would

[2] *See* Office of the CIS Ombudsman Presents a Teleconference on EAD Processing, February 27, 2018, https://content.govdelivery.com/accounts/USDHS/bulletins/1dc9f96.
[3] *Practice Alert: USCIS Provides Email Address to Report Receipt Numbers Not Recognized in "My Case Status"*, AM. IMMIGRATION LAWYERS ASS'N (Aug. 15, 2018), published on AILA Infonet at Doc. No. 18022742, https://www.aila.org/infonet/practice-alert-uscis-provides-email-address.

welcome receiving a response from myuscissupport@uscis.dhs.gov acknowledging that their inquiry has been received and confirming that the receipt notice has been added in to the USCIS Case Status Online system. Alternatively, USCIS should consider implementing a redress link directly on the USCIS Case Status Online landing page where stakeholders encountering this issue could directly send the case number and case information to USCIS to be entered promptly into the USCIS system. Without prompt and effective measures by USCIS to resolve this issue, the effectiveness, reliability, and reputation of the USCIS Case Status Online tool will become diminished as a trustworthy and reliable tool, in turn, leading to a decline in the usage of the platform among stakeholders.

Case Status Information Should be More Informative

While AILA and our members appreciate the ability to check the status of an application or petition using the USCIS Case Status Online tool, occasionally the information provided is inaccurate or unhelpful. For example, AILA members have reported to AILA instances where the USCIS Case Status Online tool indicates that a name was updated on a form, even though a name update was never requested for the case. See **Appendix B** for an example of this issue. It appears that this type of language regarding a name update is show in the case status tool when certain actions are taken on the case, such as upgrading the case to premium processing. USCIS should replace its "name update" template and expand the information it provides to stakeholders on the USCIS Case Status Online system to more accurately convey the latest actions or status of a case. USCIS should consider expanding the language that it provides to stakeholder, including but not limited to indicating if a case has been upgraded to premium processing, if a case is currently pending with an adjudicating officer, if a case is pending background checks, etc.

Similarly, USCIS should provide more detailed information in its Case Status Online tool to ensure that stakeholders are accurately informed regarding the status of a case. For example, the USCIS Case Status Online tool informs stakeholders that a file has been transferred to a different office, but it fails to indicate to which office the case has been transferred. See **Appendix C** for a case example of this issue. The omission of this information from the case status update often results in stakeholders being confused or unaware of where their case is pending. The lack of detailed information decreases the effectiveness of the USCIS Case Status online tool as a reliable source of information and often leads to stakeholders making more calls and placing more e-requests with the USCIS Contact Center to get clarity about a case status update. Such a scenario could be mitigated if USCIS provided more detailed and accurate information regarding the status of a case. AILA recommends that USCIS conduct a thorough review of the language that it currently provides to stakeholders through its Case Status Online tool and consider modifications and updates of this language so that the information is more informative and more accurately conveys the last action taken on a case.

History of Actions Taken on a Case Should be Provided

Currently, every time the case status for a case is updated on the USCIS Case Status Online landing page, the system replaces the information that was provided with the most recent action on the case. If the most recent action was a change of address, or a transfer of the file to a different service center, there is no longer information that provides the dates of any previous actions, such as an RFE response that was received. AILA recommends that the case status information provided on the USCIS Case Status Online landing page show the history of all actions taken on the case, not just the last action, and that the MyUSCIS accounts for the petitioner, applicant, and representative also show the full history of actions taken on a case.

Processing Times Should be Linked to the USCIS Case Status Online Tool

Stakeholders would find it helpful if the USCIS Case Status Online tool incorporated the USCIS processing times into the case status updates so that stakeholders could simultaneously be informed about the time frame in which their case is expected to be processed.

II. Discrepancy of Information Provided to Applicants, Petitioners, and Representatives on the MyUSCIS portal

AILA is concerned that there are discrepancies between the case status information that USCIS provides to applicants and petitioners and the case status information that it provides to representatives through the MyUSCIS portal, https://egov.uscis.gov/casestatus/displayLogon.do. This discrepancy in case status information between petitioner, applicant, and representative is problematic as USCIS is failing to properly and accurately inform all relevant parties (i.e., the petitioner, applicant, and representative) of the latest case status information. Of particular concern to AILA is the fact that this discrepancy of information impedes the ability of representatives to properly represent their clients as the representative may have access through the MyUSCIS portal to less case status information than their clients (i.e., the petitioner or applicant), or some cases may be accessing case status information that is outdated in relation to what the petitioner or applicant is able to view on their respective MyUSCIS portal.

There are also discrepancies between the case status information provided on the USCIS Case Status online page, https://egov.uscis.gov/casestatus/landing.do, and on the MyUSCIS portal, https://egov.uscis.gov/casestatus/displayLogon.do. See **Appendix D** for a case example where USCIS indicates that the I-129 petition has been approved when the petitioner/applicant logs into their MyUSCIS account. However, on the USCIS Case Status online webpage, the case status information indicates that the case is still pending. See **Appendix E.**

AILA recommends that USCIS eliminate the discrepancy of case status information across various USCIS portals and instead provide identical case status information, regardless of whether the applicant, petitioner, or representative is accessing the information from their respective MyUSCIS

account, https://egov.uscis.gov/casestatus/displayLogon.do, or accessing the latest case status information on the USCIS Case Status Online landing page, https://egov.uscis.gov/casestatus/landing.do.

III. Conclusion

We appreciate the opportunity to comment on the USCIS Case Status Online tool, and we look forward to a continuing dialogue with USCIS on these issues.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION

Appendix A



CASE STATUS

At this time USCIS cannot provide you with information for your case. Please contact the USCIS Contact Center at 1-800-375-5283 for additional information.

Appendix B

In the following example, the I-140 petition was upgraded to premium processing. This is what the case status showed following that upgrade:



Name Was Updated

On October 25, 2018, we updated your name for your Form I-140, Immigrant Petition for Alien Worker, Receipt Number [redacted]. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Appendix C

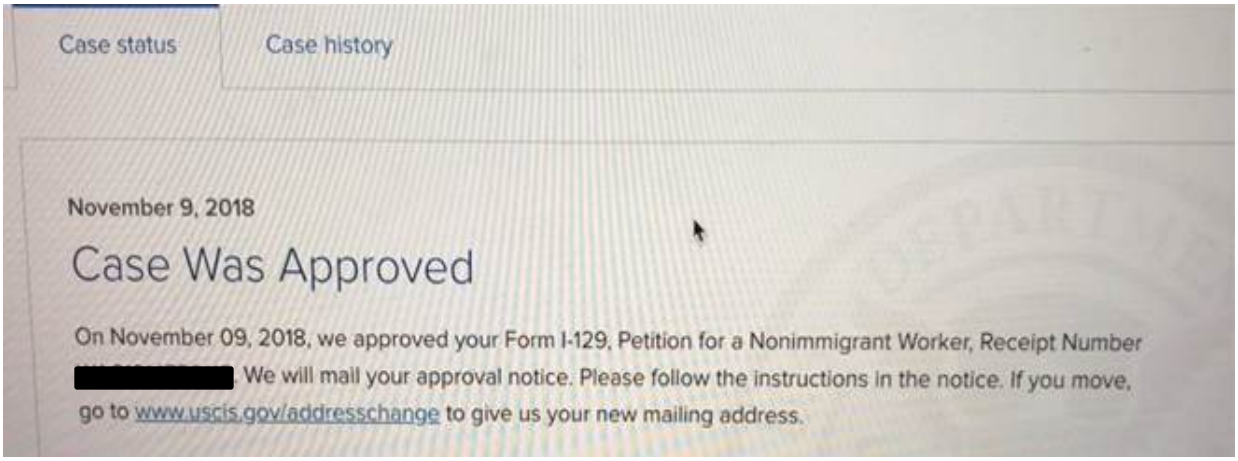
In this case example, USCIS indicates that the case has been transferred but fails to indicate to which office the case has been transferred:



Case Was Transferred And A New Office Has Jurisdiction

On September 22, 2017, we transferred your Form I-485, Application to Register Permanent Residence or Adjust Status, Receipt Number [redacted], to another USCIS office. That office now has jurisdiction over your case. We sent you a notice that explains why we moved your case. Please follow the instructions in the notice. If you do not receive your notice by October 22, 2017, please go to www.uscis.gov/e-request to request a copy of the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Appendix D


Case status
Case history
November 9, 2018
Case Was Approved
On November 09, 2018, we approved your Form I-129, Petition for a Nonimmigrant Worker, Receipt Number [redacted]. We will mail your approval notice. Please follow the instructions in the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Appendix E



Case Was Received

On April 12, 2018, we received your Form I-129, Petition for a Nonimmigrant Worker, Receipt Number [redacted], and sent you the receipt notice that describes how we will process your case. Please follow the instructions in the notice. If you do not receive your receipt notice by May 12, 2018, please call the USCIS Contact Center at 1-800-375-5283. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.