

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

OCT 27 2011

Memorandum

TO: January Contreras
Citizenship and Immigration Services Ombudsman

FROM: Alejandro N. Mayorkas
Director

SUBJECT: Response to Recommendation 48, Deferred Action: Recommendations to Improve Transparency and Consistency in the USCIS Process

Recommendations

The Ombudsman recommends that U.S. Citizenship and Immigration Services (USCIS):

- Issue public information describing deferred action and the procedures for making a request for this temporary form of relief with USCIS;
- Establish internal procedures for accepting and processing deferred action requests in order to promote consistency and assist local offices in responding to urgent, periodic increases in the demand for deferred action;
- Inventory all pending deferred action requests to verify that each request received a confirmation of receipt with estimated processing timeframes and USCIS contact information; and
- Consistently track data related to deferred action requests and make available statistics identifying the number of requests received and the numbers of requests approved and denied.

USCIS Response to Recommendations

USCIS acknowledges and appreciates the Ombudsman's recommendations regarding how USCIS administers deferred action requests. In response to the Ombudsman's recommendations, USCIS notes the following:

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1. USCIS will shortly issue internal standard operating procedures to ensure consistency in the processing and determination of deferred action requests.
2. USCIS is tracking data regarding the number of deferred action requests, the disposition of those requests, and other relevant metrics.
3. Deferred action is not an immigration benefit, but rather a case-specific (not categorical) exercise of prosecutorial discretion. In this regard, certain Ombudsman's recommendations regarding application processes, including the publication of processing times, are not tailored to deferred action and instead meant for the administration of immigration benefits. Nevertheless, USCIS will further consider the Ombudsman's recommendations.