

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<http://oversight.house.gov>

February 6, 2019

Julie Kirchner  
Ombudsman  
Office of the Citizenship and Immigration Services Ombudsman  
U.S. Department of Homeland Security  
Mail Stop 0180  
Washington, D.C. 20528

Dear Ms. Kirchner:

I am writing to request documents regarding troubling reports that your office may be failing to fulfill its important statutory mission of improving the quality of citizenship and immigration services delivered to the public.

Under the Homeland Security Act, Congress has tasked the Citizenship and Immigration Services Ombudsman with three primary functions:

1. To assist individuals and employers in resolving problems with U.S. Citizenship and Immigration Services (USCIS);
2. To identify areas in which individuals and employers have problems in dealing with USCIS; and
3. To the extent possible, to propose changes in the administrative practices of USCIS to mitigate such problems.<sup>1</sup>

However, over the past several months, my office has received reports that you may be failing to effectively carry out these functions. These concerns are particularly troubling in light of your past work as Executive Director of the Federation for American Immigration Reform (FAIR), which asserts that its mission is to “reduce overall immigration,” including by “reducing legal immigration.”<sup>2</sup>

For example, concerns have been raised that your office:

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<sup>1</sup> 6 U.S.C. § 272.

<sup>2</sup> Federation for American Immigration Reform, *About FAIR* (online at [fairus.org/about-fair](http://fairus.org/about-fair)) (accessed Feb. 5, 2019).

- Faces backlogs in assisting individuals with casework;
- Is failing to meet its own deadlines for responding to requests for assistance<sup>3</sup>;
- Has significantly slowed its advisory work, posting no new recommendations on the website during your entire tenure as Ombudsman<sup>4</sup>;
- Has not addressed systemic concerns raised by employees and outside stakeholders who rely on your office to serve as an independent avenue of recourse when problems arise; and
- Has experienced high staff turnover as a result of these challenges.

These reports raise significant questions about whether you have demonstrated a sufficient commitment to the statutory mission of the Ombudsman to assist individuals applying for legal immigration programs and help USCIS improve these programs.

In order to investigate the accuracy of these reports, I ask that you produce the following documents by February 27, 2019. Unless stated otherwise, please provide documents covering the time period from January 20, 2017, to the present:

1. All documents related to your office's priorities for casework assistance, including all communications involving you or other Ombudsman leadership that:
  - a. relate to prioritizing certain categories of casework over others; or
  - b. include discussions of casework priorities with the Department of Homeland Security, other federal officials, or outside groups;
2. All documents involving you or other Ombudsman leadership referring or relating to FAIR, including all internal communications regarding FAIR as well as all communications with employees or representatives of FAIR;
3. Documents sufficient to show the extent of the office's casework backlog during the last three years, including, for each month in that period:
  - a. The number of incoming requests;
  - b. The number of unresolved requests;
  - c. The average length of time in which incoming requests were reviewed, broken down by request type (e.g., refugee-related requests and Special Immigrant Visa requests);

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<sup>3</sup> CIS Ombudsman, *Case Assistance* (online at [www.dhs.gov/case-assistance](http://www.dhs.gov/case-assistance)) (accessed Feb. 5, 2019) ("The Ombudsman is committed to reviewing all incoming requests for case assistance within 30 days, and taking action to resolve 90 percent of case-related inquiries submitted to the office within 90 days of receipt.").

<sup>4</sup> CIS Ombudsman, *Recommendations by the Ombudsman* (online at [www.dhs.gov/recommendations](http://www.dhs.gov/recommendations)) (accessed Feb. 5, 2019) (listing the most recent recommendation from December 2016).

- d. The percentage of incoming requests that were reviewed within 30 days;
  - e. The average length of time in which action was taken to resolve case-related inquiries, broken down by request type; and
  - f. The percentage of case-related inquiries resolved within 90 days of receipt;
4. All documents related to any casework backlog, including:
    - a. all communications involving you or Ombudsman leadership regarding the backlog;
    - b. requests to you or other Ombudsman leadership for additional resources to address the backlog;
    - c. requests to you or other Ombudsman leadership for assistance in addressing systemic issues with expedite requests;
    - d. any audits or analyses of the backlog requested by Ombudsman leadership or managers; and
    - e. the prioritization of particular types of casework over others;
  5. All documents referring or relating to recommendations for changes to policies or practices that were proposed or received by you or other Ombudsman leadership;
  6. Copies of all recommendations issued by the Ombudsman related to policies or practices and all communications involving you or other Ombudsman leadership regarding decisions to issue recommendations or not to do so;
  7. Documents sufficient to show employee turnover at the office, including:
    - a. The number of employees in the office as of January 20, 2017;
    - b. The number of employees who departed the office since that date;
    - c. The length of time the departing employees' positions remained unfilled;
    - d. Whether the departing employees' positions were filled by hiring new employees, hiring contractors, or were left unfilled; and
    - e. The current number of employees in the office; and
  8. All documents related to Ombudsman hiring priorities and decisions regarding whether to fill vacant positions.

I also request that your office provide a briefing to Committee staff, no later than February 20, 2019, on the issues detailed above.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact the Oversight Committee staff at (202) 225-5051.

Ms. Julie Kirchner  
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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Elijah E. Cummings". The signature is stylized and written in a cursive-like font.

Elijah E. Cummings  
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member