

## I. FBI Name Checks

In previous annual reports, the Ombudsman detailed pervasive and serious problems related to long-pending FBI name checks,<sup>206</sup> one of several security screening tools used by USCIS. This year, the Ombudsman reports that USCIS has worked with the FBI to address its backlog of long pending name checks. FBI name checks used to comprise the single largest category of case problem inquiries received by the Ombudsman, but were not a substantial source of case problems during the reporting period. The Ombudsman no longer considers FBI name checks to be a pervasive and serious problem.

The FBI provides information to USCIS regarding anyone who is the principal subject of an investigation or is a person referenced in an FBI file. USCIS adjudicators and the agency's Fraud Detection and National Security unit use this information to determine if applicants are ineligible for benefits. Completion of the name check process takes considerable time where a manual review of FBI hardcopy files is necessary.

As of May 5, 2009, USCIS reported 4,485 FBI name check cases pending with only 60 cases more than 30 days old. In contrast, on May 6, 2008, there were 269,943 name checks pending; on May 4, 2007, there were 329,160 name checks pending; and on May 17, 2006, there were 235,802 name checks pending.

Figure 9: Pending FBI Name Checks 2006-2009

Age of Pending Response	Total Count (May 5, 2009)	Total Count (May 6, 2008)	Total Count (May 4, 2007)	Total Count (May 17, 2006)
< 3 months	4,485	50,328	117,819	82,636
3 - 6 months	0	34,453	55,749	33,450
6 - 9 months	0	85,955	28,029	20,047
9 - 12 months	0	24,947	20,825	16,845
12 - 15 months	0	17,860	14,133	15,064
15 - 18 months	0	13,489	13,931	10,636
18 - 21 months	0	11,759	11,035	8,144
21 - 24 months	0	13,102	12,398	8,325
24 - 27 months	0	5,836	11,765	9,754
27 - 30 months	0	4,461	6,600	4,435
30 - 33 months	0	2,924	5,732	4,896
>33 months	0	4,829	31,144	21,570
<b>Total Pending</b>	<b>4,485</b>	<b>269,943</b>	<b>329,160</b>	<b>235,802</b>

Source: USCIS Aging Reports for FBI Name Checks

<sup>206</sup> Ombudsman's Annual Report 2008, pp. 5-7; 2007, pp. 37-45.

In a March 4, 2009 USCIS Update, "USCIS Meets Another Milestone in Eliminating FBI Name Check Backlogs," the agency announced that the backlog of name checks pending more than six months was eliminated.<sup>207</sup> USCIS further stated that, working with the FBI, it is "on schedule to meet the next two goals: all name checks requests pending longer than 90 days are to be completed by May 30, 2009 and, by the end of June 2009, the FBI will complete 98 percent of USCIS name check requests within 30 days and process the remaining two percent within three months."<sup>208</sup>

As discussed in last year's Annual Report, most of the improvements in name check processing times and backlog reductions have resulted from increases in resources and personnel.<sup>209</sup> In FY 2007 and FY 2008, USCIS transferred to the FBI nearly \$30 million in additional funds the FBI used mainly to hire more contract staff.<sup>210</sup> This funding allowed the FBI to increase contract staff from 38 to over 250 personnel. At the peak of its efforts to address long-pending name checks, the FBI had over 290 contractors processing name check requests.<sup>211</sup> This number has declined due to attrition of contract staff, reduction of the name check backlog, and decline in USCIS receipts and corresponding name check work.<sup>212</sup>

In February 2008, USCIS announced a policy initiative permitting adjudication of green card and other applications in which the FBI name check had been pending over 180 days and where the application was otherwise approvable.<sup>213</sup> One year later, after addressing the name check backlog, USCIS

<sup>207</sup> USCIS Update, "USCIS Meets Another Milestone in Eliminating FBI Name Check Backlog" (Mar. 4, 2009), [http://www.uscis.gov/files/article/Namecheck\\_4Mar09.pdf](http://www.uscis.gov/files/article/Namecheck_4Mar09.pdf) (accessed June 7, 2009); see also DHS Leadership Journal, "USCIS and FBI Achieve Interim Backlog Elimination Goals" (Mar. 20, 2009), <http://www.dhs.gov/journal/leadership/2009/03/uscis-and-fbi-achieve-interim-backlog.html> (accessed June 7, 2009).

<sup>208</sup> USCIS Update, "USCIS Meets Another Milestone in Eliminating FBI Name Check Backlogs" (Mar. 4, 2009), [http://www.uscis.gov/files/article/Namecheck\\_4Mar09.pdf](http://www.uscis.gov/files/article/Namecheck_4Mar09.pdf) (accessed June 7, 2009).

<sup>209</sup> Ombudsman's Annual Report 2008, p. 7.

<sup>210</sup> Information provided by the FBI to the Ombudsman (Mar. 18, 2009).

<sup>211</sup> Id.

<sup>212</sup> Id.

<sup>213</sup> USCIS Interoffice Memorandum, "Revised National Security Adjudication and Reporting Requirements" (Feb. 4, 2008), [www.uscis.gov](http://www.uscis.gov) (accessed June 7, 2009).

rescinded this guidance.<sup>214</sup> USCIS stated in a January 2009 memorandum, “National Security Adjudication and Reporting Requirements-Update,” that a “definitive FBI name check, FBI fingerprint check, and IBIS [Interagency Border Inspection System security] check [must] be resolved before approving” green card and other applications. The Ombudsman will continue to monitor FBI name check aging reports to determine whether substantial future backlogs arise.

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214 USCIS Memorandum, “National Security Adjudication and Reporting Requirements-Update” (Feb. 9, 2009), [www.uscis.gov](http://www.uscis.gov) (accessed June 7, 2009).