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Humanitarian, Adjustment, Removing Conditions and Travel Documents (HART) Service Center Quarterly Engagement

Date of Engagement: September 22, 2023

Speakers:

Jennifer LaForce, USCIS Office of Citizenship, Partnership, & Engagement (Public Engagement Division)

Connie Nolan, Associate Director, Service Center Operations (SCOPS)

Tracey Parsons, Acting Director, HART

ASISTA Notes:

USCIS Presentation

1. Overview
 - a. HART is the 6th service center within SCOPS and has been adjudicating since January 29, 2023
 - b. Total center size will be 480 employees
 - c. 100% virtual service center. No physical brick and mortar facility/location. Until fully digitized, officers generally must physically pick up and drop off work at physical locations. HART has no geographical location and is across multiple time zones
 - d. HART utilizes existing service centers for support within a hybrid approach. HART receives its help from other service centers for receipting of file, for

physical onsite paper pickup/dropoff, scanning, and other paper-based activities (such as NOIDs, RFEs)

- e. Currently HART exclusively processes the following case types:
 - i. I-360 VAWA
 - ii. I-601A
 - iii. I-730 (asylee-based)
 - iv. I-918 BFD
 - f. Ultimately, the goal is to bring on additional humanitarian workloads and other related workloads into HART, but focus is now on foundations to establish functions to address backlogs in these four form types. Once established, we will reevaluate capacity and identify additional workloads that may be brought on.
2. Accomplishments as of 8/30/2023 (so actual numbers are even higher than what's presented today):
- a. 279 employees have fully onboarded at HART Service Center (closer to 307 now; every two weeks, we have new people that come onboard). Hiring at HART is a priority. We have met the goal of being at 60-85% staffing in FY23 and we're also well on target of being 95-98% staffed by the end of Fiscal Year ("FY") 24
 - b. In just over 6 months, 131 officers have completed training on one or more form types adjudicated at HART
 - i. Training is another focus area for HART right now. Many employees were transferred to HART so the seasoned, experienced officers who were already doing adjudications on these form types didn't require form-track training. They are now helping coach, mentor, and train officers new to HART or new to USCIS
 - c. Over 51,000 adjudications completed by HART service center officers. This is happening at the same time as hiring and onboarding/training
3. Updates
- a. All I-730s now filed with Texas Service Center (January)
 - b. Safe mailing addresses and handling procedures for protected persons updated (April)
 - c. USCIS published a processing time for the asylum-based form I-730 (August)
 - i. Processing times for other HART adjudications expected to be published in the new fiscal year. We received new information yesterday confirming this. We hope to have published processing times by October
 - d. Newly-filed I-601As are now data-entered at the lockbox and then scanned for electronic adjudication. We continue to work on the goal of becoming completely digitized in a totally electronic environment
 - e. Removed geographic limitations to HART adjudications
 - i. Multiple strategies simultaneously, including: scanning files upon receipt to remove geographic limitations and significant process has been made to

digitize all paper files which will allow HART employees the opportunity to work 100% remotely. Ongoing scanning initiatives have resulted in decreased travel time for officers to receive work at physical locations and increased overall officer efficiency

- ii. HART Service Center leadership visited each of the existing service centers early on to get an overview of operational processes associated with each form type being reassigned to HART. During discussions, identified and incorporated potential operational changes to increase adjudicative efficiency. We're focused on the four form types so we can focus energy on making operations run more smoothly and efficiently

- f. Improved customer service and employee efficiency resulting from implementation of recommended processing changes

4. Outreach

- a. We have hosted external engagements, including briefings with congressional offices, CIS Ombudsman, and stakeholders. Communication is robust and we look forward to more as we move into the new fiscal year. The agency is taking action to improve service and partnership with community groups. The creation of HART is partially a result of feedback from stakeholders and community organizations
- b. Internal communications, including town halls and employee newsletter, have been established

5. Training

- a. In addition to form-type training, HART officer training includes dynamics of domestic violence and trauma-informed, survivor-centered practices and also on vicarious trauma, special confidentiality protections that apply, and statutory and regulatory eligibility requirements. We appreciate offers from experts in advocacy community to discuss these trainings and we look forward to engaging further on the topic to ensure trainings are as comprehensive and culturally sensitive as possible
- b. Officers only begin adjudicating once they are fully trained and certified, following the same process at all service centers. One difference from the other service centers is that newly assigned officers to HART are dedicated only to the form types that HART adjudicates. They will not have a focus on other forms

6. Adjudications

- a. HART inherited existing workloads for all form types it currently processes. So these forms are no longer processed at other service centers. HART inherited the backlogs and all adjudications for those form types from sister centers. HART exclusively processes all applications, both paper and electronic
- b. Cases are generally adjudicated in a first-in, first-out (FIFO) basis

- c. All four HART form types are of equal priority. Currently, HART only processes these four form types. HART does not process applications/petitions/requests in other areas, such as parole processes, I-360 SIJS, non-VAWA I-360s, I-485 AOS, non-asylee I-730s or where the beneficiary is not outside the US, etc.
- d. HART does adjudicate all ancillary form types filed concurrently with Form I-360 VAWA. Form I-485s are still processed by field offices directorate (FOD), not SCOPS

ASISTA Note: While their slides referred to HART 'adjudicating all ancillary form types filed concurrently,' the speaker presented the information with reference to the VAWA I-360, specifically. It is unclear whether this was meant to narrow and specify the broader statement on the slide or merely to provide an example of the point.

- e. Existing designators will continue to be used (ie, YSC, SRC, LIN, EAC). There is no HART-designated unique receipt number identifier

7. Processing Times

- a. The agency deemed that a greater focus should be provided to these humanitarian-based benefits based on various factors, including: reducing processing times, addressing agency litigation risks, and focus on improving customer service to vulnerable populations
- b. Two goals:
 - i. Promote cohesive and consistent adjudicative operations
 - ii. Improve operations and reduce processing times and backlogs
- c. Processing times for asylum-based I-730 were published on 8/23/2023
- d. USCIS anticipates processing times will be available online for HART form types in the next FY (hopeful that it will be in October). Historical processing times data by form type/fiscal yr can be found on our website:
<https://egov.uscis.gov/processing-times/historic-pt>
 - i. We cannot yet provide anticipated processing times

8. Customer Service

- a. Stakeholders will continue to use existing channels and the transition to HART Service Center will not impact current filing instructions
- b. Attorneys and accredited representatives will send inquiries to the same email boxes they have historically used
- c. **Reminder:** address changes for VAWA-based I-360 and I-918 BFDs will continue to be sent to the VSC's physical address. Continue to follow 'where to file' instructions posted on each form type's webpage
- d. Currently, there is no mechanism in place to directly contact staff at HART Service Center. Stakeholders should not see a break or change in customer service and should continue to use existing channels if made available to them, to include submission of fee waivers and expedite requests

Q&A Portion

1. **Question:** Will HART depart from the VSC practice of denying U-based AOS applications on public interest grounds where family unity or humanitarian factors are strong? The statute (1255(m)) clearly provides an exhaustive disjunctive or test. Yet, USCIS has consistently interpreted the test as conjunctive and non-exhaustive.
 - a. **Response:** HART doesn't currently adjudicate U-based AOS applications. Ultimately, the goal is to bring additional hum and other related workloads into HART. At this time, focus remains on building the foundation to establish functions and address backlogs in four form types identified as HART priorities. Once fully staffed and processes are established, will reevaluate capacity and identify additional workloads that can be brought on. In the meantime, we can take this concern back and address it with OP&S.

2. **Question:** Will HART consider allowing U nonimmigrant applications to submit a premium processing fee to obtain BFD within 15 days of submitting the application? If not, what are the obstacles for doing this?
 - a. **Response:** This is an interesting consideration and we appreciate the suggestion and we will take it into account as we explore different ways to make BFDs more efficient. But at this time, we cannot just unilaterally consider that but will explore that as an option.

3. **Question:** Currently, it's taking more than one year to receive an EAD for a U-3 visa holder who has entered the US after consular processing. Will HART process the I-765 requests for those (a)(20)-qualified visa holders? Will USCIS publish these I-765 processing times on the website?
 - a. **Response:** Currently, HART is adjudicating I-765 associated with the BFD review (c14 category). The (a)(20) category is currently adjudicated by VSC and NSC. Processing times range from 5-11 months for those service centers. While not broken down on the processing times webpage, you can get approximate processing times on the website – select I-765 and then “all other applications for employment authorization” and service center where the filing is located to find that information.

4. **Question:** Can you advise if I-601A cases are currently being adjudicated by HART? If not, when will that start? What is the goal for processing times for I-601A processing time?
 - a. **Response:** Yes, HART is currently adjudicating I-601As and we are continuing to add resources to these adjudications (trainings are occurring as we speak). As

HART is building its workforce, we cannot yet provide anticipated processing times for I-601A workload. We are committed to transparency in reporting and we will continue to provide updates to case processing times on USCIS' website. Once we are sufficiently staffed according to our hiring and training plan, we anticipate being able to report meaningful estimates for case processing times for the I-601A, as with other forms. USCIS is working on publishing additional HART processing times, which may be online next FY.

5. **Question:** Will the standard of evidence for each I-601A waiver case be reviewed in its entirety to ensure that each hardship matter is fairly adjudicated rather than prioritizing efficiency to reduce a backlog?
 - a. **Response:** While efficiency is important, the quality of adjudications and ensuring those adjudications are consistent remains priority. Trainings reflect that priority. All evidence submitted with the I-601A application is fully reviewed to determine whether the applicant has demonstrated eligibility for the provisional unlawful presence waiver. If additional evidence is needed to render a decision, USCIS will issue an RFE, stating the reason for the RFE. Quality matters and that is a focus in the trainings we're having now.

6. **Question:** Are I-601As being scanned in or paper-based when reviewed?
 - a. **Response:** Both. Majority of the I-601A workload is being adjudicated electronically, but we do have a pocket of work that has not been scanned in so it's being reviewed by officers through the paper file (so they go to office to pick up file to adjudicate to ensure we're doing FIFO).

7. **Question:** Applications for provisional unlawful presence waivers (I-601As) are taking 44 months to process. What is your target processing time and when do you expect to reach the target as a result of HART?

Question (*taken with Question above*): What you have done is commendable and I know HART will be reevaluating capacity and identifying additional workloads that may be brought on. Currently, refugee travel document processing times are over 1.5 years and you cannot apply for a new one until the previous one expires. When will you see this brought under HART and could you prioritize this? Also, processing times for I-601As are at 24 months. Do you have any idea when you will reevaluate priorities and bring more things under HART?

 - a. **Response:** I want to allay fears popping up in the questions. We will not be adding anything else to HART or reevaluating additional forms until we get under control what we have in the HART environment. Our first focus was to get staff on board but that is just the beginning. I see questions about consistency and making sure we're evaluating a case properly and training is a huge part of this.

There are questions about training after onboarding, as well – training on sensitivity, making sure safe addresses are protected, making sure we’re following the letter of the law, reading all documents, and asking only for the information we need for the RFE all takes time. It’s a complicated and sensitive workload. It takes a while for new hires to become proficient before we can become efficient.

- i. We’re working diligently to train and bring people up to speed. Seasoned individuals are training new individuals coming on. So you’re not going to see processing times achieve any meaningful or desired reduction immediately. We understand that 30, 44, 60 month processing times are not acceptable. I saw a question of getting back to 6 month processing times – that’s not achievable or attainable, either, by next year. We want to level-set expectations.
- ii. We’d like to be within a 12-month timeframe by the end of next FY but that requires thoughtful training and a lot of careful review and ensuring we have the best staff and that the staff is consistent. We don’t want to focus just on processing times. We want to make sure the right decisions are being made. It also takes a little bit because of FIFO – so processing times look a little skewed because we’re working older cases and bringing everything up in alignment so going to see older processing times at least for next 6 months or so, as we’re training people and getting our feet underneath us. It’s important to create a baseline and foundation. Hiring was just the first step.
- iii. We know people are looking for an exact time, exact date, exact processing times – we cannot give that. All I can say is to keep watching the processing times. We are extremely transparent and that information is accurate and truthful. Processing times are not where we want them to be and we acknowledge and understand that – it is why we set up HART Service Center, to address processing times and put more staff on it.

8. **Question:** Is HART only doing the BFD for I-918? What about waitlist determinations?

- a. **Response:** Looking at the process with management oversight, we see three workflows: the BFD process, the waitlist process, and cap cases. At this time, VSC and NSC both are adjudicating cap cases. So when October 1st comes and we start adjudicating cap cases, that comes from them. They also perform waitlist processing by adjudicating waitlist cases and they handle the majority of waitlist cases.

ASISTA Note: “Cap cases” refers to final adjudications of the I-918, as permitted by the limits of the statutory cap (10,000 grants per fiscal year, which begins October 1st).

of an approved I-130 after a petitioner's death. We have been looking into efficient mechanisms and continue to pursue operational options. The beneficiary is advised to continue to reach out to the USCIS office that approved the underlying petition. Providing all documents required with any correspondence/request will assist in decreasing processing delays.

- i. Link provided to USCIS webpage on humanitarian reinstatement:
<https://www.uscis.gov/green-card/green-card-eligibility/humanitarian-reinstatement>

12. **Question:** Regarding a potential government shutdown: how might that impact agency operations and what would the impact on processing times be?

- a. **Response:** There are always pros and cons to being appropriated and fee-funded. One benefit of being fee-funded is that a government shutdown doesn't affect HART. Any area with appropriated funding would be affected but HART is one of the service centers and we are fee-funded. Any of the service centers would not be affected so we would be continuing to work, train, bring on employees, and drive down processing times and backlogs.

13. **Question:** Will applications processed at HART be able to be processed online through the USCIS website?

- a. **Response:** If you are asking if you can use myUSCIS website to see personal processing times and be able to do those functions through myUSCIS, yes you can. You can register and create an account and there's a process to link your account to a paper-based filing and leverage the benefits of myUSCIS. You can get a lot more information and personalized things about your case specifically if you leverage myUSCIS links.

14. **Question:** When do we expect any advance with waivers submitted in FY22, especially those submitted in July? Are we going to come back to a 3-6 month processing timeframe at any point?

- a. **Response:** I think this was touched upon a little earlier and in the presentation. HART is committed to prioritizing the I-601A workload through continuing hiring efforts and identifying processing efficiencies. As we continue to prioritize the hiring and training of new officers, we anticipate a decrease in processing times across the board. Also, USCIS anticipates an increase in the number of Form I-601A decisions issued by HART by adding dedicated resources to this portfolio as a result of robust recruitment and hiring in the last few months. But this still takes time. Resources to train and mentor and support new employees are the same who adjudicate. So there may be a timeframe where processing times are

not improved – they may be even slightly worse – because we’re clearing out old cases and also training new officers.

15. **Question:** Which I-730s is HART adjudicating? We know there are both asylum and refugee I-730s. Does HART do both?

Question (*taken with Question above*): The Asylum Vetting Center stated it reviews refugee-based I-730s on a FIFO basis. Will HART adjudicators abide by the same FIFO queue for the I-730s that it adjudicates?

a. **Response:** At this time, HART processes asylum-based I-730s where the beneficiary is outside the US. As with all of SCOPS, HART generally adjudicates on a FIFO order on all form types. So the Asylum Vetting Center does not send the Form I-730 to HART. Currently, the Texas Service Center receives all I-730s. HART conducts the initial domestic processing for asylum-based I-730s; refugee-based I-730s are transferred to the Asylum Vetting Center for initial domestic processing.

16. **Question:** What are the criteria for Form I-730 to be sent from the Asylum Vetting Center to HART? What are the criteria to be sent from the Texas Service Center to HART?

a. **Response:** That was what I was answering before, partly. The Asylum Vetting Center does not send the Form I-730 to HART. Currently, the Texas Service Center receives everything – all the I-730s. HART conducts the initial domestic processing for asylum-based I-730s; the Asylum Vetting Center does the initial domestic processing for refugee-based I-730s.

17. **Question:** Why do you keep transferring I-601A cases back and forth every three months with no explanation?

a. **Response:** USCIS has no policy or practice, generally, for transferring cases from one office to another. There are times where an operational need arises where we have to move paper files. One time where an operational need arose was the creation of HART and also the digitization process for the Form I-601A. Because HART was new and exclusively adjudicating the I-601A and some of those were located at other service centers, we had to transfer them to HART. And since we’re trying to digitize them, there was some movement between different offices. We’re trying to get digitized as fast as possible for officers to adjudicate so that does require some movement.

18. **Question:** What percentage staffed is HART at currently? When will it be fully staffed?

- a. **Response:** As of September 14th, 64% of HART positions are filled and we continue to fill positions through recruitment and other hiring efforts. We anticipate we will be fully staffed by the end of FY24.
19. **Question:** Why have processing times gone up since HART opened for I-601As from 36 months to 44.5 months?
- a. **Response:** We want to add that you have to think that, when training new people, they have to be trained by somebody. This is often by people currently doing the work, so it will initially slow down the process. As we're getting people fully trained, it takes resources to have the most proficient and efficient officers adjudicating. So there's a little bit of a slowdown that always happens with training, but the priority is getting them up to speed.
 - i. Link provided for additional information on I-601A and HART:
<https://www.uscis.gov/sites/default/files/document/outreach-engagements/NationalEngagement-OverviewoftheHARTServiceCenter.pdf>
20. **Question:** For any case adjudicated by HART, are applications/A-files 100% digitized prior to the HART officer moving the file from the Service Center to their remote adjudication location?
- a. **Response:** Basically, we continue to work towards the goal of becoming completely digitized and adjudicating workloads in a totally electronic environment. Currently, we are scanning and digitizing HART workloads – the current focus is on I-601A and I-918. We have implemented multiple strategies simultaneously, including scanning filings upon receipt to remove geographic limitations. Employees are still working on some paper files. If we only did paper or only did digitized, we wouldn't be able to operate on FIFO basis.
21. **Question:** Is HART prioritizing petitions with the oldest receipt date, even if the file is not digitized?
- a. **Response:** Yes, HART generally adjudicates applications/petitions/requests in a FIFO order based on receipt date, regardless of whether the case is digitized or not.