

**Georgia/Alabama AILA Chapter & USCIS Atlanta Field Office**

**Quarterly Stakeholder Meeting Notes - August 14, 2014**

- 1. Please describe the policy when an I-130/I-485 beneficiary appears at an interview and states s/he has been abused by the petitioner. Does USCIS hold the I-485 in abeyance so a VAWA petition can be filed? If so, for how long? What is the proper way to ensure that the \$1070 filing fee (and EAD) remain pending while the VAWA I-360 is adjudicated?**

**USCIS Response:** At the self-petitioner's request, USCIS may switch the basis of the I-485 from the I-130 to the Form I-360. In the scenario described above, the officer would hold the I-485 in abeyance so a VAWA petition could be filed. If the applicant indicates that they have not yet filed an I-360 VAWA petition, but plan to do so in the near future, the ISO will issue an RFE requesting proof of the I-360 VAWA petition filing, allowing 30 days for the applicant to submit such proof.

- 2. On a similar note, if a couple has filed a one-step adjustment application and one party has a restraining order against the other, what steps would USCIS take to ensure the victim's safety? That is, if a victim appears and the abuser violates the restraining order and also appears, what are the proper procedures to follow to ensure everyone's safety?**

**USCIS Response:** The Atlanta Field Office prioritizes safety for all of our stakeholders. We ask that a USCIS staff member be alerted in the above scenario so that the Field Office is a) aware of the situation and b) can act accordingly, to include bringing the customer to a secure area. If there is an imminent safety threat, please notify a member of the security team immediately.

- 3. Please describe how the Atlanta Field Office processes Jay Treaty adjustment of status applications? Would you prefer an InfoPass appointment or to work through liaison to have the application processed locally?**

**USCIS Response:** We ask that an InfoPass appointment be made to process these applications. At the InfoPass appointment, the ISO will accept the claimant's documents and complete the necessary sections of the I-485. The fee is waived for the I-485. An ASC appointment will be scheduled to capture biometrics; this fee is also waived.

Such cases rarely require interview after the initial intake. Additionally, no G-325, I-693, I-864, or I-181 is necessary.

- 4. Please provide an overview of how I-290B appeals are reviewed. Once the I-290B is filed, what happens? Does the file receive a review by a supervisor in Atlanta before forwarding it to the AAO? How long should such a review take? Will the attorney be notified that the case has been transferred to the AAO? How long would the attorney wait before inquiring into the status of the I-290B?**

- **If the I-290B is a Motion to Reconsider based on a clearly erroneous application of law, is there a way to flag it for quicker review?**

**USCIS Response:** After an I-290B appeal is received at the Field Office, an officer will review the appeal and supporting documentation within 30 days. If the previously denied application can be granted, the appeal will be treated as a Motion to Reopen. If the previously denied application cannot be granted, the appeal is sent to the AAO following supervisory review. The Field Office does not send notification that the case has been transferred to the AAO; the Field Office has reached out to the AAO to clarify what, if any, notification system is utilized by the AAO. An inquiry may be submitted to the AILA mailbox after 30 days for questions related to the status of the I-290B.

5. **Please inform us of what officers are handling specific cases. For example, are all officers handling SIJ adjudications? VAWA adjustments? If only certain officers are interviewing certain types of cases, can you please tell us who those officers are and their case specialty?**

**USCIS Response:** Any ISO can be assigned to these workloads. If an ISO interviews a certain type of case, they have been trained in that particular workload. SISO Vanesa Perkins oversees the SIJ program and these inquiries may be sent to [sij.atl@uscis.dhs.gov](mailto:sij.atl@uscis.dhs.gov).

6. **Please provide an update regarding lengthy delays for interviews. Current wait times seem to average approximately two hours. At our late May USCIS/AILA luncheon, we were informed by Supervisor C. Johnson that waiting more than 15 minutes beyond the scheduled interview time was unacceptable and should be brought to a supervisor's attention.**

**USCIS Response:** The Field Office is aware of this important issue and is exploring different strategic calendaring and staffing strategies to solve the problem. In the short term, beginning next week you will see improved customer service monitoring in the 2<sup>nd</sup> and 3<sup>rd</sup> floor waiting areas.

7. **Attorneys continue to report that many, not all 6:45, interviews continue to be delayed and not called back for over an hour. A member reports that on July 28<sup>th</sup>, he appeared with clients for a 6:45 interview, yet the triage desk did not assign numbers until 7am. The interview did not begin until 8:40 a.m. This is likely an extreme example, but many attorneys likewise voice concern that these early appointments still are waiting an hour to be called.  
– AILA understands you have received favorable feedback from stakeholders as to the early interviews, presuming they are seen close to on-time, allows them to take little to no time off of work. However, we ask that USCIS look into allowing people who absolutely cannot come outside of normal business hours (families with children who need daycare, for example) to request an appointment during normal business hours. Although rescheduling requests are typically accommodated, it can take months to be put back in line. Is there any way USCIS**

**could adopt a more flexible policy or set aside time on Fridays, for example, for these reschedule requests to be more expeditiously seen?**

**USCIS Response:** Please see Question 6 regarding customer wait times.

The Field Office will continue to monitor the triage desk to ensure that ticket numbers are assigned in a timely manner, and that appointments are prioritized according to appointment time and not arrival time. We ask that all customers arrive at the office and check in for their appointments no earlier than 30 minutes prior to their scheduled time.

We continue to honor requests for rescheduling when there is a scheduling conflict with the interview time and/or date. Please continue to submit those requests in writing, complete with A# and the name of the customer, so that the request may be routed to the A-file for documentation.

- 8. Have adjudicators received instruction to increase scrutiny on one-step adjustment of status applications? Members have reported questioning going more in depth than in previous interviews, for example asking about a person who co-signed a car loan, asking detailed information about the spouse's former roommate and her line of work.**

**USCIS Response:** There has been no new local guidance requesting that ISOs increase scrutiny on one-step adjustment of status cases. Interview questions and subsequent follow-up questions are based on the officer's review of the record on a case by case basis.

- 9. Does the Atlanta Field Office have a role to play in the interview waiver process? It appears that cases that receive a notice for a possible interview waiver are taking months longer than the cases that actually receive interviews. Is this a local concern or is this happening at the Service Center level?**

**USCIS Response:** District 8 and the Atlanta Field Office has prioritized the I-485 "interview waiver" cases in all work plans. These cases are assigned to Officers for adjudication as soon as they are shipped and received from the National Benefits Center.

- 10. Please consider shifting all appointment times otherwise scheduled before normal business hours to the late afternoon. Alternatively, please consider offering an option to anyone scheduled before normal business hours, to promptly request re-scheduling to another interview date within two weeks of the original date, but scheduled during normal business hours.**

**USCIS Response:** The staffing of the Field Office does not allow us to comfortably accommodate interviews any later in the afternoons than is currently being scheduled. We encourage any customer and/or attorney who has a scheduling conflict to request to be rescheduled in writing and in that request to cite any specific parameters (e.g., cannot attend an interview before 8:00 a.m., etc). All efforts will be made to accommodate such requests.

- 11. Please address the current policies on Cuban Parole in Place applications as well as the procedure for these applications. Attorneys are experiencing significant delays and often not even receiving response on the Parole in Place requests.**

**USCIS Response:** The current policy is to accept Cuban Parole in Place (PIP) or “Cuban Parole” requests during an InfoPass appointment. Our expectation is to complete these applications within 30 days. If you experience any delays, feel free to reach out to any Atlanta Field Office Information Services supervisor or manager.

At present, there are three (3) Cuban paroles requests pending.

- 12. Additional questions received via email (A), (B) (C) & (D) Below:**

- (A) What is the policy of the Atlanta local office regarding the adjudication of a parole request for an individual who entered EWI? What if that individual is in removal proceedings?**
- (B) What is the policy of the Atlanta local office regarding the adjudication of a parole request for an individual who entered EWI and who qualifies for adjustment under the Cuban Adjustment Act (CAA)? What if that individual is in removal proceedings?**
- (C) Who in Atlanta has the authority to consider and to grant a parole request for an individual who is eligible to adjust under the CAA? What if the individual is in removal proceedings?**
- (D) Who in Atlanta has the authority to consider and to grant a parole request for a non-Cuban spouse of a CAA LPR who is in removal proceedings?**

**USCIS Response:** All parole authority is rooted in Section 212(d)(5)(A) and are adjudicated on a case-by- case basis.

Cuban Parole requests allows for benefits to be given to only to the principal Cuban citizen or national. Each request record circumstances, e.g., EWI (entry without Inspection) as well as other unique circumstances, are adjudicated by an ISO who has been trained to exercise USCIS discretion under the INA and related regulations. The CAA (Cuban Adjustment Act) is a separate and distinct benefit to obtain lawful permanent resident status. Any adjudication under the CAA is independent and apart from any determination made on a Cuban Parole request.

**ADDITIONAL INFORMATION: Section Manager Contact information**

**Cheryl Johnson:** [Cheryl.L.Johnson@USCIS.DHS.gov](mailto:Cheryl.L.Johnson@USCIS.DHS.gov)

**Burn DeBoe:** [Mayburn.E.DeBoe@USCIS.DHS.gov](mailto:Mayburn.E.DeBoe@USCIS.DHS.gov)

**Jaclyn Williams:** [Jaclyn.M.Williams@USCIS.DHS.gov](mailto:Jaclyn.M.Williams@USCIS.DHS.gov)