

USCIS responses to AILA GA/AL Chapter for 1/22/15 Liaison Meeting:

1. The refusal to process PIP for spouses of Cubans. Under what authority are they refusing these?

USCIS policy memoranda, Processing of Initial Parole or Renewal Parole Requests Presented by natives of Citizens of Cuba to USCIS Field Offices dated March 4, 2008 and Amended Guidance Regarding Processing of Initial Parole or Renewal Parole Requests Presented by Natives of Citizens of Cuba to USCIS Field Offices dated February 3, 2009 and INS Memo, Meissner, Comm. Eligibility for Permanent residence Under the Cuban Adjustment Act Despite Having Arrived at a Place Other Than a Designated Port-of-Entry HQCOU 120/17-P dated April 19, 1999 indicates the guidance applies specifically to Natives or Citizens of Cuba and does not contemplate spouses. Lacking policy guidance, we are refusing these requests at this time.

2. RFE review delays at CIS ATL: if given 87 days oftentimes to file response to RFE, why not have CIS review the responses and adjudicate within 87 days of receipt? Or if given 30 days to file response, why not have CIS under the same time frame of 30 days for review and decision on the response?

There is no standard response for an RFE that would permit us to place specific timeline metrics on the workload. RFE cases are adjudicated as soon as possible with our monthly adjudication schedules. Beginning February 2015 our work plan will include the provision for customers to return routine evidence and missing initial evidence within 10 business days to the Continued for Documents Unit (CDU) we are establishing. The customer will present the CDU cover letter they are issued at the interview along with the RFE and an assigned adjudicator will review the information and will be able to render a decision on the application at that time. We are still finalizing the RFE and CDU cover letter at this time.

3. What's the method for getting terminated court cases in queue for an adjustment of status interview? What is the current procedure in place for USCIS Atlanta to request a file from the immigration court? I've had the issue come up a few times where the case is terminated by the immigration court and the Judge instructs DHS to send it back to USCIS. Then there is a back and forth where DHS Chief Counsel says that they've sent it to USCIS Atlanta and USCIS Atlanta says that they still have it in the court order so that USCIS can request the file back from DHS chief counsel. Can we please get some guidance on what exactly happens with these cases and how USCIS Atlanta requests these files from the immigration court after an INFOPASS inquiry has been completed.

Generally, Litigation will automatically send these files to the Field Office upon termination of the proceedings. Once the file is received in the Field Office, an interview is scheduled. However, at times, there may be files that are not automatically routed to the Field Office. In the latter scenario, there are two courses of action to ensure that court cases which have been terminated are sent to the Field Office from Litigation and subsequently scheduled for interview: an electronic request or an in-person request through Infopass appointment. If opting to send an electric request, the following process should be followed: no less than 30 days after the termination has been issued, send an email to the AILA mailbox with the subject line: TERMINATION, A-XXX-XXX-XXX. The termination order must be attached to the email. On a weekly basis, these requests will be forwarded to Litigation. You will receive an

email indicating that the file has been requested from Litigation. Once the file is received in the Field Office, an interview will be scheduled for the next available date.

If opting to schedule an Infopass appointment, please bring a copy of the termination order with you no less than 30 days after the termination has been issued. The file will then be requested in the same manner as above and you will receive an email confirming that the file has been requested from Litigation. Once the file is received in the Field Office, an interview will be scheduled for the next available date.

4. What is your current policy on Parole in Place adjudications?

There are general two types of “parole” adjudications handled by the Atlanta Field Office: Military Parole-in Place and Deferred Action cases.

Deferred action is granted on a case-by-case basis with each request being considered on the merits provided. Since there is no bright-line rule for eligibility, stakeholders should be sure to articulate any factors they feel are meritorious.

For information on the existing parole-in-place policy for military personnel, please refer to the policy memorandum listed here: <http://www.uscis.gov/executive-actions-immigration/parole-place-memorandum>.

5. What happens when we raise issues regarding adjudicator’s behavior? Who hears these complaints and is there any action taken?

All complaints about our employees are taken seriously. The matter is referred initially to the employee’s supervisor and the complaint circumstances are shared with the chain of command who ultimately determines the course of action that will be taken. It is preferable that any complaints regarding an employee or inadequate services be made on the spot and at the time of the issue by requesting to speak to a Supervisor. If a Supervisor is not available or if the Supervisor’s response is not adequate, please request to speak to a Branch Chief or to the Field Office Director.

6. VAWA AOS cases – the officer should always call the number, not the name, just as a security precaution.

We acknowledge your comments and concerns. The protocol is to call the customer by number first; we reinforced this at a town hall meeting yesterday. If calling the number fails to identify the next customer, we then call the individuals name to ensure we don’t skip or otherwise miss their appointment.

7. Would it be possible to have a few dedicated officers for VAWA cases? We have them for SIJS and I believe both are sensitive and require a certain demeanor.

All of our officers are trained to adjudicate sensitive cases. We will reinforce with our officers the need to use due consideration and sensitivity when working on VAWA, SIJ, and I-751 Waiver cases in our weekly supervisory team meetings. Again, if the service that was being provided is not adequate or up to expectations regarding sensitivity to demeanor, please ask to speak with a supervisor prior to the end of the interview.

8. Are you doing anything to work on the long processing times for I-751 or N-600s?

We are continuing to schedule I-751 interviews on designated days in our monthly schedules. We are developing protocols for getting assistance from other offices within the Atlanta District to help us return the N-600 backlog to a less than six month processing time.

9. On Nov. 20, 2014, Jeh Johnson directed USCIS* to issue new Parole in Place policies, including PIP for spouses, parents, and children of USCs and LPRs who “seek to enlist” in the US Armed Forces. Is Atlanta implementing this policy? What evidence is required to establish that someone “seeks to enlist” (as opposed to someone who has enlisted)? USIS is working with Dept. of Defense to determine how to expand parole authorization to dependents of certain individuals enlisting or enlisted in the US armed services.

For information on the existing parole-in-place policy for military personnel, please refer to the policy memorandum listed here: <http://www.uscis.gov/executive-actions-immigration/parole-place-memorandum>. Please refer to our website at: <http://www.uscis.gov/immigrationaction> where you can sign up for email notification of any updates regarding agency policy in this area.

10. What is the current procedure in place for when an attorney has two interviews at the same time? In the past I’ve been told to go to the second or third floor and ask for a supervisor. I tried that and the supervisor said there was nothing she could do to help. I’ve also been told to ask the front desk on the ground floor to contact a supervisor and the supervisor said that all she could do was re-set the interviews. That didn’t help my situation. Who can we ask for and can the supervisor possibly notify the officer to pull both interviews and conduct both interviews?

We now have Immigration Services Assistants manning our 2nd and 3rd floor waiting rooms windows. Members should ask to speak to the Duty Supervisor who can assist with coordinating for the same Immigration Services Officer to conduct both interviews. If the Duty Supervisor is unable to resolve the scheduling conflict to your satisfaction, please ask to speak to one of the Section Managers.

11. Just curious when credit card payment will be authorized in fact for filings in general? I’ve enjoyed seeing the signage but haven’t experienced the service.

We assume you are referring to accepting credit cards to pay the naturalization application fee. According to our website, this is part of the Executive Immigration Action to Promote the Naturalization Process. There has been no date given as to when this process will go into effect other than “during 2015.”

12. What is the time frame for a hand-filed response to an RFE reaching the file V. a courier or postal delivery response?

There is no difference in the processing of an RFE that is delivered in person or those received through the mail.

13. Is your office issuing extensions of EADs (interim EADS) if USCIS has not sent an individual their EAD within the 90-day statutory limit after filing? If so, what documentation is provided (i.e.: a sticker similar to the extension on an I-551)?

The Atlanta Field office does not process EAD extensions. EAD extensions are obtained by filing and mailing a new I-765 application. There are not sticker extensions. An Infopass appointment may be made to address questions about the I-765 filing process. Passport will be stamped with G-28 on I-751.