

Minutes - AILA / Atlanta CIS liaison meeting – November 9, 2010

I. ATTENDANTS

In attendance from CIS: Paul Onyango, Atlanta Field Office Director; Connie Roberts, Congressional Liaison Officer; Stephanie Reither, Section Mgr.; Joe Kernan, Community Relations Officer. In attendance from AILA: Marshall Cohen, Nellie Navidi, Lanie Posel, David Soloway.

II. OPENING REMARKS BY CIS

The meeting began with introductions and brief comments from Paul Onyango, Atlanta Field Office Director. Mr. Onyango stated that he originally was an adjudications officer in Atlanta under then District Director Rosemary Melville. He subsequently held a series of positions with the California Asylum Office, the Boston District Office, and with the Customer Service Division at CIS HQ in Washington, D.C., before being appointed to his current position as Atlanta Field Office Director. Mr. Onyango stated that he has been involved with the customer service aspect of INS/CIS, and that he has seen it continue to improve. He stressed that as an immigrant himself, he understands the anxiety and frustration that many CIS “customers” feel when dealing with CIS, and it is his goal to make the system more efficient and effective in carrying out its mission. Mr. Onyango stated that continued cases account for 95% of customer service issues. He said that CIS is striving to balance transparency with security and privacy concerns.

Mr. Onyango stated that the Atlanta Office is now approximately 9 months behind on continued cases, regardless of whether an I-72 or N-14 was issued. CIS’s national goals are for N-400’s to be adjudicated within 5 months and I-485’s within 4 months. There is no single reason for the current backlog, but it most likely resulted from the concentration of resources on adjudicating initially filed cases at the expense of continued cases. The long term solution for this is a move to an electronic filing system. CIS hopes to designate six types of cases for electronic filing by Fall, 2011. As an aside, Mr. Onyango suggested putting the applicant’s existing or multiple A#’s on all applications where requested.

III. LIAISON QUESTIONS AND RESPONSES

1. Does the Atlanta District Office have a policy regarding adjustment of status cases filed by applicants who were admitted under the visa waiver program? If so, will this cause a fraudulent intent issue? If so, is there a memo outlining the policy? An AILA member heard from an ISO that the Atlanta District will soon begin implementing a policy of denying adjustment to any applicant who entered on a visa waiver unless the I-485 is filed prior to expiration of the 90 day period of authorized stay. We understand this has not been the case in the past.

CIS Response: There is no policy regarding adjustment of applicants who entered on VWP; an otherwise eligible adjustment applicant may apply after expiration of the 90 day period of

authorized stay under VWP. The issue of fraudulent intent, however, still applies, i.e. entering on VWP with intention to adjust rather than leave no later than 90 days after entry.

2. Please provide a list of supervisory ISO's and the areas they oversee.

CIS Response: No list will be provided. Areas of oversight rotate. CIS is trying to prevent the appearance of favoritism caused by attorneys contacting specific supervisors. An attorney may ask for a supervisor at the interview or at the 2d floor window.

3. An AILA member reports that he was unable to fee in an EOIR motion to reopen because he was told that the person assigned to this was out as was that person's backup. The AILA member was not able to file that day as a result. Such a situation in the future could result in missing a deadline.

- a) What is the procedure for feeing in EOIR motions and applications?
- b) What should be done in the situation described above?

CIS Response: There are now only two clerks who have authorization to fee in applications. Previously there were 23 contract employees authorized. If necessary, the attorney can request to see the supervisor who should be able to find a solution. There is a Duty Supervisor available every day.

4. An AILA member reports that he attempted to obtain a stamp in his client's passport. The client's adjustment was approved and the client had to travel outside the country. The information officer told the AILA member that he wasn't allowed to stamp passports without the applicant/client being present. What is the policy and procedure in this situation? Was this occurrence evidence of a new policy or was it a training issue?

CIS Response: CIS will not allow an attorney to have a client's passport stamped unless extreme circumstances exist. If such circumstances exist, the attorney should contact CIS to get pre-approval. A parent, however, may appear for a child under the age of 14.

5. Please address the length and area of any backlogs currently existing in Atlanta. Please also address any plans for reduction of the backlog. AILA members have complained of receiving responses to their liaison inquiries as follows: "This is one of our continued cases pending assignment to an officer for review. Continued cases are assigned and adjudicated by filing date. The current wait time is approximately nine months."

CIS Response: See statements above preceding the numbered inquiries.

6. AILA members have complained that appointments scheduled for 7:15 are almost impossible to make because the security line is extremely long and there is no way to enter the building early because the building is not open prior to the appointment time. This will pose a problem as temperatures drop and rain becomes more frequent. Members

also report that 7:15 interviews do not start on time. Does CIS recognize this as a problem and is there a remedy available?

CIS Response: The building opens at 6:30 a.m. Although sympathetic to the concerns expressed above, there will be no change in the current scheduling system. All ISO's are responsible for starting their interviews on time unless a circumstance out of their control prevents doing so. Attorneys can contact the duty supervisor if an interview is unreasonably delayed.

7. Is CIS aware of significant difficulties with obtaining driver's licenses after extensions/changes of non-immigrant status, adjustment of status, and adjustment of status in proceedings? An AILA member from a local university reports H-1B employees and J exchange scholars are having problems getting timely SAVE verification for both driver's license issuance and medical license/training permits? The AILA member reports that of approximately 170 H-1B employees and J visa holders surveyed, over 60% reported that in the past year they were unable to obtain a driver's license on their initial visit because their SAVE information could not be verified. The majority of these reported delays of a month or more. The member reports report that the problem lies mainly with H-1B's who have changed status from J-1 or who are extending their H-1B status. This member has unsuccessfully attempted to resolve the problem herself. She reports that CIS tells her the documents have been properly routed and the problem is with SAVE. When she called SAVE she was told that the problem is with SEVIS or it is a CIS problem or that the agency issuing the benefit needs to resolve it. She has advised her clients to wait at least 10 days before applying for the benefit sought, but this has not helped. Since Georgia will not issue a driver's license until SAVE verification is complete, this has created significant problems for this member's faculty, researchers, and physicians. The same problem has been faced by LPR's who were adjusted in proceedings. Please explain the SAVE procedure and how this problem can be solved.

CIS Response: Joe Kernan, Community Relations Officer gave a short explanation of SAVE. SAVE is designed to give government agencies the necessary information to provide benefits to persons lawfully in the U.S. The Georgia Department of Driver Safety (DDS) is such an agency. There are approximately 500-600 separate government agencies in Georgia that utilize SAVE.

The system works as follows. The government agency requests an initial verification from CIS. In 90% of the inquiries, the initial verification takes less than a minute. If initial verification is unsuccessful, the agency will request a second verification that should take 3 – 10 days to receive a response. If the second verification is unsuccessful, the government agency should make copies of any relevant documents and forward them to SAVE. Typically the government agency will receive a response within 30 days. It is then the responsibility of the government agency to act.

The government agency must pay \$.50 for the first inquiry and \$2.00 for the second. SAVE is not under the jurisdiction of the Atlanta Field Office. The public e-mail box for problem cases is save@dhs.gov. Joe Kernan can handle rare cases of abuse (such as confiscation of EAD or other documents) and those cases pending three months or more. You may reach him at joseph.kernan@dhs.gov.

8. Several members have complained of ISO Mary Hill's rude, unprofessional behavior toward them and their clients. After seeing the following comments from three AILA members, please address how this situation can be remedied.

a) "Rude, abrupt, interruptive.... accusatory attitude almost every time."

b) " I had an interview on July 27, 2010 for a standalone I-130 in which the beneficiary was in proceedings but, he and his wife already had one baby for which we presented a birth certificate and we presented proof that she was pregnant again. The petitioner is a United States citizen by birth who grew up in Mexico. Officer Mary Hill was very rude and abrupt at the interview. She demanded to know why the petitioner couldn't speak English. We brought an interpreter and I asked her to ask to the interpreter any questions that she had in English to avoid confusion. She began waving her hands and raising her voice to me and telling me that she would conduct the interview as she saw fit. I asked to speak to a supervisor immediately. She looked at me and flat-out refused. She kept going with the interview. And now, 2 months later we get this ridiculous Notice of Intent to Deny."

c) "Interview held on March 4. As I started explaining that this was a 319(b) case with my client assigned to a project in Canada for Deloitte, Ms. Hill cut me off and said we all know who Deloitte is and then asked my client his position (partner), why can't he choose his assignments if he is a partner of Deloitte and stay at home, and that this looked like a choice that could have been avoided. Residency and physical presence requirements are waived under 319(b) but Ms. Hill interrogated my client's wife about her following her husband around the world for his business, and why would she ever intend to live in the US as a citizen. I let her know that documentation was in the filing about their home in the US and other ties, as well as her being here for a length of time and a permanent resident for over 10 years with consistently filed reentry permits when needed. I also reminded her about this being a 319(b) and residency requirements were waived and thus not relevant to her case. Ms. Hill said "she would decide what is and what isn't relevant". This kind of "interrogation" went on for a while. She clearly did not understand the type of case nor the business of "Deloitte", but she interrupted whomever tried to explain anything." Thirty minutes later she finally asked the natz questions. My client's wife was crying at this point. Hill then said that there is another file for her that has to be connected to this file and she can't make a decision at this point. My client's wife asked "what file and what could it be?" Hill answered "I don't know but if it relates to any criminal activity by you I need to know." We got up to leave and seeing my client's wife still, Hill said "This has been quite expensive for you hasn't it?" Two weeks later, I get a request for information that was already provided.

CIS Response: The attorney should speak to the Duty Supervisor at the time if possible. Otherwise, the attorney should send detailed information via the AILA liaison. In doing so, be sure to give as much information as possible including case #, date, time, officer name, and short description of what occurred. CIS has a procedure for investigating and training or disciplining

as necessary in such situations. If the situation merits, CIS will remove the case from the offending officer.