



# Questions and Answers

## USCIS International Operations Liaison Meeting with the American Immigration Lawyers Association (AILA)

April 9, 2014

### Overview

On April 9, 2014 USCIS International Operations (IO) Division hosted an engagement with AILA representatives. IO addressed questions related to IO operations, I-601 waivers, biometrics, international adoptions and I-130 filings among several other topics. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

### Questions and Answers

#### General Operations

1. Please summarize the current staffing for USCIS International Operations (IO) at Headquarters and at various overseas IO offices. In addition, please provide a current organizational chart and staffing list for your office.

**Response:** You can access organizational charts depicting the current staffing and composition of IO's headquarters office on the USCIS Web page by following these steps:

- Go to [www.uscis.gov/international](http://www.uscis.gov/international);
- Select "Directorates and Program Offices" in the column on the left to expand that tab;
- Select "Refugee, Asylum and International Operations Directorate" (RAIO);
- Once the RAIO information appears, navigate down to "Organization" and then click on "The International Operations Division";
- Once the IO page appears, you can see the IO Headquarters chart by clicking on the link under "IO Headquarters." Links for staffing charts for the overseas offices are located further down on the same page, under "International Offices."

You can also access the staffing charts through the link below:

[http://www.uscis.gov/sites/default/files/International\\_Operations\\_Headquarters\\_Organizational\\_Chart.pdf](http://www.uscis.gov/sites/default/files/International_Operations_Headquarters_Organizational_Chart.pdf)

Additionally, you can access organizational charts for each of the three IO districts<sup>1</sup> as follows:

Asia/Pacific (APAC) District:

<http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%27I%20Ops/APAC - ExternalApr14.pdf>

Latin America, Canada, and the Caribbean (LACC) District:

<http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%27I%20Ops/LACC - ExternalApr14.pdf>

Europe, Middle East, and Africa (EMEA) District:

<http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%27I%20Ops/EMEA - ExternalApr14.pdf>

1. As you have made us aware on several occasions previously, IO continues to plan for workload and staffing developments on an ongoing basis. Do you anticipate that any overseas offices will be closed during the next 6 to 12 months? How does an office closure, such as in Honduras, affect workload and staffing levels elsewhere?

**Response:** Please see the response to Question #2 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

2. On our most recent call on April 4, 2013,<sup>2</sup> IO stated that it was considering opening a new office in Addis Ababa, Ethiopia. Has this discussion advanced and, if so, do you anticipate opening the office within the next 6 months? Is IO considering opening a Field Office in any other location(s)?

**Response:** Please see the response to Question #3 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

## I-601 WAIVER ISSUES

On behalf of the committee and AILA generally, we would like to thank you for the consistent guidance on both filing I-212 and I-601 applications abroad and the availability of guidance on requesting expedited I-601 adjudication on each office's Web page. Members are still coming to terms with the new filing requirements and the consistency of instruction/guidance across the pages of multiple field offices is greatly appreciated.

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<sup>1</sup> On April 10, 2014, IO [changed the names](#) of all three districts. The Bangkok District is now the Asia/Pacific (APAC) District; the Mexico City District is now the Latin America, Canada, and the Caribbean (LACC) District; and the Rome District is now the Europe, Middle East, and Africa (EMEA) District.

<sup>2</sup> *AILA USCIS International Operations Liaison Teleconference Q&As (9/11/2012)*, Q2, AILA Doc. No. 12121950, <http://www.aila.org/content/default.aspx?docid=42550>.

3. Please advise how many I-601 waiver cases remain pending with IO and where these applications are being adjudicated. Are any cases being transferred to service centers or to field offices for adjudication?

**Response:**

USCIS Office	Number of Pending I-601s as of 3/24/14
Accra	5
Bangkok	1
Guangzhou	1
International Adjudications Support Branch	2
<b>TOTAL</b>	<b>9</b>

**Response:** The IO Division is not transferring and does not plan to transfer I-601 cases to service centers or domestic field offices for adjudication.

4. During our two most recent AILA/USCIS IO teleconferences on September 11, 2012, and April 4, 2013, IO provided I-601 referral rates for overseas filings from March to August 2012. Please provide statistics on the number of I-601 waiver applications that have been filed with IO under the exception to lockbox filing for emergent circumstances since September 2012. Please differentiate between Ciudad Juarez (CDJ) and non-CDJ cases.

**Response:** See the table below.

USCIS Office	Number of I-601 Exceptional Cases Filed with USCIS International Offices Between 9/1/12 - 3/24/14
Amman	1
Ciudad Juarez	43
Frankfurt	2
Guangzhou	2
Guatemala City	1
Johannesburg	1
London	1
Nairobi	1
Tegucigalpa	3
<b>TOTAL</b>	<b>55</b>

- a. In addition, IO informed us that it was considering ways through which to track cases that had been refused for filing.<sup>3</sup> Has progress been made on this? If so, would you please provide statistics on refused cases in this fiscal year?

**Response:** IO finished developing a reporting mechanism to track refused requests to file Forms I-601 with international offices. Effective April 1, 2014, all international field offices began

<sup>3</sup> AILA USCIS International Operations Liaison Teleconference Q&As (9/11/2012), Q7a, AILA Doc. No. 12121950, <http://www.aila.org/content/default.aspx?docid=42550>.

tracking refused requests to file I-601 waiver applications at international offices. Statistics on denials will be available after April 1, 2014, for requests denied after that date. We will report the statistics at our next meeting.

- b. If an application is indeed accepted by IO for emergent circumstances, are these cases being adjudicated by IO or being sent to SCOPS with a request for expedited handling/processing?

**Response:** The international office that accepts the Form I-601 will also adjudicate the application. We will not send the application to the Nebraska Service Center (NSC) for expedited adjudication. Exceptions to centralized Form I-601 filing are set forth in the policy memorandum "Exceptions for Permitting the Filing of Form I-601, Application for Waiver of Grounds of Inadmissibility, and any associated Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, at International USCIS Offices." (PM-602-0062.1; Nov. 30, 2012). We established the exception policy to deal with circumstances where "even expedited processing by the NSC would be insufficient to address the urgency of the circumstances." (See memo, page 2)

## OVERSEAS BIOMETRICS

As we have previously discussed, AILA would greatly appreciate the implementation of biometrics capture capabilities at all USCIS overseas offices. Most Application Support Centers (ASCs) in the U.S. provide at least one afternoon a week for individuals to complete biometrics on a walk-in basis for a missed appointment or other valid reason. Allowing individuals with a valid barcoded biometrics notice to have their biometrics taken at a overseas USCIS office would greatly mitigate the time and financial hardships to applicants who temporarily reside overseas and who are currently required to travel to the U.S. for biometrics capture, while maintaining the reliability and integrity of the biometrics data and facilitating the adjudication of the underlying benefit.

5. Is biometrics capture currently available at any USCIS overseas office for individuals who are in possession of a valid barcoded biometrics appointment notice? For example, can a person on an overseas assignment in China who filed for a reentry permit in the U.S. before departing for China appear for biometrics capture at the USCIS office in Guangzhou or Beijing?

**Response:** Our international offices do not have the capacity to handle biometrics capture for all individuals outside the United States who require biometrics capture to receive USCIS benefits.

Generally, we only collect biometric collection overseas for applicants whose immigration benefits are adjudicated overseas—primarily refugee, refugee/asylee following-to-join, and adoption cases. USCIS also collects biometrics overseas for a small number of individuals who may be eligible to derive status from T and U visa holders and are located overseas. The Biometrics Division schedules all other applicants to appear for an appointment at a domestic location in the United States.

USCIS has reviewed your suggestion to permit biometrics collection overseas for reentry permit applicants. We have analyzed the number of individuals requesting expedited biometrics appointments in advance of traveling overseas under the assumption that many of those individuals would seek to have their biometrics captured overseas. Because our overseas offices are much fewer and much smaller than our domestic ASCs, they would not have the operational capacity to

handle as many cases as are currently requesting expedited appointments. However, we will consider developing guidance to allow individuals to have their biometrics collected at an international office for reentry permit applicants on an emergency basis if there are compelling circumstances, at the discretion of the Field Office Director.

Additionally, as long as there are not too many applicants at the ASC, anyone with an appointment notice can walk into a domestic ASC and request that we take their biometrics for an urgent need. USCIS will accommodate those with appointments first, but it is highly unlikely we would not be able to accommodate walk-in requests based on urgent need. As such, we continue to encourage individuals to have their biometrics collected at a domestic ASC before leaving the United States, even when they need to leave on an urgent basis.

6. A particular travel burden is experienced by those who are in locations within the geographic jurisdiction of the Asia/Pacific (APAC) District<sup>4</sup>. If biometric capture is not possible at any USCIS office within the APAC District, could applicants travel to Hawaii or Guam to provide biometrics?

**Response:** As long as an applicant has an appointment notice, he or she can go to the ASC in Hawaii or Guam and request biometrics collection under urgent circumstances. We will give priority to those with appointments. However, we believe that there is sufficient capacity to fit in appointments on a walk-in basis for urgent reasons, assuming that there are not too many applicants at the ASC.

If the applicants would feel more comfortable ensuring that they have an appointment before traveling to Hawaii or Guam, an applicant may follow the instructions on his or her current appointment notice and request a rescheduled appointment in Hawaii or Guam through the Biometrics Rescheduling Unit in Alexandria, Virginia. An applicant may ask for an appointment by date and time, but should do so 30 to 60 days prior to the appointment date to allow for extended mailing times. ASCs are open from 8 a.m. to 4 p.m. local time, Monday through Friday, except holidays. Applicants must provide the overseas address where USCIS can deliver the updated appointment notice.

If certain international USCIS offices are able to accept an applicant with a valid biometrics appointment notice in an emergent or other situation, we would very much appreciate a list of these offices and their hours of operation. For your convenience, we have noted the following USCIS international offices (Field Office (FO); District Office (DO)):

**Bangkok District:**

- China - Beijing FO
- China - Guangzhou FO
- India - New Delhi FO
- Philippines - Manila FO
- South Korea - Seoul FO
- Thailand - Bangkok DO
- Thailand - Bangkok FO

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<sup>4</sup> Formerly the Bangkok District. See Footnote 1 for information about the new district name.

### **Mexico City District:**

- Cuba - Havana FO
- Dominican Republic - Santo Domingo FO
- El Salvador - San Salvador FO
- Guatemala - Guatemala City FO
- Haiti - Port-au-Prince Office FO
- Honduras - Tegucigalpa FO
- Mexico - Ciudad Juarez FO
- Mexico - Mexico City DO
- Mexico - Mexico City FO
- Mexico - Monterrey FO
- Peru - Lima FO

### **Rome District:**

- Austria - Vienna FO
- Germany - Frankfurt FO
- Ghana - Accra FO
- Greece - Athens FO
- Italy - Rome DO
- Italy - Rome FO
- Jordan - Amman FO
- Kenya - Nairobi FO
- Russia - Moscow FO
- South Africa - Johannesburg FO
- United Kingdom - London FO

**Response:** Please see our response to question #6 regarding international office collection of biometrics. You can find the hours and operations of USCIS international offices, as well as the contact information for directing questions regarding urgent situations, at [www.uscis.gov/international](http://www.uscis.gov/international).

7. During our call in April 2013, IO explained that USCIS was examining where and when it might be able to “reuse” an individual’s previously captured biometrics to update background and security checks. IO stated, “While technologically feasible, it is somewhat more complex to locate the individual’s biometrics that were previously collected in conjunction with a different application or petition, ensure that those biometrics were submitted by the same individual who is now filing another application type, and then associate those biometrics with the newly submitted application under another receipt number. In some cases, the person must physically appear at a USCIS facility so that his or her identify can be verified and USCIS can determine that the individual is indeed the applicant requesting the benefit. We are, however, actively working to determine instances where ‘re-use’ of previously collected biometrics is feasible and will not result in any loss of integrity to benefit adjudications.”<sup>5</sup>
  - a. Please provide an update on your efforts in this area.

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<sup>5</sup> See <http://www.aila.org/content/default.aspx?docid=44814>.

- b. In order to address the concern about matching the existing biometric information on record to the current applicant, would IO consider allowing the applicant to appear at a USCIS Field Office abroad to confirm his or her identity?

**Response:** Nothing has changed in the current reuse policy.

8. Is the Department of State (DOS) capturing biometrics on behalf of USCIS a viable solution?

**Response:** Please see the response to Question #11 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

## INTERNATIONAL ADOPTIONS

9. The Accuracy for Adoptees Act was signed into law on January 16, 2014. When will the USCIS Web site be changed to reflect that USCIS must now recognize a changed date of birth for an international adoptee after a state court has ordered that change?
  - a. What procedure should be followed if the family previously filed the Form N-600 after the State court order was entered and the Certificate was not issued with the corrected date of birth?
  - b. If a Form N-565 was filed requesting a new Certificate of Citizenship based on the corrected date of birth and that was denied, would the correct procedure be to refile or to appeal the prior denial?

**Response:** We are in the final process of implementing an update to the USCIS Policy Manual in accordance with the Accuracy for Adoptees Act. We will provide general information on the USCIS Web site. In the meantime, we can provide the following information:

In cases where USCIS has already issued an applicant a Certificate of Citizenship, the applicant may request a replacement certificate with a corrected date of birth by filing a Form N-565, Application for Replacement Naturalization/Citizenship Document, with the appropriate evidence and fee.

If an applicant's date of birth has been ordered changed by a State court while the applicant has a pending Form N-600, Application for Certificate of Citizenship, the applicant should submit the State court order with the corrected date of birth to the USCIS Field Office that has jurisdiction over the application.

12. The definition of "orphan" found at INA §101(b)(1)(f) has been changed in the Consolidated Appropriations Act, 2014. In adoptions from non-Hague Convention partner countries, there is no longer a requirement that both parents travel prior to or during the adoption in order for their child to become a U.S. citizen. How is USCIS educating adoption stakeholders and adoptive parents about this important change?

**Response:** We are working to update our adoption Web site and forms to address this change and will note the change in the law during outreach opportunities.

13. Practitioners are sometimes told that humanitarian parole is a solution for a child in an emergency situation who has a preexisting relationship with a U.S. citizen, such as a relative, or an adoptive or custodial relationship. It is our understanding that, as of October 2012, all parole cases have been entered into the International Operations Division case management system (CAMINO). How many cases involved requests for humanitarian parole for children in these types of emergency situations? Are approval rate numbers available for these cases? What is the average processing time for these cases?

**Response:** In the first two quarters of FY2014, USCIS received 36 parole requests related to intercountry adoption cases, 7 of which were re-parole requests. Of these 36 requests, we approved 8 and denied 13. The remaining 15 were pending adjudication at the end of the second quarter in FY2014.

We do not track processing time by reason for parole. Our target is to adjudicate parole requests within 90 days, excluding the time for the petitioner to respond to a Request for Evidence. Adoptions-related parole requests usually take longer than other parole requests because these cases often require coordination with the Department of State and, in some cases, additional coordination with other foreign governments.

14. Practitioners report problems with uniformity in decision-making depending on where the case is processed. They also report problems of communication between the National Benefits Center, International Operations, and the Office of Children's Issues on difficult cases. For example, a case will be approved by the NBC and then, at the interview, the consular officer will send the case back to the NBC as not readily approvable. The NBC will issue an RFE, then approve the case a second time, and send it back to the consulate. The consulate will refuse to issue the visa for a second time. This doesn't happen often, but when it does, there can be a long cycle of back and forth between USCIS and the consulate without clear communication and uniform standards. When situations such as this arise, what can be done to improve communication and ensure that the issues are resolved as expeditiously as possible?

**Response:** Adoption-related immigration petitions fall under the processing jurisdiction of the Department of State, the NBC, or IO's international offices—or sometimes under the jurisdiction of more than one of these entities. In light of this, we made the following efforts to foster consistency in adjudication:

- Since 2011, we have conducted joint adoption trainings for USCIS and Department of State officers to improve the consistency of adjudications across the U.S. Government.
- Additionally, the Department of State's Office of Children's Issues, the NBC, and IO hold quarterly internal adoptions meetings to promote communication and cooperation on intercountry adoptions issues.
- In July 2013, the Chief of IO issued a memorandum to USCIS international staff. Before approving a Form I-600 that was referred by the consular staff as "not clearly approvable," USCIS international staff must communicate with consular staff to explain the reasons USCIS found the Form I-600 to be approvable. The purpose of this directive is to enhance communication between USCIS officers and consular staff on adoption issues and prevent the situation noted in the question where a case unnecessarily cycles

back and forth between USCIS and the Department of State.

IO works on an almost daily basis with the NBC and the Department of State's Office of Children's Issues and routinely consults on complicated cases. Additionally, USCIS and the Department of State hold regular calls on a number of different countries including Guatemala, Ethiopia, and the Democratic Republic of the Congo, to ensure effective communication on more complicated issues. If there are specific examples of inconsistent adjudications or communication breakdowns, we would appreciate more detailed information so that we may explore the issues more closely.

15. There are a handful of Hague Convention Partner Countries that do not issue Article 23 Certificates once the adoption has been finalized in the country of origin even though the entire Hague process has been followed. As a result, consular officers sometimes refuse to schedule the interview or find that the visa is not readily approvable and returns it to USCIS for adjudication of the I-800. Could a process be identified in advance where the U.S. consulate would issue the Article 23 Certificate so that the case could be swiftly adjudicated?

**Response:** Please see the response to Question #14 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

16. Please provide guidance on the type of evidence that is persuasive to establish that the adopted child and adoptive parents have resided together for two years outside of the U.S.

**Response:** Please see the response to Question #17 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

17. Some Hague Convention Partner Countries, such as Peru, exempt relatives from the Hague process. As a result, a U.S. citizen who attempts to adopt an eligible child through the Hague process is not able to secure the cooperation of the Central Authority, which is necessary in order to proceed according to U.S. law. Please provide the correct procedure the family should use in these countries.

**Response:** Please see the response to Question #15 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

18. AILA sincerely appreciates the work that USCIS has put into the Policy Memorandum 602-0095. The Interim Memorandum does an excellent job of addressing a difficult issue—how to approach a situation where a child from a Hague signatory is living in the United States with a U.S. citizen family that wants to adopt the child. We appreciate the detailed guidance since, in the past, there were sometimes cases where there were no good solutions. Our follow-up questions are:

- a. Please clarify that this memorandum applies to all manners of entry to the U.S., and that the issue of admission and inspection would be relevant to the next phase after I-130

approval—either consular processing or adjustment of status.

- b. Can Practitioners begin relying on the Interim Memorandum as of February 3, 2014, even though a Final Memorandum has not been published as of the date of submission of these questions?
- c. There are two timelines for notice given, which is confusing. In the opening paragraph of the interim memo, to qualify for this pathway, one of two things has to occur: either the country has a policy of not issuing statements of habitual residence OR there has been a 6-month attempt to obtain a statement of habitual residence without a response. In the latter case, there is then a criterion of the Central Authority being notified without a response for 120 days. So, does that mean that there needs to be two attempts to notify the Central Authority, one for 6 months and then, another for 4 months? We suggest that the first criteria be changed from 6 to 4 months and that it be made clear that this is not two separate timeframes, but one timeframe of 4 months.
- d. Will USCIS publicize the list of countries which have a policy of not issuing statements of habitual residence?

**Response:** Practitioners may rely on the Interim Memo, as it is currently in effect. We received AILA's comments/questions and are considering them as part of the public comments on the Policy Memo.

## OVERSEAS I-130 FILINGS

19. Please provide 12-month statistical information on the number of I-130 petitions filed with USCIS offices overseas, including per country or per office totals.

**Response:** See the table below.

<b>USCIS Office</b>	<b>Number of I-130 Petitions Filed with USCIS International Offices Between 3/25/13 - 3/24/14</b>
Accra	31
Amman	348
Athens	323
Bangkok	194
Beijing	294
Ciudad Juarez	107
Frankfurt	996
Guangzhou	286
Guatemala City	134
Havana	15
Johannesburg	128
Lima	138
London	1,475
Manila	496
Mexico	329
Monterrey	122
Moscow	80
Nairobi	23
New Delhi	148
Port-Au-Prince	47
Rome	816
San Salvador	68
Santo Domingo	308
Seoul	1,006
Tegucigalpa	47
Vienna	60
<b>TOTAL</b>	<b>8,019</b>

20. Are overseas offices reporting any recurring issues or problems with such cases, including issues relating to habitual residence of the petitioner overseas, military, or medical-based requests?

**Response:** Please see the response to Question #19 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

21. Please provide 12-month statistical information on the number of requests for local processing of I-130s due to exceptional circumstances made by DOS that USCIS Field Office directors have received. Of these requests, please provide examples of the kinds of circumstances which warranted approval.

**Response:** In FY2013, the Department of State reported adjudicating approximately 715 I-130 forms. This includes those processed under the blanket exception for I-130 forms filed by Syrian and Libyan nationals. Some examples of the kinds of circumstances that warranted approval have to do with medical emergencies, military emergencies, threats to personal safety, child close to aging out, adopted children and petitioner receiving a job offer in the United States.

22. Upon reviewing the USCIS Web site with respect to “International Operations: International Immigration Offices,” each post describes its approach to processing I-130s differently. For example, the Vienna field office instructs applicants to file at the USCIS Chicago Lockbox, but then explains that U.S. citizens residing in Austria for 6 months can apply in person. Consequently, the direct filing option is somewhat buried in the text. Other offices state that U.S. citizens who reside “locally” may file an I-130 petition at the post’s USCIS office, but the term “locally” is not defined. Since this may be a petitioner’s first (and possibly only) guidance as to whether he or she can file directly at the field office, would USCIS be willing to provide more information and/or guidance on its website alerting applicants as to when and under what conditions direct I-130 filing is available overseas? In addition, akin to what IO has done with the guidance on I-601 and I-212 applications and to the extent appropriate, would it possible to provide more uniform guidance on individual field office Web pages?

**Response:** Please see the response to Question #21 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

23. We have recently learned that certain offices, including London, are no longer accepting expedite requests. Is this something that each office is able to decide on its own? Are you aware of other offices that presently have this policy?

**Response:** We have confirmed with the USCIS office in London that they continue to accept formal expedite requests consistent with agency policy. All other international offices are expected to comply with this standard policy as well. Formal requests for expedited processing should include supporting evidence and should follow the standard USCIS instructions and criteria found at <http://www.uscis.gov/forms/expedite-criteria>. If you have specific examples of a request for expedited treatment that was improperly refused by staff in an international office, please raise the specific case with the District Director that has jurisdiction over that international office.

## HUMANITARIAN PAROLE

24. During our most recent teleconference IO confirmed that all queries on pending or denied humanitarian parole requests should be sent to the Humanitarian Affairs Branch (HAB) via mail or fax to the following:

Mail: DHS/USCIS/IO  
ATTN: HAB  
Massachusetts Ave, NW, 3rd Floor  
Mail Stop 2100  
Washington, DC 20529-2100

Fax: 202-272-8328<sup>6</sup>

- a. Please confirm that the address and fax number are still correct.
- b. Please indicate whether HAB is looking into or is willing to create a point of contact email address to allow contact via email in addition to mail and fax.

**Response:** Please see the response to Question #23 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

25. Please provide 12-month information on the number of humanitarian parole applications filed, granted, and denied.

**Response:** From 3/25/2013 to 3/24/2014, the Humanitarian Affairs Branch (HAB) received 1,255 requests for parole. During the same timeframe, HAB granted 524 requests and denied 994 requests for parole.

26. During our most recent teleconference, IO stated that processing of non-urgent humanitarian parole applications had slowed beyond the 90-day processing target, resulting in a backlog of approximately 200 cases that were pending more than 90 days.<sup>7</sup> As a result, IO dedicated additional resources in the form of newly trained staff within the International Adjudications Support Branch (IASB) to assist with the adjudication of humanitarian parole applications in order to clear the backlog.

- a. Has the backlog indeed been cleared?

**Response:** With the help of IASB, we cleared out the backlog that had accumulated. As of the end of second quarter FY14, there were 258 parole cases pending with IO. Of the total pending, 235 (or 91%) were within our target of 90 days adjusted processing time

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<sup>6</sup>AILA USCIS International Operations Liaison Teleconference Q&As (4/4/2013), Q18, AILA Doc. No. 13061742, <http://www.aila.org/content/default.aspx?docid=44814>

<sup>7</sup> *Id.* at Q.19.

and 177 (or 69%) were pending with fewer than 90 days actual processing time. Adjusted processing time is the actual processing time (from the date the application arrives at IO after being forwarded by the Lockbox to the date IO issues the decision), minus any delays caused by third-party action. Processing delays generally occur when we need to issue requests for evidence based in insufficiently documented requests for parole. We will be analyzing the most common reasons for requesting evidence to determine how we can provide better information to the public about how to prepare their parole requests.

- b. What are the current processing times for non-urgent humanitarian parole applications?

**Response:** We review all parole requests upon receiving them to identify those that require expedited request. Therefore, we do not process cases strictly on a “first-come, first-served” basis. Of the non-expedited parole applications completed in the first two quarters of this fiscal year, we completed 281 cases (65.8%) within 90 adjusted processing days and 235 cases (55.0%) within 90 actual processing days.

- c. Are IASB staff members still assisting with the adjudication of humanitarian parole cases?

**Response:** As of April 1, 2014, IASB has 14 I-131 parole cases pending completion. IASB will be available to assist with processing I-131 parole cases on an as-needed basis to ensure that we meet our processing time targets.

27. In addition, IO indicated that it was aiming to publish parole processing times on the USCIS public Web site, beginning in FY2014. Is IO presently on target to provide these processing times?

**Response:** We are currently working with other USCIS counterparts (CSPED and Office of Policy and Quality) to publish processing times for various case types on the USCIS public Web site. We expect to complete the project and publish the processing times sometime in the third quarter of FY2014.

28. When a humanitarian parole application is initially denied by an HAB adjudicator, what is the internal process for finalizing the denial?

**Response:** Please see the response to Question #27 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

29. If an applicant requests a review of a denied humanitarian parole application by HAB (either by mail or fax), what is HAB’s standard procedure when reviewing a previously denied application?

**Response:** Please see the response to Question #28 in Questions and Answers, USCIS

Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

30. During our most recent teleconference<sup>8</sup>, IO stated that HAB would consider revising the approval notice to specifically detail the validity dates of the parole authorization period. Will HAB be implementing this change?

**Response:** Please see the response to Question #29 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

31. During our liaison meeting in April 2013, IO stated that humanitarian parole protocols and standard operating procedures (SOPs), which have been in draft form for some time, were undergoing internal review.<sup>9</sup> What is the status of the humanitarian parole SOPs?

**Response:** The Parole Procedures Manual is currently in draft form and will be going to USCIS Office of Chief Counsel during the third quarter of FY2014.

## REFUGEE/ASYLUM

32. In our last liaison meeting, IO indicated that much of the workload that may have been reduced with centralized filing of I-130 and I-601 applications was filled with refugee and asylum work, including the adjudication of Forms I-590 and I-730. To the extent this work is being shared, as we understood, and some offices are adjudicating these petitions outside of their jurisdiction, are there offices that are gaining a certain degree of expertise? Are there offices that do significantly more of these adjudications than others?

**Response:** Please see the response to Question #31 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

33. Because so much refugee and asylum work is being processed by the overseas field offices, or at least more on a percentage basis than may have been done in the past, do field office directors report to supervisors in all three divisions (International Operations, Refugee Affairs, Asylum)?

**Response:** Please see the response to Question #32 in Questions and Answers, USCIS Meeting with the American Immigration Lawyers Association (AILA), September 2013, which you can access by clicking on the link at <http://www.uscis.gov/outreach/notes-previous-engagements/uscis-meeting-american-immigration-lawyers-association-aila-3>.

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<sup>8</sup> *Id.* at Q.23.

<sup>9</sup> *Id.* at Q.24.

34. Please describe the current (2014) role of International Operations in these adjudications, if any, and how it may have changed after centralization of I-130 and I-601 cases.

**Response:** The changes to the overseas waiver and Petition for Alien Relative (Form I-130) programs provide IO the opportunity to review our responsibilities and adjust to best meet our customer needs. For example, we continue to look for opportunities to assume greater responsibility for certain overseas work that the Department of State has been conducting for us in countries where USCIS is not present, such as interviewing refugee and asylee family members following-to-join. During FY13, we successfully completed a pilot following-to-join circuit ride in Nepal and plan to conduct similar pilot programs this fiscal year.

#### **UNAUTHORIZED PRACTICE OF LAW**

35. The regulations at 8 CFR §292.1(a)(6) permit USCIS to exercise its discretion to allow non-U.S. attorneys to represent applicants in matters before DHS outside of the geographical confines of the United States. As exhibited by recent coordinated efforts of AILA, various government agencies, and legislative officials, the issue of nonqualified individuals practicing law without authorization is becoming a critical issue that has the potential to put U.S. citizens and noncitizens at significant risk. Given USCIS's interest in combatting the unauthorized practice of law and protecting the public from incompetent and fraudulent representation, and considering that qualified U.S. lawyers are available in nearly every jurisdiction, is there guidance which defines when discretion should be exercised to accept representation from non-U.S. attorneys? AILA respectfully requests that USCIS review 8 CFR §292.1(a)(6) and consider adopting a policy to narrow the circumstances when the exercise of discretion under this provision so that such discretion would rarely be exercised.

**Response:** Under 8 CFR §292.1(a)(6), at the discretion of the DHS official before whom they wish to appear, attorneys who are licensed to practice law in a court of general jurisdiction in the country in which they reside may represent individuals in matters pending outside the geographical confines of the United States. This representation is authorized. We are not aware of specific concerns about this type of representation. If AILA is aware of specific cases where such representation is problematic, please forward that information to USICS.