



# Questions and Answers

## **AILA-USCIS International Operations (IO) Division Liaison Meeting Agenda April 6, 2016**

### **Overview**

On April 6, the U.S. Citizenship and Immigration Services (USCIS) International Operations (IO) Division in Washington, D.C., met with the American Immigration Lawyers Association (AILA) representatives.

USCIS addressed questions from AILA. The information below provides a review of those questions and responses.

### **Questions and Answers**

#### **General Operations**

1. USCIS International Operations (IO) has advised AILA on several occasions that workload and staffing developments are ongoing.
  - a. Does USCIS anticipate that any overseas offices will be closed during the next 6 to 12 months?

**Response:** No.

- b. Are there any new office sites being discussed?

**Response:** We will inform the public if we open an office in another location. We also welcome input if you believe there is a particular location that would benefit from USCIS presence.

- c. Have there been any significant workload shifts, either between offices or from other USCIS offices, in the previous 6 months?

**Response:** No.

- d. With the Vienna office now closed (December 2015), has there been an impact on workload for other offices?

**Response:** There has not been any significant impact on workload for other offices.

2. We understand that USCIS continues to work toward a paperless filing environment. During our [meeting in October 2015](#), IO advised AILA that the N-400 would be the next form that will be available for online filing, which will allow military members and their families to apply overseas.<sup>1</sup>

- a. Does USCIS IO have any updates as to the timeline of this roll out?

**Response:** The implementation timeline for military naturalization is tentatively scheduled for summer 2016.

- b. Does USCIS anticipate rolling out any additional pilots or transformation-related programs in the next 6 to 12 months that will impact the filing of applications from outside the U.S.?

**Response:** Currently, the N-600K and N-600 are in the process of being made available for online filing. The implementation timelines for these forms are not yet confirmed.

3. A general organizational chart of USCIS IO staff is [posted on the USCIS website](#). Would USCIS IO be able to provide a chart for each USCIS IO district and field office?

**Response:** You can access organizational charts depicting the current staffing and composition of IO's district and field offices on the USCIS website by following these steps:

- Go to [uscis.gov/international](http://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 district and field office charts by clicking on the links under "International Offices."

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

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

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<sup>1</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q2, AILA Doc. No. 16011208, available at <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

4. With the recent opening of diplomatic relations with Cuba, have there been any changes in staffing, scope, or accessibility at the [Havana Field Office](#)? Does USCIS IO anticipate any upcoming changes?

**Response:** At this time, USCIS does not expect any changes in our workload or footprint in Havana. USCIS Havana continues to be open to the public. For information on the office's public hours, appointments, and services, please see the [USCIS Havana Field Office page](#).

5. Please advise if refugee applications are mainly filed at refugee camps in developing nations, or if there are a large number of refugee applications that are processed in developed nations, such as Germany.

**Response:** Refugee applications are filed with resettlement support centers (RSCs), which are international or non-governmental organizations that carry out administrative and processing functions. RSCs are located all over the world in places where USCIS is engaged in refugee processing operations. Most U.S. Refugee Admissions Program (USRAP) processing currently takes place in Africa, the Middle East, Turkey, Nepal and Southeast Asia. A smaller number of cases are also processed in Latin America and Europe. In Moscow and Vienna, the USRAP processes cases from the former Soviet Union and Iran, under the Lautenberg Amendment, Public Law No. 101-167.

With regard to the geographic location of USCIS' refugee processing operations, priorities are established during annual consultations between cabinet representatives and Congress to determine which of the world's refugees are of special humanitarian concern to the United States. Individuals who fall under a refugee processing priority have an opportunity to interview with a USCIS officer for refugee resettlement to the United States. For more information about the USRAP, please see the information on the [website](#).

6. USCIS' May 2012 memo on the role of private attorneys states that an applicant has a right to an attorney in interviews conducted by USCIS international offices abroad.<sup>2</sup> We are aware of posts where attorneys are not permitted inside the facility to attend USCIS interviews due to State Department prohibitions.<sup>3</sup> Would USCIS IO be willing to work with the State Department to change the "no attorney" policy at these posts so that attorneys can attend USCIS interviews with their clients?

**Response:** The May 2012 policy memorandum provides guidance regarding representation and appearances before USCIS and applies to the adjudication processes of the IO division of the RAIO directorate, to include USCIS' international field offices. We also follow the policy of the embassy/consulate where we are located with respect to who has access to the waiting room. Where there traditionally has not been sufficient

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<sup>2</sup> USCIS Final Memo on the Role of Private Attorneys, AILA Doc. No. 12052940.

<sup>3</sup> For example, at our meetings with Field Office Directors, they explained this limitation.

space to allow representatives into the waiting room, we will work with DOS to see if exceptions can be made for USCIS business.

## I-601 Waivers

7. The Nov. 30, 2012 [Policy Memorandum 602-0062.1](#), “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”<sup>4</sup> states that certain applicants living in countries that have a USCIS office may directly file Form I-601 or Form I-212 with that office when the field office director finds the existence of exceptional and compelling circumstances. At our October 2015 meeting, USCIS IO explained that information on these cases is not tracked sufficiently to provide detailed statistical data broken down by office.<sup>5</sup> Would IO be able to give an estimate as to the total number of cases that have been accepted for processing since November 2012?

**Response:** We are not able to provide reliable data for fiscal year 2013. The earlier receipts included returns from the AAO based on appeals of cases previously filed with the office before the Lockbox filing and some cases that DOS erroneously accepted and forwarded to USCIS in the years following the transition to Lockbox filing for Forms I-601. We believe the data from fiscal year 2014 onward are most accurate at this time and provide the following:

**Total Number Received at USCIS  
International Offices**

	FY2014	FY2015	FY2016 (Q1&Q2)
I-601	161	75	34
I-212	7	7	2

## International Adoptions

8. The Dec. 23, 2013, [Policy Memorandum 602-0095](#), “Criteria for Determining Habitual Residence in the United States for Children from Hague Convention Countries,”<sup>6</sup> added a new section to the Adjudicator’s Field Manual (AFM) that refers to “cases where USCIS

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<sup>4</sup> *Policy Memorandum 602-0062.1: 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* (11/30/12), AILA Doc. No. 12120568, <http://www.aila.org/infonet/uscis-exceptions-permitting-form-i-601-i-212>

<sup>5</sup> *USCIS International Operations Liaison Meeting Q&As* (10/22/15), Q9, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>6</sup> *USCIS Policy Memo on Determining Habitual Residence in the U.S. for Children from Hague Convention Countries*, AILA Doc. No. 14010341, <http://www.aila.org/content/default.aspx?docid=46922>

has confirmed that the child's country of origin has a 'policy' of not issuing statements of habitual residence ..." Chapter 21.4(d)(5)(G).

- a. At our October 2015 meeting, IO mentioned that DOS is updating its "country fliers" and is working on new "country flier templates," which will include information on the country's policy regarding issuance of habitual residence statements, if known.<sup>7</sup> Please confirm that the "country fliers" are the currently available country adoption reports on the DOS website.

**Response:** Yes, "country fliers" refer to the specific country information pages currently on the DOS [adoption.state.gov](http://adoption.state.gov) website. These pages are sometimes also referred to as "country information sheets."

- b. During the October 2015 USCIS IO liaison meeting,<sup>8</sup> IO informed AILA that Mexico has such a policy and that the DOS agreed to incorporate this information into the Mexican country flier "soon." As of Feb. 1, 2016, the Mexico country adoption report on the DOS website has not been updated.<sup>9</sup> Has USCIS IO been advised as to when this update will take place? In the interim, could USCIS add the information to its [website](#), possibly under the *Adoption News* section?

**Response:** See answer to 8.c. below.

- c. In October 2015, USCIS IO stated that it has only been informed that Mexico will not issue such statements on a child's habitual residence. Have any other countries been identified or discussed? We suggest that as additional countries are identified that this information be posted on the USCIS website as well as the adoption country reports on the DOS website.<sup>10</sup>

**Response:** Our colleagues at DOS informed us that they continue to focus on the habitual residence issue and are working to provide updated information, when known for specific countries, on their website. DOS intends to create a habitual residence-specific section on their website where information will be consolidated into a single location. Unfortunately, they do not have a confirmed timeline for when these updates will be posted. They have advised that if there are additional questions to email [adoption@state.gov](mailto:adoption@state.gov).

As more information becomes available from other countries, we will discuss with DOS the best way to make this information available to the public.

- d. Notwithstanding confirmation that a country has a policy of not issuing statements, will USCIS accept a statement from a government entity other than the country's

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<sup>7</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q11(a), AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>8</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q11(a), AILA Doc. No. 16011208.

<sup>9</sup> <https://travel.state.gov/content/adoptionsabroad/en/country-information/learn-about-a-country/mexico.html>

<sup>10</sup> <https://travel.state.gov/content/adoptionsabroad/en/country-information.html>

Central Authority (CA) if it can be shown that the entity providing the statement has the jurisdiction to do so?

**Response:** Generally, we will only accept a statement from the Central Authority of the child’s country of origin regarding the child’s habitual residence. In certain circumstances, if it can be shown that the Central Authority has designated authority to another entity to perform this function, we may be able to accept a statement from another competent authority.

e. IO’s response to question 11.c. on the October 2015 meeting agenda suggests that if a country has a policy of not issuing habitual residency statements, the country must also be given notice and a 120-day period to object, “or more if determined by the court.”<sup>11</sup> However, the guidance provided by IO at the December 2014 [meeting](#)<sup>12</sup> and Policy Memorandum 602-0095<sup>13</sup> seems to indicate otherwise. Please confirm that in accordance with this guidance and the memorandum, the following are the applicable requirements:

- If a country is confirmed to have a policy of not issuing habitual residence statements, the petitioner does not have to attempt to obtain a statement for 6 months and is not required to provide the Central Authority with notice and an opportunity to object. In this case, [Policy Memorandum 602-0095](#), should be cited in the adoption order or supplemental order.
- If the petitioner attempts to obtain a statement for 6 months and is unsuccessful, the court, in its discretion, can determine that the preceding 6-month attempt is sufficient notification to the CA or the court may require the additional 4-month notice of the pending adoption to the CA.

**Response:** We recognize that reference to two separate time periods may be confusing and will try to clarify this point in the final memo. We do not yet a target date for publication of the final memorandum.

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<sup>11</sup> *USCIS International Operations Liaison Meeting Q&As (10/22/15), Q11(c)*, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>12</sup> *USCIS International Operations Liaison Meeting Q&As (12/11/2014)*, 8c, AILA Doc. No. 15020563, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minnutes-12-11-14>

<sup>13</sup> Page 3 of the [Policy Memorandum 602-0095](#) states that to qualify for the pathway created by the memorandum, one of two things has to occur: “either 1) the country has a policy of not issuing statements of habitual residence or 2) the petitioners show that they have attempted to obtain the statement of habitual residence for at least six months with no response. If the petitioners fall under the second situation, any adoption decree issued after February 3, 2014, must confirm that the country’s CA was notified of the adoption proceeding in a manner satisfactory to the court and the country did not object to the proceeding within 120 days after receiving notice or within a longer period of time determined by the court.” However this was subsequently simplified by IO at the December 2014 meeting in its response to question 8c: “If the country has confirmed that it will not issue a statement, then the family does not need to keep trying to obtain the letter for six months before proceeding to court. For a family that does try to obtain a statement for six months and is unsuccessful, “the court could determine in its discretion that the preceding six-month attempt was sufficient notification to the CA or the court may require the additional four-month notice to the CA of the pending adoption.”

The information in the first bullet point listed above is not accurate. The information in the second bullet point is accurate.

The modified first bullet should read: If a country is confirmed to have a policy of not issuing statements of habitual residence, the petitioner does not have to attempt to obtain a statement for 6 months **but the adoption order should reflect that the Central Authority of the child's country of origin was notified of the adoption proceeding and did not object to the proceeding with the court within 120 days after receiving notice or within a longer period of time determined by the court.**

9. At the October 2015 liaison meeting, IO reported that the Adoption Division of the Office of Children's Issues will be updating its country adoption reports to add information about changes brought about by the Intercountry Adoption Universal Accreditation Act of 2012 (UAA)<sup>14</sup> and to add country specific guidance for 14 countries.<sup>15</sup> Has IO received any updates from DOS as to when the reports for any of these countries will be updated?

**Response:** Our colleagues at DOS informed us that in conjunction with the release of revised intercountry adoption country information sheets, they are revisiting and simplifying UAA-related country specific information in the information sheets and will provide relevant updates as quickly as possible. The primary focus of this information is the use of providers in a foreign country and guidance on supervision of those entities abroad who are providing or facilitating provision of the 6 adoption services. If there are additional questions about this issue, please email [adoption@state.gov](mailto:adoption@state.gov).

10. At the [October 2015 liaison meeting](#), USCIS IO reported that it is continuing to monitor and assess how the cases impacted by the UAA are progressing before additional guidance or revisions are provided. In the meantime, AILA members continue to report that UAA is having a negative effect on adoptions from the affected countries, especially those involving relative adoptions.<sup>16</sup> We kindly ask that USCIS IO provide further guidance and recommendations to agencies about the best way to handle these cases as a primary provider. Additionally, we ask that agencies be notified when they have been identified as a primary provider on the I-600A/I-600 filings in a specific case.

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<sup>14</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q13, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>; USCIS Interim Memo on Implementing Statutory Changes on Intercountry Adoptions (30 June 2014), published on AILA InfoNet at Doc. No. 14070360, available at <http://www.aila.org/content/default.aspx?docid=49109>

<sup>15</sup> Actually it will involve 13 countries as guidance for Ukraine has already been provided at *Ukraine: UAA Country Specific Guidance, Rev. 7-14-14*, [http://travel.state.gov/content/dam/aa/pdfs/UKRAINE\\_UAA\\_Country\\_Specific\\_Guidance.pdf](http://travel.state.gov/content/dam/aa/pdfs/UKRAINE_UAA_Country_Specific_Guidance.pdf) & <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notice/ukraine14-14-7.html>

<sup>16</sup> Specific problems include that families are still finding it difficult to find agencies to serve as primary providers. In addition, even if an agency is found, the fees being charged by many of the agencies are often prohibitive. AILA members have also been contacted by families who have already completed the adoption of the child or obtained guardianship of the child without complying with the UAA. Many agencies will not become involved as a primary provider in cases at this point.

**Response:** We continue to monitor and assess how UAA cases are progressing. The primary provider requirement does not prohibit families from being able to act on their own behalf where families are permitted to do so by law, but an accredited agency or approved person must still be identified to act as the primary provider. Unfortunately, we are unable to notify agencies they have been identified as a primary provider on the I-600A/I-600 filings without a Privacy Act waiver from the prospective adoptive parents.

11. At the [October 2015 liaison meeting](#), AILA reported that N-600s have been denied where the application was filed when the child was residing in the U.S. but moved abroad while it was pending.<sup>17</sup> As these children become U.S. citizens as a matter of law through the Child Citizenship Act of 2000 before moving abroad, the N-600 should be approved, no matter where the child subsequently resides.<sup>18</sup> IO advised that it would discuss this issue with Field Operations.

- a. Can IO provide an update on this issue?
- b. AILA members report that in some circumstances, child immigrant visa applicants who would automatically acquire U.S. citizenship upon entering the U.S. were advised by the embassy to file an N-600, rather than the consulate issuing the immigrant visa and the child obtaining citizenship upon entry to the U.S. If a USCIS office is co-located, does USCIS IO prefer that applicants file the N-600 abroad, rather than requesting post to approve an IV application?

**Response:** Our colleagues in the Field Operations Directorate will respond to these questions about N-600s in their meeting with AILA on April 7, 2016.

## Overseas I-130 Filings

12. Please provide an update on the number of I-130 petitions filed with USCIS offices overseas, including per country or per office totals, since Oct. 1, 2015.

**Response:** Please see chart below.

Office	Number of I-130 Petitions Filed with USCIS International Offices Between 10/1/2015 - 3/31/2016
Accra	24
Amman	181
Athens	136

<sup>17</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q15, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>18</sup> Public Law No. 106-395. INA sections 320, 322 and 341.

Bangkok	137
Beijing	141
Ciudad Juarez	84
Frankfurt	580
Guangzhou	137
Guatemala City	46
Havana	3
Johannesburg	70
Lima	64
London	720
Manila	270
Mexico City	140
Monterrey	38
Moscow	60
Nairobi	25
New Delhi	118
Port-Au-Prince	26
Rome	284
San Salvador	25
Santo Domingo	243
Seoul	541
Vienna	14
<b>Total</b>	<b>4,107</b>

13. We thank IO for [posting processing times](#) on the USCIS website, as this assists AILA members immensely in managing client expectations.<sup>19</sup> We note that many posts are processing cases in less than 2 months.

- a. Does IO expect processing times to change in 2016 with a reallocation of resources to address the refugee circuit rides?

**Response:** It is possible that some processing times will change, though we have not noticed any significant changes to date. We have expanded our target processing time for I-130s from 60 days adjusted processing time to 90 days adjusted processing time. We have also expanded our target processing time for I-730s from 120 days adjusted processing time to 150 days adjusted processing time. Adjusted processing

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<sup>19</sup> USCIS Processing Time Information for International Operations Offices, <https://egov.uscis.gov/cris/ptIntlIntro.do>

time is the actual processing time, less any delays due to third party action (such as the time taken to respond to a request for evidence).

- b. Is USCIS' processing time goal for all I-130 petitions filed abroad still 60 days?

**Response:** It is now 90 days adjusted processing time.

14. As a result of the limitation on direct filing of immigrant visas at posts where no USCIS office is co-located, USCIS permits DOS to request an exception for filing directly with DOS at post. Please provide statistics on the number of these requests received and granted by USCIS international field offices since Oct. 1, 2015.

**Response:** During the first two quarters of fiscal year 2016 (10/1/2015 to 3/31/2016), IO received **254** Form I-130 exceptional filing requests. IO accepted **230** of those requests for processing.

15. At our [October 2015 meeting](#), IO advised that the petitioner's residence determines where the I-130 can be filed.<sup>20</sup> Members report that in some countries it is virtually impossible for an American to obtain something more "permanent" than a visitor visa, and petitioners therefore have difficulty availing themselves of Direct Consular Filing where there is a USCIS IO office. Will USCIS accept alternative forms of evidence of residency (for example, mortgage statements, leases, utility bills, etc.) rather than immigration documents in these instances?

**Response:** For the purposes of filing a Form I-130, our guidance on the [uscis.gov/international](http://uscis.gov/international) website indicates what kind of evidence may support a finding that an individual resides in the country in which the USCIS field office is located. Each field office website also indicates which pieces of evidence, if any, may more strongly support a finding of residency than others. It is up to the adjudicators in the field office to weigh the evidence presented and make a determination on whether residency has been established.

16. With respect to direct I-130 filings under 9 FAM 42.41 N4.2-4(e) ([large-scale disrupting event](#)),<sup>21</sup> has there been further discussion or resolution with DOS as to where petitioners can find information about which countries or regions have been designated with blanket authorization? Please provide a list of specific countries that have been designated with blanket authorization.

**Response:** We are still in discussions with DOS on how to best message blanket authorizations. The three countries are still Syria, Libya and Yemen. Please see last meeting's answers regarding the conditions to file overseas.

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<sup>20</sup> USCIS International Operations Liaison Meeting Q&As (10/22/15), Q20(d) – (e), AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>21</sup> 9 FAM 42.41 N4.2-7(d), <http://www.state.gov/documents/organization/87842.pdf>

17. We are pleased to see the recent improvements to the U.S. Embassy websites regarding the filing of I-130s abroad, such as London, Johannesburg and posts in Germany. AILA would like to bring the following issues to your attention:

- a. The U.S. Embassy London,<sup>22</sup> New Delhi,<sup>23</sup> Johannesburg,<sup>24</sup> and Accra<sup>25</sup> websites (unlike U.S. Embassy South Korea,<sup>26</sup> Frankfurt,<sup>27</sup> Athens,<sup>28</sup> Rome,<sup>29</sup> Moscow,<sup>30</sup> Beijing,<sup>31</sup> Guangzhou,<sup>32</sup> and Manila<sup>33</sup>) do not mention the other jurisdictions for which each respective field office is responsible. It would help applicants of those other jurisdictions to understand the geographical areas that fall within that particular USCIS field office's responsibility.

**Response:** This question, as well as questions 17 b- d are apparently referring to DOS websites, which are managed by USCIS offices locally. Now that we have revised all of our websites (as of October 2015), we will next turn our focus to our presence on DOS website to ensure consistency. Ultimately, we may simply have a link from the DOS site to our site, but for now we recommend that users look at our site first to see if there is any additional useful information. We also welcome AILA's input on additional information that currently is on our DOS website that they would find helpful on our site.

Customers should see our [international field offices](#) web page for the most up-to-date information on office jurisdictions.

- b. Only the new USCIS web pages refer to exceptional circumstances as an option for filing. Will the other web pages be updated with this information as well?

**Response:** Customers should see the [international field offices](#) web page for the most up-to-date information on filing information. See also our response to question 17 a. above.

- c. On the U.S. Embassy Nairobi website under "[Information for Immigrants](#)," the page load is not found, and while it mentions a need to file an I-130 with USCIS Nairobi, there is no information as to how to do this.<sup>34</sup>

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<sup>22</sup> <https://uk.usembassy.gov/embassy-consulates/government-agencies/dhs/uscis/i130filing-html/>

<sup>23</sup> <http://newdelhi.usembassy.gov/uscis.html>

<sup>24</sup> <https://za.usembassy.gov/visas/family-immigration/how-to-apply/>

<sup>25</sup> [http://ghana.usembassy.gov/immigrant\\_visas.html](http://ghana.usembassy.gov/immigrant_visas.html)

<sup>26</sup> <https://www.uscis.gov/about-us/find-uscis-office/international-offices/south-korea-uscis-seoul-field-office>

<sup>27</sup> <https://de.usembassy.gov/visas/uscis-frankfurt/>

<sup>28</sup> [http://athens.usembassy.gov/uscis\\_immigration.html](http://athens.usembassy.gov/uscis_immigration.html)

<sup>29</sup> <http://italy.usembassy.gov/dhs/uscis.html>

<sup>30</sup> <http://moscow.usembassy.gov/uscismain.html>

<sup>31</sup> <http://beijing.usembassy-china.org.cn/uscis.html>

<sup>32</sup> <http://guangzhou.usembassy-china.org.cn/cis.html>

<sup>33</sup> <http://manila.usembassy.gov/www3202.html>

<sup>34</sup> *Immigrant Visas*, [http://nairobi.usembassy.gov/immigrant\\_visas.html](http://nairobi.usembassy.gov/immigrant_visas.html)

**Response:** Customers should see the [Nairobi Field Office](#) web page for the most up-to-date information on filing an I-130 at the Nairobi Field Office. See also our response to question 17 a. above.

- d. The [U.S. Embassy Accra](#) and [U.S. Embassy Seoul](#) make no reference of the procedures to be followed in order to file an I-130 locally.<sup>35</sup>

**Response:** Customers should see the [international field offices](#) web page for the most up-to-date information on how to file an I-130 locally. See also our response to question 17 a. above.

- e. We understand from our last meeting that there is no longer a residency requirement in terms of length of stay for a local USCIS office to accept jurisdiction over an I-130 petition. However, the [U.S. Embassy Athens website](#) still states that it “only accepts I-130 petitions in person from U.S. citizens residing in Greece [for at least six months](#).”<sup>36</sup>

**Response:** Thank you for bringing this to our attention; it has been corrected. Customers should see the [Athens Field Office](#) web page for the most up-to-date information on filing an I-130 at USCIS Athens.

- f. With appreciation that the U.S. Embassy London manages the [Filing Form I-130 with USCIS London](#) webpage, we wanted to bring your attention to some specific points, given that the site has just been overhauled.<sup>37</sup>
- An EU passport is deemed evidence of residency and though this is contained in the checklist, the list at the bottom of the page omits this as an option.
  - If a passport entry stamp is deemed sufficient, perhaps the types of stamps which would be valid evidence could be listed.
  - The document checklist is limited to only a copy of the residence permit, EU passport or military orders. It would be helpful to indicate when USCIS London wants the additional residence documents listed on the web page, as we understand that historically, USCIS London has not wanted documents over and above those referenced on the checklist.
  - The main webpage makes reference to submitting original documents, whereas as the checklist requests copies only. Would it be possible to clarify that copies are sufficient?

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<sup>35</sup> *Immigrant Visas*, [http://ghana.usembassy.gov/immigrant\\_visas.html](http://ghana.usembassy.gov/immigrant_visas.html), and *Immigrant Visas*, [http://seoul.usembassy.gov/visas\\_immigrant\\_visas.html](http://seoul.usembassy.gov/visas_immigrant_visas.html)

<sup>36</sup> *I-130 Petition for Alien Relative*, [http://athens.usembassy.gov/family\\_petitions.html](http://athens.usembassy.gov/family_petitions.html) and *Supporting Documents for I-130 Petition*, <http://photos.state.gov/libraries/greece/38517/USCIS/I-130-instructions-English-updated-012015.pdf>

<sup>37</sup> *Filing Form I-130 with USCIS London*, <https://uk.usembassy.gov/embassy-consulates/government-agencies/dhs/uscis/i130filing-html/>

- We appreciate the fact that the processing time is listed on the website. This assists AILA members in providing client expectations.

**Response:** Thank you for bringing these points to our attention. A passport is not sufficient evidence of residency, in and of itself, for the purposes of filing an I-130 internationally, so we will work with our London office to correct that information on the checklist. The adjudicator will evaluate all of the evidence in the file, including the entry stamps in the petitioner’s passport, to determine whether that individual is residing in, as opposed to just visiting, the UK.

The website’s reference to submitting original documents is in the context of submitting documents translated from a foreign language. As noted in the [Form I-130 instructions](#), unless specifically required that an original document be filed with an application or petition, customers may submit a legible photocopy. Customers should see the [London Field Office](#) web page for the most up-to-date information on local filing instructions.

- g. For the APAC region, there are inconsistencies with how eligibility for direct consular filing (DCF) is explained on the USCIS website. For example, India, Philippines, South Korea and Thailand state that DCF is permitted, whereas China locations direct applicants to the Chicago Lockbox.<sup>38</sup> We find that most of our members and certainly non-attorneys are still unaware that DCF is available at posts with a USCIS presence. We suggest that the ability to file abroad be promoted more proactively and consistently on USCIS and DOS websites, where applicable.

**Response:** Since our USCIS offices in Beijing and Guangzhou do not have jurisdiction over countries outside of China, there is no need for the information on our websites for these two offices to cover direct consular filings, which would only apply in countries in which there is no USCIS presence. All U.S. citizens residing in China can file a Form I-130 for an immediate relative directly with one of our two field offices in China. All others must file with the Lockbox.

- h. Other forms in APAC to flag are:

- The I-360 instructions for the Thailand site state that filings may be made in person or by mail.<sup>39</sup> Could mail-in applications be permitted at other posts?

**Response:** We will explore the extent to which we may be able to permit filings by mail in other locations where we has a presence abroad. However, the decision

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<sup>38</sup> *China – USCIS Beijing Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/china-uscis-beijing-field-office>; *China – USCIS Guangzhou Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/china-uscis-guangzhou-field-office>

<sup>39</sup> *Thailand – USCIS Bangkok Field Office*, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/thailand-uscis-bangkok-field-office>

on whether to permit mail-in or in-person filing is determined post-by-post, based on circumstances that may be unique to each post, including fee intake issues, space issues and staffing resources issues.

- The I-590 notes on the Manila site give useful details for refugee resettlement.<sup>40</sup> Can this information be provided on other office sites as well?

**Response:** The I-590 information provided on the Manila [web page](#) is provided on all [uscis.gov](#) international field office websites. When possible, we provided the contact information for the UNHCR or refugee processing partner via a hyperlink to keep the information as current as possible.

## Humanitarian or Significant Public Benefit Parole

18. At our meetings on [April 15, 2015](#) and [Oct. 22, 2015](#), IO confirmed that the Humanitarian Affairs Branch (HAB) is working to improve public access to information about the parole process and case status information. At that time, HAB informed AILA that individuals with inquiries regarding a case should submit written inquiries.<sup>41</sup> Have there been any further discussions about creating a dedicated e-mail address to streamline inquiries?

**Response:** IO continues to determine the feasibility of creating a dedicated public inquiry mailbox. This will require realignment and possibly addition of resources, which we are exploring. In the meantime, you may continue to forward correspondence to the below address or fax number:

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

Fax: 202-272-8328

19. At our meetings on [April 15, 2015](#) and [October 22, 2015](#), IO confirmed that it is still in the process of finalizing the humanitarian parole protocols and standard operating procedures (SOPs).<sup>42</sup> Does IO have any updates on the timeline for publishing the manual?

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<sup>40</sup> *Philippines – USCIS Manila Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/philippines-uscis-manila-field-office>

<sup>41</sup> *USCIS International Operations Liaison Meeting Q&As (4/15/15), Q15*, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>; *USCIS International Operations Liaison Meeting Q&As (10/22/15), Q23*, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>42</sup> *Humanitarian Parole*, <https://www.uscis.gov/humanitarian/humanitarian-parole>

**Response:** IO continues to make progress on finalizing our training materials and SOP, which are still in draft form. At this time, there is no plan to publish these manuals. Rather, our efforts have been focused on providing information on our website that is tailored toward petitioners rather than adjudicators. We are still in the process of finalizing clearance of this public guidance, which we hope to issue in the near future. We will also be looking into turning our training materials and SOP into public policy guidance, as appropriate, once cleared.

20. At our meetings in April 2015 and Oct. 22, 2015, IO confirmed that the [humanitarian parole guidelines](#) were being revisited to include information about the process and the kind of evidence that should be submitted in support of a parole application.<sup>43</sup> Have there been any further updates on this initiative?

**Response:** Please see response above. The revised website content on humanitarian and significant public benefit parole is currently under final review for clearance. It includes guidance on the type of supporting documentation that is helpful to provide for specific types of parole requests.

21. Please provide fiscal year-to-date information on the number of HP applications filed, granted, and denied.

**Response:** Please see chart below.

10/1/2015 - 3/31/2016	Receipts	Granted	Denied
Parole - I-131 (Humanitarian Parole)	990	313	540

22. Current [humanitarian parole processing times](#) are listed online as 3.6 months.<sup>44</sup> Please confirm the processing times for expedite requests and the best manner in which an expedite request can be submitted.

**Response:** We do not track processing times for expedited requests. Processing times are very case-specific and vary from less than one week or less in the most urgent cases where all necessarily information is provided with the request to several months if USCIS has not received sufficient information and needs to request additional information from the applicant. IO reviews all requests within two or three business days of receipt from the Lockbox to identify the most urgent cases and other time-sensitive cases, regardless of whether expedited processing has been requested. To submit an expedite request, please include in your filing all evidence supporting the request to expedite. If the

<sup>43</sup> USCIS International Operations Liaison Meeting Q&As (4/15/15), Q23, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>; USCIS International Operations Liaison Meeting Q&As (10/22/15), Q23, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>

<sup>44</sup> USCIS Processing Time Information for the Humanitarian Affairs Branch Office, <https://egov.uscis.gov/cris/processingTimesIntlDisplay.do>

urgency arises while a request is already pending, you may submit a request to expedite with all evidence supporting the request. Though we are unable to respond to individual expedite requests, we do consider all evidence submitted in making a determination to expedite the case.

23. HIV+ applicants attending consular interviews abroad are often subjected to extended TB testing as a result of their HIV+ status. Many panel physicians require sputum testing, which takes an additional 60+ days, plus processing time at the consulate. For applicants who have been granted an I-601A provisional waiver, these lengthy delays are contrary to the spirit of the I-601A process that was intended to shorten processing times. Furthermore, given that many applicants are processing in countries that may be hostile or discriminatory to LGBT, perceived LGBT, or HIV+ people, the delays associated with the additional testing places them at grave risk. Furthermore, outside the U.S., HIV medications are often inaccessible or outrageously expensive (some \$1,000 to \$1,500 per month), and the risk that the virus will mutate (making current medication ineffective) after missing even a few of days of medication is high. Would USCIS consider implementing a liberal policy of humanitarian parole for people who are undergoing the sputum testing process?

**Response:** The panel physician does not require sputum testing based on an individual medical judgment. The panel physician who conducts sputum testing for HIV+ visa applicants is acting according to the CDC technical instructions for panel physicians.

This practice is consistent with the purpose for which the provisional waiver was designed. The Form I-601A process was designed chiefly to benefit applicants who have no other inadmissibility issues. As the Form I-601A rule clarifies, if the applicant is found by DOS to be ineligible for an immigrant visa on another ground in INA 212(a), the provisional unlawful waiver is void.

DHS may authorize parole only for urgent humanitarian or significant public benefit reasons, and if DHS determines that a favorable exercise of discretion is merited. Parole is not intended to be used solely to avoid normal visa processing procedures and timelines, to bypass inadmissibility waiver processing, or to replace established refugee processing channels. It is important to note that the time frames for processing a parole case could be similar to the time required for the sputum testing and other visa processing. Therefore, while an HIV+ individual in the circumstances mentioned above can apply to be paroled into the United States, he or she would still need to establish an urgent humanitarian reason or significant public benefit reason why parole should be granted and show that a favorable exercise of discretion is warranted. Each case would be evaluated based on the totality of the circumstances. In addition, because this scenario involves a public health issue, USCIS may need to consult with the Center for Disease Control in determining whether a positive exercise of discretion is warranted, taking into account the totality of the circumstances.

24. Will USCIS consider adopting a humanitarian parole policy for spouses or permanent partners of asylees or pending asylees coming from LGBT hostile countries or countries

which do not recognize marriage equality? The spouse in the U.S. cannot depart the U.S., and the couple may not have been married before the applicant’s departure. Furthermore, for LGBT-based asylum claims, the spouse or permanent partner is likewise typically in a hostile and unsafe situation. Humanitarian parole in these situations would be a useful tool.

**Response:** IO’s guidance to officers provides that, for purposes of the parole determination, an officer has discretion to consider a same-sex partner or children of a same-sex partner in the same light as a family member, particularly if the individual seeking parole is from a country where same-sex marriage is not legal. Our updated website content, which notes this discretion, should be posted in the near future. Officers are also trained to take into account the basis for an LGBT-based asylum claim when assessing whether an asylee’s same-sex partner remaining behind in a LGBT hostile country may be at imminent risk of harm. Each request is considered on a case-by-case basis, taking into account the totality of the circumstances.

## Overseas Biometrics

25. AILA was thrilled to see updates to USCIS IO webpages explaining the limited availability of biometrics collection abroad.<sup>45</sup> Please provide fiscal year-to-date information on the number of requests submitted, granted, and denied, and if possible, examples of the “compelling circumstances” that have warranted the collection.

**Response:** We do not track this information.

## I-407, Abandonment of Residence

26. How many Form I-407 applications does each IO field office receive per year?

**Response:** Please see chart below.

Office	Number of I-407 Cases Filed with USCIS International Offices Between 10/1/2015 - 3/31/2016
Accra	14
Amman	14
Athens	37
Bangkok	321
Beijing	299
Ciudad Juarez	13

<sup>45</sup> For example: *India – USCIS New Delhi Field Office, Fingerprint Collection*, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/india-uscis-new-delhi-field-office>

Frankfurt	617
Guangzhou	457
Guatemala City	69
Havana	5
Johannesburg	40
Lima	213
London	1,029
Manila	393
Mexico City	228
Monterrey	31
Moscow	60
Nairobi	8
New Delhi	585
Port-Au-Prince	8
Rome	241
San Salvador	69
Santo Domingo	187
Seoul	1,264
Vienna	25
<b>Total</b>	<b>6,227</b>

## Transportation Letters

27. USCIS offices in Manila and Guangzhou provide a broad service for Transportation Letters, while other offices, such as New Delhi do not. Is there a plan to move towards a more uniform system across the offices globally?

**Response:** We would like to gather a better understanding of the intent of this question and what is meant by “broad service.” Where USCIS is the only legacy INS office at a post, USCIS has responsibility for providing transportation letters. Where Customs and Border Protection (CBP) is present, CBP has responsibility for this service. Where Immigration and Customs Enforcement (ICE) is present, then either USCIS or ICE has jurisdiction, depending on the post. When the new Form I-131A is implemented later this fiscal year, we will assume responsibility for the provision of transportation letters at posts where CBP or ICE currently are providing this service.

## Military Naturalization, N-400s

28. 8 USC §1443(a) allows naturalization proceedings overseas for members of the armed forces and their spouses and children. An applicant serving abroad may complete all aspects of the naturalization process including fingerprinting, interviews and ceremonies

while residing abroad. The applicant may request overseas processing at any time of the naturalization process. Please provide the following statistics:

- a. The number of N-400 applications that have been filed, accepted, approved and denied since fiscal year 2014-15, broken down by the USCIS office where the application was filed.

**Response:** Please see the chart below.

<b>Number of N-400 Applications Processed by USCIS International Offices Since Fiscal Year 2014-15</b>				
	<b>Office</b>	<b>Receipts</b>	<b>Granted</b>	<b>Denied</b>
<b>FY16 Q1 &amp; Q2</b>	Athens	8	1	0
	Frankfurt	67	75	1
	Guatemala City	0	1	0
	London	14	9	0
	Manila	1	1	0
	Nairobi	1	1	0
	Rome	30	22	0
	Seoul	120	120	1
<b>FY16 Total</b>		<b>241</b>	<b>230</b>	<b>2</b>
<b>FY15</b>	Athens	23	18	0
	Bangkok	1	2	0
	Frankfurt	142	140	2
	Guatemala City	1	0	0
	London	26	30	0
	Manila	1	1	0
	Rome	53	46	0
	Santo Domingo	1	1	0
	Seoul	332	291	2
	Vienna	1	2	0
<b>FY15 Total</b>		<b>581</b>	<b>531</b>	<b>4</b>
<b>FY14</b>	Amman	47	24	0
	Athens	357	297	0
	Bangkok	1	1	0
	Frankfurt	23	19	0
	London	158	139	2
	Nairobi	36	33	0
	Rome	0	1	0
	Seoul	56	58	0

	Vienna	1	2	0
<b>FY14 Total</b>		<b>679</b>	<b>574</b>	<b>2</b>

- b. The processing time goals for Form N-400 handled abroad and whether USCIS IO field offices are meeting these goals.

**Response:** For fiscal year 2016, the processing time goal for Forms N-400 is to complete at least 85 percent of cases within 180 days (adjusted processing times). Adjusted processing time is the actual processing time from the date the application arrives at IO, minus any delays caused by third-party action. As of Q1, offices IO-wide are meeting this goal.

29. The website and instructions to [Form N-400](#) do not indicate that eligible applicants can file a naturalization application abroad. Only the Nebraska Service Center (NSC) address is provided. Can these be modified to state that overseas processing of Form N-400 is available to members of the military who are residing abroad?

**Response:** We do not accept any N-400 filings at our international offices. All military naturalization applications that are not completed during basic training must be mailed to the NSC, as the website states.

All naturalization applications filed under the military provisions (sections 328 or 329 of the INA) must be filed with the NSC, regardless of where the applicant lives and whether the applicant is filing from within the United States or abroad.

If the N-400 applicant is the spouse of a current member of the military, or the surviving spouse, child or parent of a deceased U.S. citizen member of the U.S. armed forces who died as the result of his or her honorable service (319(d), he or she must send the application for naturalization to the NSC regardless of where the applicant lives and whether the applicant is filing from the within the United States or abroad.