



# Questions and Answers

## USCIS International Operations (IO) Division and the Consular section of the Department of State (DOS) in Lima Meeting with American Immigration Lawyers Association (AILA) May 19, 2015

### Overview

On May 19, 2015, United States Citizenship and Immigration Services (USCIS) International Operations (IO) Division and the Consular section of the Department of State (DOS) in Lima, Peru met with the American Immigration Lawyers Association (AILA) representatives.

Both USCIS and DOS addressed questions from AILA. The information below provides a review of the questions presented by AILA and the responses provided by USCIS. The questions presented by AILA to DOS and responses provided by DOS are not included here.

### Questions and Answers

#### 1. Question

Please provide a current organizational chart for the U.S. Embassy Lima and an organizational chart for USCIS and other DHS components with a presence in Lima. How many employees (local and U.S. staff) are on site? Are there any significant staffing changes anticipated in the near future?

**Response:** You can access an organizational chart depicting current staffing and composition for the USCIS field office in Lima on the USCIS Web by following these steps:

- Navigate to [www.uscis.gov/international](http://www.uscis.gov/international);
- Select “Directorates and Program Offices” in the column on the left to expand the tab;
- Select “Refugee, Asylum and International Operations Directorate” (RAIO);
- Once the RAIO information appears, navigate down to “Organization” and select “The International Operations Division (IO)”;
- Links for organizational charts for each international field office, categorized by district, are located further down on the same page, under “International Offices.”
- Select “Latin America, Canada, and the Caribbean District.”

You can also access the staffing charts through the organizational chart for the “U.S. Citizenship & Immigration Services – Latin America, Canada and the Caribbean (LACC) District”:  
[http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%271%20Ops/LACC\\_-\\_ExternalApr14.pdf](http://www.uscis.gov/sites/default/files/USCIS/Refugee%2C%20Asylum%2C%20and%20Int%271%20Ops/LACC_-_ExternalApr14.pdf)

## 2. Question

Is there an ICE and/or CBP attaché at the U.S. Embassy in Lima? Do the ICE and/or CBP offices cover the same jurisdiction as the USCIS counterparts?

**Response:** There is no ICE or CBP presence at the Lima Embassy.

## 3. Question

Please provide an overview of current initiatives and priorities of the various components of DHS, which have a presence in Lima.

**Response:** USCIS Lima's current initiatives and priorities are:

- Adjudicate immigration benefit requests;
- Improve customer service by establishing an INFOPASS appointment system;
- Review and improve public Web site information and public mailbox auto-response message;
- Improve quality, consistency, and timeliness of responses to public mailbox inquiries; and
- Support DHS-wide initiatives, such as improving fraudulent document/imposter identification training for airline personnel and host country immigration officers.

## 4. Question

Per the USCIS website, public walk-in hours are Tuesdays and Thursdays from 9 a.m. to 11 a.m.<sup>1</sup> Are interviews held during these times or are the walk-in hours solely for public inquiries?

**Response:** The above walk-in hours are correct. Customer service hours are for inquiries, travel letter requests, and for filing immigration applications or petitions, including Lawful Permanent Resident (LPR) abandonments requests. These hours are also utilized for fingerprint and DNA collection along with other interviews. Appointments for interviews outside the public walk-in hours are scheduled as needed. We will be updating our public website to reflect this information.

## 5. Question

USCIS's 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 Operations offices abroad.<sup>2</sup> Are attorneys who have a G-28 on file permitted to attend interviews with their clients at the Lima office?

**Response:** The policy memorandum provides guidance regarding representation and appearances before USCIS and applies to the adjudication processes of the International

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<sup>1</sup> <http://www.uscis.gov/about-us/find-uscis-office/international-offices/peru-lima-field-office>

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

Operations Division of the Refugee, Asylum, and International Operations Directorate to include the USCIS Lima Field Office.

## Visa Fees

### 6. Question

We understand that USCIS International Offices generally utilize the State Department payment options for filing petitions.<sup>3</sup> As the Embassy requires certain payments to be made at Scotiabank but the USCIS website indicates that the fee can be paid by cash or credit card,<sup>4</sup> can USCIS confirm that the filing fees for USCIS services may be paid at the USCIS office in Lima, rather than at a bank outside of the Embassy?

**Response:** USCIS Filing fees are paid by cash (in U.S. dollars or Peruvian Nuevos Soles), or with a credit card (Visa, MasterCard, American Express, Discover, or Diner's Card) at the Consular/American Citizen Services (ACS) cashier.

## Communications

### 7. Question

Please confirm that the best contact information for USCIS Lima is: **Telephone:** 011.511.618.2000; **Email:** [peru.uscis@uscis.dhs.gov](mailto:peru.uscis@uscis.dhs.gov).<sup>5</sup>

**Response:** The above information is correct.

### 8. Question

What is the estimated response time for email inquiries to USCIS?

**Response:** The sender receives an immediate auto-response verifying the email inquiry has been received by the USCIS Lima Field Office and provides additional information the sender may find useful, including public walk-in hours and instructions for requesting a travel letter, abandoning resident status, or filing a relative petition. We endeavor to respond to all inquiries within five business days. We are working on improving our auto-response emails and welcome your feedback.

## Biometrics

### 9. Question

Will USCIS Lima permit overseas biometrics processing for individuals who have applied for immigration benefits stateside, such as a re-entry permit, refugee travel document, naturalization (in the §319(b) context) or I-90, Application to Replace Permanent Resident Card?

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<sup>3</sup>Agenda *International Operations AILA Responses USCIS*, Dec 2014, Q16a, [http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED\\_Agenda\\_IO-AILA\\_11Dec2014\\_RESPONSES\\_2.pdf](http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED_Agenda_IO-AILA_11Dec2014_RESPONSES_2.pdf); AILA Doc. No. 15020563, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minutes-12-11-14>

<sup>4</sup> <http://www.uscis.gov/about-us/find-uscis-office/international-offices/peru-lima-field-office>

<sup>5</sup> <http://www.uscis.gov/about-us/find-uscis-office/international-offices/peru-lima-field-office>

**Response:** IO has drafted new field guidance allowing additional discretion for international field offices to collect biometrics for applicants outside the United States who have a pending case stateside. The guidance is generally broad, but directs specific attention to the Form I-131 as it relates to re-entry permits and the Form I-90. In most cases, applicants will be required to demonstrate compelling circumstances that led them to depart the United States before attending their Application Support Center (ASC) appointment or they will be required to show that returning to the United States for an ASC appointment would create an undue burden. The guidance is currently in the internal agency clearance process with the expectation that it can be implemented later this summer.

## Abandonment of Resident Status (Form I-407)

### 10. Question

Does USCIS offer same-day processing of Form I-407?

**Response:** Applicants who submit Form I-407 in person at this field office generally receive same day processing. Please refer to our field office's public Web page for further information regarding in-person visits.

### 11. Question

Does USCIS Lima require a lawful permanent resident who has remained outside the U.S. for more than one year (usually due to the transfer of his or her U.S. citizen spouse abroad for work) and who has not secured a re-entry permit to file a Form I-407 before filing and being approved for a new Form I-130 when the family is transferred back the U.S.?

**Response:** Please refer to the response to question 21 provided by USCIS International Operations to AILA on December 11, 2014. Questions and responses are provided at <http://www.uscis.gov/outreach/notes-previous-engagements/aila-international-operations-meeting>.

### 12. Question

Many individuals wishing to file a Form I-407 are also interested in obtaining a visitor visa upon adjudication of the I-407. USCIS advises that Form I-407 applications can be filed during public walk-in hours, while a visitor visa requires a scheduled appointment with the Embassy. Can applicants accomplish both appointments during the same visit and if so, what is the best way to arrange this?

**Response:** This would be difficult to accomplish during the same visit. The Form I-407 abandonment process may be initiated by first filing for abandonment with USCIS followed by an NIV appointment, or at the NIV appointment where the applicant is provided an opportunity to abandon residency with USCIS and then continues the NIV process.

In the first scenario, after visiting the USCIS Lima office to abandon residency, the individual would then have to make an NIV appointment through the regular scheduling process. In the second scenario, if the individual is at his or her NIV appointment and is provided time to abandon residency, he or she must visit our USCIS Lima office to abandon residency (arrangements can be made to accomplish this outside our normal public window hours) and will

then need to return to the consular section to continue the NIV process. However, in most cases, the visa adjudicating officer would refuse the NIV application 221g, provide the applicant with instructions on filing Form I-407, and instructions on how to submit proof of his/her abandonment via DHL.

### **13. Question**

In the Form I-407 context, the USCIS Mexico City District Office states that “Each applicant is carefully interviewed to ensure that the applicant knows the ramifications of the relinquishment of U.S. permanent residence.”<sup>6</sup> The CDJ Field Office indicated that it asks Form I-407 applicants “a series of questions to ensure they fully understand relinquishment of Legal Permanent Resident (LPR) status.”<sup>7</sup> Please clarify what is involved during this interview process and what series of questions are used.

**Response:** In general, interviews at the USCIS Lima Field Office ensure that the decision to abandon his or her LPR status is voluntary and the individual understands the ramifications of abandonment of LPR status. IO has drafted new field guidance that was disseminated to field offices simultaneously with the new Form I-407, recently approved by the Office of Management and Budget (OMB). The new guidance streamlines procedures, to the extent possible, across all international field offices.

### **14. Question**

On average, how many I-407s does Lima receive per year?

**Response:** Please refer questions regarding statistics to USCIS International Operations Headquarters.

## **Immigrant Visas**

### **15. Question**

What is the process for filing a Form I-130 petition with USCIS Lima? What is the current processing time?

**Response:** As indicated on our public website, the Lima Field Office will accept and process Form I-130, Alien Relative Petitions, for U.S. citizens that reside in Peru. The U.S. citizen petitioner may visit our office and submit the petition packet during our public window hours on Tuesdays and Thursdays from 9 a.m. to 11 a.m. Before accepting the petition, our office will instruct the petitioner to pay the filing fee at the Consular cashier.

IO has developed the methodology that will be used for providing our customers with the Form I-130, Form I-730, Parole Form I-131 processing times on the [uscis.gov](http://uscis.gov) website. IO is in the final stages of implementation and is currently working with other USCIS counterparts (Customer Service Directorate and Office of Production and Quality) to publish the processing times. IO is expecting to complete this project during Q3 of FY2015. After we publish the data, we will be soliciting input on how it is displayed and whether adjustments are required.

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<sup>6</sup> AILA USCIS Mexico City District Q&As (4/27/12), Q15, AILA Doc. No. [12050846](#).

<sup>7</sup> AILA USCIS CDJ Q&As (8/21/12), Q17, AILA Doc. No. [12082448](#).

### 16. Question

Is there any required amount of time that a U.S. citizen petitioner must be living in Peru before they are permitted to file a Form I-130 petition locally?

**Response:** We are working on guidance for who may file a Form I-130 with an international office and will be updating our field office websites accordingly. We anticipate that the guidance will be issued and the updates made during this fiscal year.

### 17. Question

As a result of the limitation on direct filing of immigrant visas at posts where no USCIS office is co-located, USCIS permits the State Department to request an exception for filing directly with post.

- a. How many exception requests did USCIS Lima receive and approve from posts in its jurisdiction in 2014?

**Response:** Please refer questions regarding statistics to USCIS International Operations headquarters.

- b. What is the most common reason for the direct filing exception request?

**Response:** Please see the [policy memorandum](#) for information on the direct filing exception in international locations where USCIS does not have a presence.

- c. What is the most common reason for denying the filing exception request?

**Response:** In general, those petitioners that are not approved have failed to provide evidence that they or the beneficiary face exceptional circumstances necessitating their departure to the United States before the case could be processed through the regular domestic procedures.

## Adoption

### 18. Question

What are the current processing times for adoption applications filed by U.S. citizens residing abroad?

**Response:** We rarely see adoption applications and petitions in Peru, but aim to process quickly when received. The processing time goal for Form I-600 received by USCIS international offices is 45 days.

### 19. Question

What are the biggest challenges that USCIS encounters in facilitating international adoptions applications and is there anything AILA members can do help make the process more efficient?

**Response:** We see very few, if any, adoption-based filings in Peru. General adjudication challenges include incomplete documentation, missing translations, and home studies that do not comply with federal requirements. We encourage U.S. citizens residing abroad to review

materials on the USCIS and State websites regarding the intercountry adoption process and the Universal Accreditation Act before beginning the adoption process.

## USCIS Transportation Letters

### **20. Question**

In general, how quickly after submission of all necessary documents are transportation letters ready for use by the applicant?

**Response:** Generally one week, however, if circumstances warrant we can provide transportation letters fairly quickly, including the same day if eligibility is established and all required checks clear.

### **21. Question**

Is issuance possible if the applicant is outside of the U.S. for more than one year? (For instance, there may have been an unexpected issue, such as a medical condition, arise requiring the individual to remain in Peru longer than originally planned).

**Response:** If an LPR, other than military or federal employees and their families on official orders, has been outside of the United States for more than 364 days without a Permit to Reenter the United States or beyond the validity of their re-entry permit, the person cannot be issued a transportation letter. An LPR who has remained outside the United States for more than 364 days without a valid Reentry Permit, or beyond the validity of a Reentry Permit, may be eligible to apply for returning resident status with the Department of State.