

U.S. C.I.S
AILA-SNA Liaison Meeting
March 1, 2006, 1:30 p.m.

Questions from AILA Membership

1. Regarding TPS Applications being processed as AOS

An AILA member reports filing an Application for Temporary Protected Status (TPS) I-821 and an Application for an Employment Authorization Document I-795 for a client from El Salvador in early 2005. In less than a month, I-797C Notices were received with receipt numbers. Over a year later, in late January, 2006, an I-707C notice for ASC Appointment was received which referenced the receipt number for the TPS, but erroneously referenced an application for I-485 Adjustment of Status on the form, and did not include the TPS I-821. The only explanation provided for the error was that that all TPS Applications were being treated as AOS Applications.

Please confirm if this approved procedure and how TPS applications will be adjudicated. As far as we are aware, the Texas Service Center adjudicates TPS applications as TPS applications. They may have made a typographical error on the ASC Appointment but this should be addressed with that office.

2. Schedule for Naturalization Ceremonies

How many officers are currently handling Naturalization cases?

There are presently six officers handling Naturalization cases. As of April 1, 2006 there will be five.

Is there a backlog of such cases?

There is no backlog at this time however, it will take longer to review continued cases due to the number of officers on detail.

What is average processing time?

The average processing time is six months. Derails can last 45 days.

Please provide, if possible, a list of officers with names and extension numbers.

Please continue to use the electronic inquiry through the SNA website. Another means to complete a status inquiry can be done on the USCIS website at, uscis.gov. You should wait 120 days from interview time.

Please provide, if possible, a list of swearing ceremonies scheduled for the rest of the year, with date and location.

March 9 - San Antonio (full), March 10 – Laredo (full), March 16 – Corpus Christi (2 ceremonies per day, morning full), April 11 – Bryan, April 13 – San Antonio, April 26 – San Antonio. Ceremonies are also held the 4th Thursday of every month and in every satellite city every 90 days.

3. Regarding Review of I-131 Advance Paroles

If an I-131 is filed after an I-485 has been filed, how can we insure that it gets prompt review if the I-485 interview is scheduled and the I-131 folder with application has not been sent to Service Center with the I-485? An I-131 filed with the NBC will be adjudicated according to their processing times, which is generally 30-40 days. The I-485 interview will be adjudicated at the San Antonio District Office. The I-765 filed with the NBC will generally be adjudicated in 65 days. If there is an emergency and the client needs to travel immediately, the I-131 emergency procedures are still in place.

4. Regarding Adjudication of Case After RFE Response and/or Interview

Once an RFE is issued on an application and there is a timely response, is there a requirement that the case be adjudicated within a reasonable time? There is no requirement but we do try to work these cases to conclusion as expeditiously as possible. The outside limit would be under a 6 months guideline but you could expect adjudication sooner.

Is the USCIS San Antonio District's decision timeline similar to the deadline placed on the applicant to respond to the RFE? No. The DAO's have many other duties in addition to their review work. There are only 8 DAO's and we may issue over 500 RFE's per month. We do have a system in place to identify old cases.

What is the approximate time to expect a decision on an I-751 after an interview which is followed by a Request for Evidence? Once all RFE information is received we are working through these cases as quickly as possible, generally in 90 days. Bear in mind that some of these cases require denial preparation which can be very time consuming.

5. Regarding Status Inquiry Forms

Is it true that the San Antonio District Office no longer accepts status inquiry forms? **As discussed in past meetings, we have opened an electronic mailbox for all AILA members. It can be found at sna.adjudications@dhs.gov OR sna.citizenship@dhs.gov Further, you may call the 1-800 customer service line.**

If so, what is the procedure for checking status of cases that have been pending for an unreasonably long time? **60 days for RFE's, 6 months for name check. Also, see above.**

Is there another way to get a status report on a motion without having to do an INFOPASS? **See above.**

6. Regarding Appointment of FDNS Officers for CIS District Offices

It has been recently indicated to AILA that a new Fraud Detection and National Security (FDNS) Officer for CIS is or will be appointed to every District Office. Has an FDNS Officer been appointed for the SNA? Can you disclose his or her identity? **Yes, the Fraud Officers were presented at an AILA meeting approximately 1 year ago. They are Jeannie Villarreal and Harvey Lugo.**

Can you describe the officers' jurisdiction, authority and general functions? **They do administrative inquiries and verification of information.**

Can we discuss with the officer matters or information regarding local "consultants" or "notarios" and their operations?

Those two areas are best left to the Texas State Attorney General's office who is doing a great job of prosecuting "notarios." Another source would be the unauthorized practice of law committee of the Texas Bar Association. Whenever we run across cases like that we forward the information to the State Attorney General's office in Austin and also advise our local AILA chair at meetings like this.

7. Regarding Wait for Court Disposition on a Criminal Charge under I-485

A client with a pending I-485 in San Antonio was arrested for DWI. The case has not yet been resolved in court proceedings. Since in a case involving DWI, even with a maximum sentence, the client could/would still be approved for permanent residency, why is it necessary to wait for a court disposition? **It is our national policy and a requirement pursuant to the DAO National SOP that we obtain every disposition of every criminal charge regardless of eligibility factors.**

Is it acceptable for the police department to withhold release of the police report based on the fact that it is an ongoing case? **The police report is requested on a case by case basis. But, in the majority of cases it is not required. Whether or not the police department is withholding the release of the police report is not our concern.**

How else might a document be obtained in lieu of a police report? **We always ask for the court certified disposition.**

8. Regarding Contract Adjudicators

How many term (5 year) adjudicators will be departing over the next few months? **We're assuming you are referring to our Term DAO's. At this time it is uncertain as to the exact number of Term DAO's who will be departing. If and when that happens, it will occur at the end of this fiscal year, September 30, 2006.**

How do you anticipate that this will impact your scheduling of cases for interviews? **Any departure of DAO staff will have some impact on the scheduling of cases.**

Will San Antonio officers continue to be detailed all over the country after the term adjudicators leave? **We don't believe so. Our Term Adjudicators were retained for FY 2006 to allow USCIS additional staffing to address backlogged offices. While the detailing of some of our adjudicators places more responsibility on the rest of the staff to keep up with casework, I see two positive side effects. The Term Adjudicators were extended for an additional year to allow for details to offices with backlogs. That gives us more opportunity to select those term officers to fill any vacant permanent positions. The second benefit is the opportunity for our officers, many of whom had never worked in any other office to see how other offices operate and to exchange ideas with their counterparts in those offices.**

As contract adjudicators depart, who will take care of their continued cases? **The continued cases will be worked by every available DAO.**

Will there be one designated officer or will the cases be divided up among several officers? **As we are now doing, a combination of both.**

9. Regarding Interim EADS

When an individual comes in for an INFOPASS appointment concerning interim EADS, why does it take three or four hours for them to be issued the interim EAD? **Our EADS camera for interims operates at 11AM and again at 2PM depending on the workload. A clerk who is assigned many other duties handles the issuance of EADS and therefore we have found it to be a better use of resources to have the EADS office open during specific times during the day. The IIO's usually inform the client and allow them to leave the building for lunch or other personal business.**

Assuming that the individual has all of his or her paperwork in order, what must be done for the interim I-765 to be acted on? **Be patient while we are conducting the required security background checks.**

Does an interim EAD require approval by the TSC, by a San Antonio supervisor or someone else? **No. Each IIO may approve an interim EADS, however, some local supervisory assistance may be necessary on a case by case basis. There is generally a 90 day validity period.**

Do SNA systems allow the officer able to learn what is holding up issuance of the EAD by the Texas Service Center? **No. We don't have the same access as the Service Centers.**

10. Regarding Address Change Notices

As asylee adjustment cases are being sent to the San Antonio District Office for scheduling of interviews, is it possible to have the persons scheduling the interviews look in the files or the databases for current addresses? It appears interview notices are going out to the address on the I-485 application even though address change notices have been sent to Nebraska a couple of years ago. **Yes, we will discuss this with the clerical support staff.**

11. Regarding Passport Stamps for I-485 or I-751 Approvals

What is the criteria that controls when temporary evidence or an I-551 stamps in a passport are being issued for I-485 approvals or I-751 approvals? **If the client has an official passport the DAO may issue a temp stamp. As previously discussed, we are trying to eliminate the temp. I-94 due to the provisions of the Enhanced Border Securities Act.**

When would they not be issued after the approval of an I-485 case? **When the client does not have a passport.**

12. Regarding “Renewals” for I-765s/I-131s where the file is at the SNA

The SADO page on the USCIS website says that the I-131 renewal should be sent directly to the SNA and that the processing time is about 60 days. It has been understood that all I-765 and I-131 renewals are now supposed to be sent to the Chicago lock-box. Kickbacks from mailed filing with the SNA that have been received with directions to file at the Chicago lockbox.

Can you confirm whether the “renewals” of I-765/I-131 should still be sent directly to the SNA or to Chicago when the file is in SNA? **The instructions for the Form I-131 listed on our CD website indicate that if you are applying for family-based adjustment the I-131 should be filed at the Chicago lockbox. The San Antonio page on the USCIS website will be updated as soon as the information is processed through the webmaster. The I-765’s should be sent directly to the Chicago lockbox if you are applying under a family-based I-485. If your client filed an employment-based I-485 with the TSC and the TSC has transferred the I-485 to this office, you may file the I-765 locally and provide proof that the TSC has transferred the case to our office.**

13. Where to submit I-765/I-131 for AOS filed with SNA: Chicago or San Antonio?

Is there any difference for I-485 adjustment cases that were filed before the lockbox procedures that now need a new EAD or Advance Parole? **No. All family-based I-765’s and I-131’s need to be filed at the Chicago lockbox.**

Please confirm our understanding that I-765 applications for AOS that were filed with the SNA prior to the institution of the Chicago lock-box should, indeed, be filed in San Antonio. **No, they must be filed at the Chicago lockbox. The process through the Chicago lockbox ensures biometric processing and that is the preferred method of card production. If your client does not receive a decision within 90 days we may issue an interim locally.**

14. We are seeing a lot of cases held up because SADO does not have the A-file, only the temp file. Why is this happening? Also, if this continues to be a problem, can we get an immediate approval with only a temp file (assuming a good case)? If not, how long do we have to wait for the file to be found before we can get an adjudication based on the temp file alone? **The A-file may be held at another office and we normally will need to request it at least 3 times before we**

can adjudicate the case on the T-file. It is the decision of the District Director as to whether or not the case will be adjudicated on a T-file.

15. I-140 (EB) based adjustments where the interview is conducted and the case is recommended for approval pending visa availability.... What is the procedure that the Service will follow once visas are available? **We are tracking these cases through an Access database and they are referred for approval when the visa becomes available. We run the program once a month upon issuance of the bulletin and will refer it for adjudication at the time of availability. Is the approval automatic? No, nothing is automatic. We will look at all of the issues before a decision is rendered. How long should these applicants expect to wait for their LPR cards to arrive once visas have become available? After the approval of the case, the normal production of the card takes place within 60 days. Are the approvals processed the day the bulletin comes out or the day the visa actually becomes available? Approvals are processed the day the visa actually becomes available. If the C needs temporary proof of LPR status can they set an infopass appointment to get temp proof of LPR? Yes. The client should bring proof of the approval and a passport.**

16. Cover sheets for people in removal proceedings state that the I-130 can be hand-delivered and we are being turned away when we try and told to mail it. What is the proper procedure? Who should we ask to see to hand-deliver? **Please let us know who is turning you away. All of the IIO's understand that if a person is in removal proceedings the I-130 may be filed at the counter with the cover sheet and evidence from the EOIR. Further, you should have an INFOPASS appointment for this transaction. If you encounter a problem, please ask to speak to a Supervisor before you depart the building.**

17. We have a Life Legalization adjustment applicant who is in Pakistan, he has been fingerprinted at the embassy in Pakistan before. Now he has a fingerprint appointment and AOS appointment scheduled in San Antonio, Texas for March 20, 2005. Immigration has indicated that it will not parole him into the US for an interview. How are we supposed to complete this case? **Please provide an A-number so we may look into this case.**

18. May 2006 -- Next Meeting

Please confirm SNA availability for the next scheduled AILA-SNA Liaison meeting time, Wednesday, May 10th at 9:00 a.m. **Yes.**

19. How much is a MTR? **The current fee for a Motion to Reopen is \$385.00**