

AILA LIAISON MEETING QUESTIONS
July 11, 2013

1. Is the Houston Field Office involved in the process of transferring approved I-130 petitions to the NVC where the Beneficiary was in removal proceedings and his or her case was administratively closed or terminated by agreement of the OCC so that he or she can apply for the provisional waiver? If so, how will this process work and how long will it take? Is there a recommended amount of time that an attorney should wait before following up on the transfer of the I-130 petition to the NVC? Is there a contact person that AILA attorneys can follow up with when there is a delay in transferring approved I-130 petitions to the NVC?

For those petitions that requested overseas processing the Houston Field Office transfers approved petitions to the NVC after approval. For all others that did not request overseas processing on the Form I-130, it is incumbent on the petitioner to request transfer to the NVC on a Form I-824.

2. Many members report that interviews conducted at the Houston Field office start at the scheduled time or a few minutes before. We would like to thank the HFO for its diligent efforts to keep wait times to a minimum. A few members, however, have reported having to wait almost two hours to be interviewed. We understand that it can be difficult to gauge the duration of interviews and sometimes delays cannot be prevented. In this circumstance, would it be possible for attorneys and applicants to be advised of possible delays? Also, is it possible for the duty officer to conduct interviews once the wait time is estimated to be more than one hour?

If you find yourself with a long wait, example over 30 minutes bring it up to a Supervisor. No one should be waiting 2-hour after the scheduled interview time. The Houston Field Office does not maintain a duty officer.

3. When a lawful permanent resident (“LPR”) is granted cancellation of removal, the immigration judge enters an order of cancellation which preserves the original grant of LPR status. Members report cases where, following a grant of cancellation of removal, a Respondent’s permanent resident card is issued with the date of the immigration judge’s order instead of the original date of admission as an LPR. Can the Houston Field Office play any role in resolving these cases? Other than filing an I-90, can CIS recommend any action to avoid this error?

We would need specific examples to be able to determine what caused the error.

4. Some members have expressed concern about the practice of AO’s asking for dispositions for all traffic tickets in naturalization cases. Page 5 of the N-400 instructions clearly states: *“Note that unless a traffic incident was alcohol or drug related, you do not need to submit documentation for traffic fines and incidents that did not involve an actual arrest if the only penalty was a fine of less than \$500 or points on your driver’s license.”* Can you please clarify whether the local office recognizes this distinction, or whether it is putting in place a new policy that is contrary to the N-400 instructions?

Houston follows all required policies, including Naturalization Quality Procedures (NQP), which relevantly states:

Officers are required to request **certified court dispositions** for the following:

All arrests/convictions for criminal acts committed during the statutory period;

Any arrest/convictions for any crimes where the applicant would still be on probation at the time of adjudication of the N-400 or may have served 180 days incarceration during the statutory period.

If there is a concern about what is requested, bring it up to a Supervisor before you leave the building.

AILA would like to express their thanks to the HFO for meeting with the Members. We truly appreciate the opportunity to dialogue with USCIS to address areas of concern.