

QUESTIONS FOR SMALL GROUP MEETING FOR 5/21/2015

1) Why are we not receiving any I-751 interviews? When we inquire on I-751 cases that are pending interview, the response we get is that there are no I-751 interviews available at this time. Our clients have the paid the I-751 application fee. They are entitled to get their case adjudicated promptly.

In the past, we have been told that one way to resolve it is to file Form N-400. This is problematic for the following reasons: 1) Client has paid the I-751 fee - they are entitled to adjudication; 2) We have filed N-400's in some cases and now the I-751 AND N-400 is pending and delayed - as an example, we have a case where the JOINT I-751 has been pending since 6/11/2012 and the N-400 has been pending since 1/2014; 3) We have clients that either do not want to become US citizens or do not speak English. It is not right to force them to apply for citizenship in order to get the I-751 adjudicated. We have several clients considering and wanting to file mandamus on this issue. What can be done in these cases.

Answer: We are mindful of the amount of time our customers who have filed I-751s are waiting and we are working toward reducing this wait time.

2) Officers are telling clients at the conclusion of the interviews that they can inquire on their case after 120 days. However, per the email inquiry procedures, we cannot inquire via the email system until the case is past processing dates, which is currently at 1/2014. So the only way for us to inquire is via the infopass system (which is also not successful or available most of the time). There was a time when the email inquiry system worked wonderfully (shout out to the days of Dora Ratcliff handling responses). It no longer does. It is an ineffective way now to resolve anything except to request rescheduling or updating an address.

Answer: The AILA monthly inquiry/interview guidelines and the AILA/CBO inquiry process guidelines set the rules for when an AILA attorney may use the Dallas Field Office electronic inquiry system. If the filing date of the case does not meet the inquiry cut-off date, you have the option to make an INFOPASS appointment, call the National Customer Service Center (1-800-375-5283), or inquire through the USCIS Case Status Online system. We would be happy to consider any suggestions for improvement.

3) Can a N-400 applicant with an expired resident card obtain an ADIT stamp?

Answer: We will issue an adit stamp in an unexpired, valid passport for a pending I-90 or a pending N-400 with an expired resident card if the customer falls within the category described in the Q&A below.

Q 24. If my Permanent Resident Card expires while I am applying for naturalization, do I still need to apply for a new card?

A If you apply for naturalization **6 months or more before** the expiration date on your Permanent Resident Card (formerly known as an Alien Registration Card or “Green Card”), you do not have to apply for a new card. However, you may apply for a renewal card if you wish by using an “Application to Replace Permanent Resident Card” (Form I-90) and paying the appropriate fee. Call the USCIS Forms Line or visit www.uscis.gov.

If you apply for naturalization **less than 6 months before** the expiration date on your Permanent Resident Card, or do not apply for naturalization until your card has already expired, you must renew your card.

4) Has there been guidance from Field Ops in regards to Matter of Arabelly and Yarrabelly cases and their extension to DACA recipients in additions to TPS holders? There are reports of several district offices processing these cases through adjudication such as New Jersey so it seems that this may be a local issue in the determination of the Field Office to proceed on adjudication of these applications. If so where does the local office stand on this issue?

Answer: The Secretary’s Directive asked the DHS General Counsel to issue written legal guidance on the meaning of the Arrabally decision. USCIS will keep stakeholders informed of any new developments.

5) What is the best way to resolve long pending naturalization cases that may have complicated issues but are sometimes years behind regular processing time so as to prevent the sometimes necessary suit in federal court?

Answer: You may inquire through the Dallas Field Office AILA inquiry email system, an InfoPass appointment, the National Customer Service Center (1-800-375-5283), or the USCIS Case Status Online system. In addition, it is important to always provide all necessary documentation when initially filing the application or when responding to a request for evidence.

6) I have had several people come to me after an N-400 interview. Officer is asking for divorce petition and waiver, etc. Seems like officer is looking for earlier marriage fraud. This is even after I-751 was approved. Is there now a policy to re-adjudicate the marriage?

Answer: There is no new policy to re-adjudicate the marriage at the time of the N-400 adjudication. However, officers conducting N-400 interviews are well within their authority to request additional documentation and examine all statutory eligibility requirements during the interview. If you experience a problem during an interview, please notify a supervisor.

7) I have a client who is a refugee from Iraq. He has no documentation and lost his refugee I-94. I was able to get him a new one through an I-102, which he has, but he needs a photo I-94. He can't get a driver's license and has no way to get a passport, so he can't do his biometrics required with an I-765 or an I-485. He filed an I-485 in 1994, but now the system shows nothing pending. Is there any way for DFO to give him a photo I-94 as a refugee?

Answer: We do not issue I-94s for refugees for identification purposes. Generally, a customer will appear at an InfoPass appointment to inquire regarding the need to bring a photo ID to their ASC appointment. We would then request their file to verify their identity. We would communicate our findings to the ASC ISO.

8) The regulations specify that N-336 hearings on a naturalization application are supposed to be held within 6 months of filing the N-336. I finally had my interview on a case more than a year after filing the N-336. But I wasn't allowed to inquire before that because the inquiry guide for N-336s says the cut-off date is back in 2013! Is the DFO doing anything to bring N-336 adjudications within the requirements of the regulations?

Answer: Due to the loss of experienced officers, we are in the process of training additional officers on the N-336 process. We anticipate the scheduling of these cases to be positively impacted as a result. We are making every effort to render a determination within the 180-day requirement for each N-336 that is timely and properly filed by our customers. You may inquire regarding your case through an InfoPass appointment, the National Customer Service Center (1-800-375-5283), or the USCIS Case Status Online system.