

Questions and Answers for the 7/29/15 Dallas Large AILA Meeting

1. My client was scheduled for a 7:30 am appointment in a Wednesday. Although I politely complained to three different supervisors, we were not called until 9:45 am and then the officer did not even take us back and just took the passport to copy. Can it be arranged that if a designated officer is backed up, another officer can step in?

Answer: Please provide a case-specific inquiry, through normal channels, and this issue will be promptly evaluated. We will determine what workflow process to review to ensure outstanding customer service.

2. I remember this being addressed previously with the DFO that if an individual entered the US with a Border Crosser card and the I-94 is lost and the passport was not stamped by CBP (which CBP often does not stamp) a copy of the card is ample proof of entry with inspection. Assuming that nothing has changed on this issue, can the newer officers be apprised of this issue? My client was called for a second interview so the officer could see the old passport (which the client did not have at the first interview) but we had provided the copy of the BCC and the client brought the BCC at the interview.

Answer: As each case and its surrounding circumstances are considered individually, there may be circumstances that warrant the officer to request supplemental evidence of the entry and inspection. If during an interview you encounter an issue, please notify a supervisor.

3. How often USCIS processing time information is updated. Many times we go varies months and see no change so it is hard for us to give clients full updates based on the information that is given. For example currently USCIS shows that Dallas Field Office is processing N-400's that were received on August 18, 2014 however the last time this was updated was on April 30, 2014 (this is the online system).

Answer: The processing timeframes (on www.uscis.gov) are updated around the 15th day of each month. As of May 31, 2015 (posted on July 17, 2015), the Dallas Field Office is processing N-400s which were received on or before October 5, 2014.

4. How long it is taking for cases to be loaded in to the USCIS system and updated. We have one I-130 petition that was received by USCIS on April 27, 2015 and to date when we try to get the latest update it shows that no information can be provided for this case and asks us to contact customer service. Customer service has told us and the client that the Nebraska Service Center is experiencing IT problems and will upload and update all cases within 30 days however it has been almost 3 months and there has been no change.

Answer: Please inquire with the Nebraska Service Center on this issue.

5. What legal authority does the DFO rely on to refuse to provide copies of the video and/or transcripts in marriage interviews during which the petitioner and beneficiary are separated and interviewed/interrogated separately.

Answer: 8 CFR 103.2(b)(16)(i)—USCIS is not required to give applicants and their attorneys direct access to documents in the A file. USCIS is required to give the petitioner notice of all of the derogatory evidence upon which USCIS relies in denying a benefits application. Requests to review any portion of the record must be submitted through the FOIA process.

6. Can the FOD please indicate, in adjudicating Stays of Removal Request (Form I-246), if it is still adhering to the Peter Vincent 2009 "Guidance Regarding U Nonimmigrant Status Applicants ..with Final Orders of Deportation" memo, as well as the 2011 John Morton "Prosecutorial Discretion: Certain Victims Witnesses and Plaintiffs" memo? Has there been a recent change in particular "humanitarian factors" taken to consideration - such as a small dependent toddler? Have seen a denial that makes no sense and would like to know who to follow up with.

Answer: Form I-246 is not adjudicated by USCIS. This form is adjudicated by ERO. Please inquire with ERO on the adjudication of this form or the Vermont Service Center regarding the U-Visa.

7. We have a client who has a pending I-751. She received receipt notice but wants to travel outside of US to visit family. She was worried about traveling with expired LPR card and just the letter, so we suggested she get a stamp in her passport for the extension of her status. She scheduled infopass appointment and waited 2 hours to speak with officer. Officer told her that they would not stamp her passport because she was still in the 1 year extension period granted with her I-751 receipt notice. Many of my clients just seem to put more trust in a passport stamp than in the letter when traveling overseas. Is the DFO will no longer placing stamps for pending I-751 applications during the 1 year extension period?

Answer: The ISO will provide a stamp if the customer has a valid passport. This was a training issue and has been addressed.

8. Is DFO is not doing same day oath ceremonies?

Answer: At this time, the Dallas Field Office is not offering same day ceremonies. However, the DFO will continue to accommodate applicants who reside more than 150 miles from the DFO and humanitarian requests.

9. How far backed up are I-751 interviews?

Answer: Once the I-751 petitions are received at the Dallas Field Office from the Service Center they are scheduled for interview approximately 18 months later. We are aware of the number of I-751s that are awaiting interview at the Dallas Field Office and are continuing to work at developing a plan to address this issue.

10. Are adjustment adjudications for TPS applicants who last entered the U.S. using advance parole on hold at the DFO?

Answer: We continue to research this issue and will have a response at the next meeting.

11. Is Public Intoxication considered a CIMT?

Answer: We cannot give legal advice regarding the immigration consequences of a criminal conviction.

12. Does DFO prefer blue paper for G-28's or is white okay?

Answer: Per the instructions there is no requirement to have the G28 submitted on blue paper. However, it does make the form stand out amongst the other documents.

13. How long are Family based 485 cases taking to schedule an interview?

Answer: I-485 interviews are taking approximately 11 months until an interview is scheduled.

14. How long are naturalization cases taking to schedule an interview?

Answer: The Dallas Field Office is currently interviewing N-400s filed in March 2015.

15. When we update addresses at I485 interviews, the green cards still end up being sent to the old address. Is there something else we should be doing?

Answer: The ISO should update the address on the I-485 application and in the electronic system to ensure the card is mailed to the correct address. All ISOs will be reminded of this requirement. Your client should also submit an AR-11 form by mail or online to update their address.

16. Have you ever considered restructuring the InfoPass scheduling system? Sometimes there are no appointments available, and we have to keep checking daily for an appointment to open, which is very inefficient. Perhaps allow people to schedule out farther into the future, rather than having to check every day to see if there is an available appointment.

Answer: The INFOPASS schedule only allows customers to see the schedule two weeks at a time. This is set at a national level. The DFO schedules INFOPASS appointments based on available resources.

17. Does the DFO have a policy to review files before interviews? Since I have to travel several hours to appear for my client's interview, it is greatly appreciated when the officer has reviewed the case beforehand so that I have a chance to rebut and resolve any issues the officer may have

on a case at the time of the interview. However, at my last interview, the officer had not reviewed the case and did not raise any issues or concerns during the interview. It has now been over 120 days and neither I nor my client has received any notice regarding his case. I'm left to wonder if I lost my only chance to address any concerns.

Answer: Any issues or concerns should be brought to the officer's attention before or during the interview. The officer will then address the concern during the interview, mail correspondence or request a follow-up interview; if deemed necessary. If issues or concerns arise after the interview, submit notification by mail to the customer file, through an InfoPass appointment or through the AILA inquiry process.

18. Besides the Dallas-District-Inquiries email address, is there another way for counsel to obtain a status request on a case? Since my case is not yet ripe for inquiry and it is difficult to attend an InfoPass appointment at DFO because I live out of town, is there a specific contact person or group that I can contact to obtain timely and convenient assistance? In Houston, the Hou.Inquiries email responds to counsel's inquiries within 24 hours and gives us a reason for the delay or some sort of guidance on what to do next. Is there a similar procedure like this in Dallas?

Answer: If your client's case does not meet the current date for the AILA inquiry system, you may inquire regarding your case through an InfoPass appointment, case status on-line, or the National Customer Service Center (NCSC) at 1-800-375-5283.

19. Can we contact the DFO legal counsel or district director directly if we have tough legal or procedural questions? If not, what is the next best alternative? In Houston, we have been able to communicate with Ricky Hamilton, Sandy Heathman and Merilee Fong directly for guidance.

Answer: There is no method to contact USCIS counsel directly. You may submit an issue that needs to be discussed with management through the local AILA liaison.

Legal Disclaimer

The mission of the USCIS Office of Chief Counsel (OCC) is to provide legal advice to immigration officials concerning issues that arise in conjunction with their performance of their official duties. There have been rare cases in which a particular program is of such general interest and importance that the OCC has rendered a formal legal opinion. As a matter of policy, we have determined that providing legal opinions to private parties in matters that may come before immigration officials is inappropriate. For this reason, we are unable to express an opinion on the issues submitted by the public.

20. Can USCIS DFO shed light on the hold being implemented for TPS adjustment cases? And why does the hold not apply to DACA adjustment cases? (These are cases where a TPS or DACA applicant travels on advance parole and then applies for adjustment of status).

Answer: We continue to research this issue and will have a response at the next meeting.

21. When can we expect the DFO to begin scheduling interviews for I-130's? I have been informed that only Military PIP and Court I-130's are being scheduled.

Answer: Once the I-130 petitions are received at the Dallas Field Office from the Service Center they are scheduled an interview approximately 10-12 months later.

22. What is the process to expedite the processing of I-130s in Dallas even when EOIR has jurisdiction of removal case in a different city? Is there a contact person at the DFO who can assist us, and how can we contact them?

Answer: Attorneys representing clients who are in removal proceedings and on whose behalf a Form I-130 has been filed may request expeditious adjudication of the Form I-130 by e-mailing the Dallas Field Office's AILA Inquiries mailbox. Attorneys also have the option of making an InfoPass appointment and requesting expeditious adjudication of the I-130.