

USCIS / AILA Liaison Meeting Questions

San Antonio District Office

March 1, 2017

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Not official responses by USCIS*

Announcements:

The new Field Office Director for SADO is Gary Garman.

GENERAL QUESTIONS

1. In the past our SNA Field Office would try to not schedule out of town lawyers for client interviews at 7:45 or 8 a.m. to give us a bit of extra time to arrive. Would you please revert to that practice?

SADO can't. All cases (except locally scheduled cases) are scheduled by the NBC and are scheduled by chronological order regardless of address.

Locally scheduled are expedited I-130's, some reschedules, or special matters.

2. Attorneys do appreciate quick responses from the SNA inquiry hotline. However, when the issue cannot be quickly resolved or Rafael must do research, what is an appropriate timeframe to follow up?

If initial response is not responsive, then attorney should do follow up inquiry 30 days after initial inquiry.

3. What is the state of the INFOPASS system? Currently it is almost impossible to capture an INFOPASS during regular business hours. Attorneys have tried for days at a time, morning, noon, and night with no luck. The alternative is to appear at 7:15 am with your client. That's when they open up the appointments and you get one from the Kiosk and proceed in. The waiting room appears to be empty every afternoon. With all the new officers, why can't they open up appointments throughout the day and also allow us to plan in advance. It is unreasonable to ask us to be there at 7:15 am with just the hope of being let in, especially when we have court obligations.

Infopass appointments are only shown to be open for a 15-day scheduling period. This is the national standard. SADO acknowledges that this is a problem. They recommend checking very early in the morning to see if an appointment opens or is cancelled.

Emergency situations can come to SADO at any time for prompt assistance.

FOD Gary Garman has acknowledged that this is a problem that needs addressing and will work on a solution.

4. When individuals show up to make inquiries etc. and do not have an INFOPASS appointment, they seem to be directed to pick up a notice at the door about how to schedule an appointment—as opposed to being directed to the two INFOPASS machines near the guard station. Please comment on when these machines are being used—do they have to be staffed in order to be used?

SADO will work with security to direct these individuals to the USCIS information desk so that they can direct/assist them to the infopass kiosk. The USCIS information desk folks are to direct these individuals how to use infopass and make appointment on site.

There was also a long discussion about how security often acts disrespectful with customers and attorneys and the district office promised to address this with the security contractor.

5. When someone provides advance notice that he/she will not be available for an initial N-400 or I-485 interview and requests that the appointment be rescheduled, it's sometimes taking 3, 4 or even 5 months to reschedule. Would you please try to reschedule within 60 days so that we don't have to field multiple inquiries from our clients and then needlessly have to inquire again with our SNA Field Office?

Yes, SADO will make an effort to reschedule in a timely matter.

6. Sometimes lawyers and applicants (represented or not) wait an hour or more to be called into a scheduled appointment. At our last liaison meeting, you indicated that an attorney should wait 30 minutes before inquiring about why an office has not called us into an interview, but that an officer can tell our clients that he/she needs to either reschedule an interview or else proceed without the attorney if the lawyer is 7 minutes late. Considering that lawyers frequently have to drive long distances through difficult traffic, it only seems fair that we would receive the same 30 minute grace period as officers for the rare times we're late.

If the attorney is late, CIS will try to accommodate them. There is no guarantee. If atty knows they will be late, a plan of action should be in place. Substitute attorney, etc. Ask for a supervisor to address if it appears that officer is not being reasonable.

7. What is the protocol for Supervisors to step in when interview applicants and their attorneys have been waiting for over 30 minutes? Over 1 hour?

If waiting for longer than 30 minutes it is appropriate to notify Rafael Acosta, supervisor for information desk area.

8. What is the proper way to resolve an error in the SAVE System that DPS and Social Security use to confirm immigration status? For example, data entry error on name spelling or DOB. Or if a person hasn't been entered into the system at all and they keep checking back to give the system time to be updated. For these agencies it doesn't matter that the client has original documents to prove the system is in error.

Individuals who have this problem should make an infopass appointment to have CIS correct this issue in the SAVE system.

9. What are the current processing times for San Antonio? N-400? N-600? I-485? I-212?

SADO Reviewing cases filed this date:

N-400: 6 months

N-600: 10 months for CCA; 12 months for acquisition at birth cases – only one officer reviewing acquisition cases

I-485: 10-12 months

I-212: adjudicating cases filed in January 2016

10. The January 17, 2017 USCIS policy memo regarding interpreters that is to take effect on May 1, 2017 states that attorneys will no longer be able to serve as interpreters in interviews. Can you describe how interviews will now be handled in SADO when an interpreter is required? Will officer interpret? Phone interpreters? Is an applicant required to bring their own?

After May 1, no attorneys can interpret – no exceptions.

USCIS officers will interpret if they speak language. Otherwise they will use phone line for interpreter.

If no phone line interpreter available, applicant should have someone available.

In the case of an uncommon language, have a disinterested interpreter available. This will be determined by the USCIS officer if indeed disinterested.

No guidance on whether attys can have staff interpret for their clients. For now, SADO will allow.

11. Can you update us on ELIS at SADO? What applications are viewed in the ELIS program? What does this entail? What is the future of ELIS?

DACA, TPS and I-90's are viewed through ELIS. Please read the USCIS website for future of Elis.

EXAMS

12. Attorneys continue to report that they have cases pending long times for new officers under supervisor review. For example, one attorney reports that some of these cases are uncomplicated AOS case waiting for supervisor review where the interview was conducted in July, 2016. What can we do?

Send inquiry to snainquiries@uscis.dhs.gov 60 days after interview. Note the case needs supervisory review.

13. Can you please explain the proper process for requesting assistance in having an I-485 get through the NBC when filing with Matter of Quilantan type evidence for proof of legal entry? (Matter of Quilantan evidence – proof that applicant was waived-in, thus meeting the inspection and admission requirement). In the past we have been told to reach out the local USCIS office, so that local USCIS could request the file from the NBC. Now, we have reached out for assistance with this type of case, and the response from local USCIS has been "...we have to wait until the NBC finalizes their process." What exactly does that mean since the NBC keeps requesting traditional proof of lawful admission? Wait until the NBC denies the case? Something else? If the NBC denies, what then?

SADO recommends you continue to present the proper evidence to the NBC establishing evidence of inspection. SADO regularly receives cases from the NBC that are Matter of Quilantan cases.

14. Applications for Adjustment of Status by Parents of US citizens, with concurrent I130 filings. Is the decision to adjudicate these applications without an interview made by the National Benefits Center? Does USCIS anticipate any changes in waivers of such interviews?

NBC makes this determination.

USCIS does not anticipate changes with waivers in parent or child cases.

15. What is the current adjudication time for military PIP? How should we inquire about stuck cases?

4-5 months

Inquire with snainquiries@uscis.dhs.gov and note PIP case issue.

16. For military PIP, is it now a requirement that there be a statement submitted explaining the initial entry without inspection?

It is not required but is helpful to the USCIS officers reviewing the case. It should be noted that only applicants who were not inspected are eligible for parole.

17. Regarding military PIP memo, it is not clear whether military spouse has to be alive to seek parole? Do they need to be?

No, the military spouse (active or former military) can be deceased at the time of seeking parole.

18. How does past immigration history affect a request for military parole-in-place? For example, if someone has past VD or another negative hit and cannot AOS, do you still consider the application for PIP on a case-by-case basis or are these types of applications summarily denied?

Parole is considered on a case by case basis. Negative hits or AOS ineligibility will not necessarily preclude client from obtaining parole.

However, per memo, person cannot be in removal proceedings. CIS will not have jurisdiction to consider parole in that circumstance.

19. How long is it currently taking to process a humanitarian parole? That is from the time we send the request to the time we receive the fingerprint appointment? And once the fingerprints are completed how long does it take to get the final results?

Currently, 6-8 months. You may also request that case be expedited.

It is important to note that the FOD has a goal to prioritize these cases and wants to adjudicate these cases in a 2-3-month period.

20. We have a client with a DACA renewal pending for about 9 months (way over the normal processing time). We have done 3 service inquiries and it was recommended that we schedule an Infopass appointment. Is this something that a SADO Infopass Officer would be able to assist with?

SADO will not have jurisdiction to intervene on these cases.

21. When an I-130 is appealed for a case at SADO and the proper form is filed with your office locally per the instructions, what exactly occurs after that in your office? What happens during that review? What is the time frame of review before sending off to the BIA? What if the case has not been forwarded to the BIA after many months (years)?

Appeal is received and reviewed by district office.

It will be decided by DO to be reopened or not.

The I-130 record of proceeding will be sent to Chief Counsel.

Brief to BIA.

No time frame for these cases – varies by case.

Send inquiry if great delay in case.

NATURALIZATION

22. Are cases that go through the ELIS program facing delays in initial scheduling for N-400?

No, proceeding as normal in scheduling queue.

23. What is the approximate time between an applicant's interview (and the issuance of a recommendation for natz) and the time that the individual will receive a swearing in notice? Is there a certain number of days after the interview before an inquiry or follow up should be sent?

There is no set time. Sometimes individuals cannot be scheduled right away because of jurisdiction.

If not scheduled after 60 days and there is concern, send inquiry.

24. In a recent February interview, the applicant was asked if she had provided passport photos “in case the biometric appointment scan does not come through.” Do applicants need to bring passport photos to the interviews?

No, only in name change cases are passport pictures required.

25. N600 applications. What is the current time between filing and the scheduling of an interview? How come these applications appear to take substantially longer to schedule than other cases?

N-600: 10 months for CCA; 12 months for acquisition at birth cases – only one officer reviewing acquisition cases

26. What is the policy of the San Antonio District Office regarding eligibility to naturalize for a male between 27-31 who did not register for Selective Service because he did not know about his obligation to do so?

<https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartD-Chapter7.html>

SADO says that even if status information letter reveals that applicant was notified about his duty to register, if applicant can show he did not willfully fail to register he may still establish GMC. This will be established by preponderance of evidence.

27. With regard to jurisdiction for oath ceremonies, can an applicant attend a ceremony outside their court jurisdiction? What about in exigent circumstances?

The court will swear in the applicant in the jurisdiction of their place of residence. There may be a rare circumstance where applicant can request permission to be sworn outside their jurisdiction.

28. Please provide a list of the naturalization ceremonies that are scheduled for the next few months including San Antonio, Austin, College Station, San Angelo and Corpus Christi.

San Antonio: 3/1/17
3/23/17
3/30/17
4/20/17
5/25/17

Corpus Christi: 3/23/17

College Station: 4/27/17

Austin: 4/22/17
4/24/17

Bryan: 4/27/17

Laredo: 5/4/17

Del Rio: 5/12/17

29. Have you received any new official information from the new administration with regard to forthcoming guidance, directives, policies, procedures, discretionary criteria that will affect USCIS?

Practitioners were asked to refer to <https://www.uscis.gov/>