**SUPPLEMENTAL NOTES FROM JANUARY 10, 2018 AILA SOUTH FLORIDA & FLORIDA BAR JOINT LIAISON MEETING WITH THE USCIS MIAMI DISTRICT OFFICE**

**Attendees on behalf of USCIS-Miami District:** Linda Swacina (District Director), Steven Koch (Deputy District Director), Eileen Lopez-Tome (Chief of Staff), Kristian Parker (Field Office Director-Kendall), Yeseira Diaz (Field Office Director-Miami), Emigdio Martinez (Field Office Director-Oakland Park), Elizabeth Ferro (Section Chief-Hialeah), Joyce Ortiz (Section Chief-Kendall), Paul Buono (Section Chief-Kendall), Rodolfo Nuñez (Section Chief-Miami), Gina Sankar (Section Chief-Oakland Park), Marta Diaz (ISO Supervisor-Kendall), Sonyetta Everett (District Congressional Lead/AILA & Florida Bar Liaison Point of Contact)

**Attendees on behalf of AILA South Florida Chapter:** Monica Roisman (Chair, USCIS-Miami Liaison Committee), Liliana Cueva (Vice Chair, USCIS-Miami Liaison Committee), Kari Ann Fonte (Vice Chair, AILA National USCIS Field Operations Liaison Committee), Jeffrey Bernstein, Elina Santana, Jaclyn O’Connor, Michael Work, Oliver Langstadt, Sasha Westerman-Keuning

**Attendee on behalf of Florida Bar International Law Section:** Xiomara Hernandez

**Introductory Remarks by USCIS**:

* Linda Swacina has returned to her position as the District Director of the USCIS Miami & Caribbean District
* Mark Dolan is the new Southeast Regional Director of USCIS; he is coming from USCIS Headquarters; however, previously worked for TSA and CBP
* Kristian Parker started as the Field Office Director in Kendall in December of 2017, having last served as the Field Office Director of the Charleston, SC office
* Rodolfo Nuñez has returned to the Miami Field Office as a Section Chief
* Yasser Navarette, formerly a Section Chief in Miami, is now the Field Office Director of the Mexico City office
* Eileen Lopez-Tome will soon take leave as the Chief of Staff

**Further Discussion about Individual Agenda Items**:

Questions 1-3, Continued Difficulty to Schedule InfoPass Appointments: For case status inquiries USCIS highly recommends calling the 1-800# for the NCSC or using the e-Request feature for case status on the [www.uscis.gov](http://www.uscis.gov) website, where local officers prepare the electronic responses. On behalf of AILA and the Florida Bar we explained to USCIS that when we call the 1-800# in order for the inquiry to be escalated it can take wait times longer than 180 minutes and that if you choose the feature to request a call back to hold your place in line, a call back is seldom received.

USCIS will continue the policy to accommodate emergency walk-in appointments to the best of their ability.

Attorneys can still inquire about up to five (5) cases at a scheduled InfoPass appointment.

Note to Practitioners: Please remember that calls to the 1-800# and e-Request inquiries do count as allowable inquiries in addition to InfoPass appointments for the 30-60-30 day inquiry procedure, where a complaint should be filed to escalate to District leadership on the AILA South Florida website.

Also, if you notice that a medical exam is nearing expiration, be proactive and bring with you to a scheduled InfoPass appointment, to prevent the issuance of an RFE which may further delay case processing.

USCIS reconfirmed that an attorney can provide the Immigration Service Officer (ISO) a copy of the G-28 in order to inquire about his/her case at an InfoPass. An attorney does NOT need to provide an original signed G-28 in order to inquire about a client’s case. Leadership requested that all Section Chiefs remind their personnel on this matter.

Questions 4-19, Issues with Employment-Based Adjustment Interviews: As per the current regulations, interviewing employment-based cases do have priority to adjudicating other AOS cases because of possible retrogression. USCIS says that officers will look back at the approved I-140 to determine if additional documents are needed. Also, the interview notice template is created and issued by the NBC.

The Florida Bar understood that even though an I-140 is approved, the ISO has discretion to review the I-140. The ISO can issue a Request for Evidence or send back to the Service Center for reconsideration; however, the ISO should NOT be requesting that attorneys provide a copy of the entire I-140 petition that was filed. Attorneys are encouraged to bring updated information on the company and the Beneficiary. Also if there are derivative Beneficiaries included, attorneys must bring documents to establish the relationship (i.e. marriage certificate, birth certificates, etc.).

USCIS indicated that all officers have been trained to adjudicate employment based cases including extensive training on 245(k).

If you question the way an officer is conducting an interview, if you think that you are being asked for something unreasonable, or if you think that there are any training issues/questions that need to be addressed, please ask for a supervisor. If you are not satisfied with the supervisor’s answer, then ask for their supervisor (called a section chief) and go up the chain of command. If no supervisor or section chief is available, please ask for an acting supervisor or acting section chief. Please write down the names, and titles of each person you speak to. Please try to resolve issues on your own, but if you are unable to do so, please bring to the attention of District Management to try to resolve the issue on the spot, if possible.

Question 20, Florida Theft Statute: After further discussion AILA agreed to send recent cases and USCIS agreed to evaluate further.

The Florida Bar understood that USCIS continues to believe that whether the Florida Theft Statute is a CIMT is not settled law.

Question 21, Specialized Schedules/Officers for Certain Applications: USCIS mentioned that starting last month 3 senior officers with additional training serve under each supervisor at each office, so this is another resource that can be utilized to ensure that an interviews runs smoothly, and follows the law.

Questions 22-26, Updates for Applications Pending at Caribbean Offices: For individuals who have resettled elsewhere in the United States as a result of last year’s hurricanes, please make sure that their address is updated online through [www.uscis.gov](http://www.uscis.gov). For those individuals formerly residing on a Caribbean island who have resettled in the jurisdiction of the Miami District Office and missed Naturalization oath ceremonies due to the storm, the Miami District reschedule email addresses may be used to request that their Natz ceremony be rescheduled.

There are still no updates as to when the St. Croix office will reopen.

Question 27, I-751 Extensions: AILA requested that USCIS dedicate a specific window for ADIT stamps, especially around the holidays. USCIS said that if someone needs an ADIT stamp and is unable to obtain an InfoPass appointment, they can come to the local field office as a walk-in/emergency to request an ADIT stamp, and they will do their best to accommodate. If no InfoPass appointments are available, please try to go to the local field office 1 week before the anticipated travel date.

USCIS indicated that we should be seeing shortly that the validity of the extension date on the I-751 is from the date the green card actually expired instead of the date it was received.

Questions 28-31, Stand-Alone I-212 Waivers: The Miami Field Office has about 100 cases pending, but there are far fewer at the other field offices. If more than 6 months have passed start making inquiries.

Question 32, Military Parole-in-Place: If more than 6 months have passed start making inquiries.

Question 35, Delayed Case Adjudications: USCIS states that there are many reasons why some case adjudications have been delayed. There are many more security checks that must be conducted, there is a much higher volume of cases, and there are changing/new priorities all of the time. An observation discussed was that at most interviews, officers are no longer stating to applicants that the case has been approved. USCIS stated that this is a policy shift where they do not want their employees to give applicants incorrect information, in the case that something is discovered after the applicants leave the office.

The Florida Bar understood that the delays are also being caused by the fact that there are a lot of new ISOs that have to have 100% review of their cases.

Question 37, N-600 training: USCIS indicated that they have provided extensive N-600 training to ISOs in the last year but they have a lot of new officers so if issues come up that you believe are not being handle appropriately, raise the issue up the chain of command.

**Additional Announcements by USCIS**:

* USCIS reports that there have been no recent reported instances of bad behavior by attorneys representing their clients before USCIS, and wants to thank our memberships for this

-However, USCIS reports that some attorneys continue to use their office addresses on forms, and should refrain from doing so immediately (with a very limited exception of cases, such as VAWA cases)

* There will soon be many modifications in each Field Office, due to space constraints. The ASCs will be moving out to separate locations. Biometrics may be taken in the jurisdiction of one Field Office, and the interview may occur in another. Modifications will begin at the Miami Field office, and the Oakland Park Field office will be next. As of the date of this meeting no locations have yet been identified.
* A new program called the SMART system has rolled out in order to locate any outlying cases (cases outside of processing times or require specific attention such as age-out situations).
* No cases are being processed at the U.S. Interest Section in Havana, Cuba; instead these cases have been transferred to Mexico City.
* The new USCIS Director, Francis Cissna, has outlined 3 general goals:
1. Efficiency: He wants to go paperless
2. Fairness: Liaison Meetings available only if everyone is able to attend

-He also hopes to expand the “Electronic Reading Room” on the USCIS website, to allow stakeholders to ask questions, and for responses to be provided

1. Also do not expect to see policy memos; instead he plans to address issues through statutes and regulations

**Current USCIS-Miami District Leadership** (as of January 10, 2018)

Linda Swacina, District Director

Steven Koch, Deputy District Director

Eileen Lopez-Tome, Chief of Staff

**Hialeah Field Office**

Enid Stulz, Field Office Director

Elizabeth Ferro, Section Chief

Gladys Mendez, Section Chief

**Kendall Field Office**

Kristian Parker, Field Office Director

Joyce Ortiz, Section Chief

Paul Buono, Section Chief

**Miami Field Office**

Yeseira Diaz, Field Office Director

Rodolfo Nuñez, Section Chief

Roketa Mansfield, Section Chief

**Oakland Park Field Office**

Emigdio Martinez, Field Office Director

Gina Sankar, Section Chief

Rosalinda Fernandez, Section Chief