

**AGENDA ITEMS FOR FEBRUARY 9, 2017
COMBINED AILA SOUTH FLORIDA-USCIS MIAMI AND FLORIDA BAR
COMMITTEE LIAISON MEETING**

**EXCESSIVE WAIT TIMES AT LOCAL FIELD OFFICES FOR INTERVIEW
AND INFOPASS APPOINTMENTS**

At our last meeting on August 11, 2016, USCIS indicated that it considers a wait time of more than one hour for an interview or InfoPass appointment to be excessive. Unfortunately members continue to report having excessive wait times of over 1 hour for interviews and/or INFOPASS appointments at the local field offices. AILA has provided USCIS leadership with monthly reports with numerous examples reported from members, as requested by CIS at our last meeting. Additionally, at our monthly luncheon on January 11, 2017, we polled the audience of over 100 members to see how many have been experiencing wait times of over 1 hour at the local field offices, and nearly every member raised their hands. There does not seem to be any sign of improvement, particularly in the Miami and Oakland Park offices.

Additionally, we have received numerous reports from members that if an applicant arrives early for an appointment (for example, 15 minutes), and turns in the appointment notice at the reception desk, they are not checked in until their appointment time or even 10-15 minutes after the appointment time, thus potentially making the wait times appear to be less than they actually are.

- 1. Please advise what is being done by USCIS to address the continuing and increasing delays in wait times for appointments?**

RESPONSE: We continue to reassess interview intervals to ensure the upmost customer service. Wait time includes file review by the officers before the applicant is called for interview.

- 2. What is the standard operating procedure for checking applicants in?**

RESPONSE: Check-in is done during the 15-minute window preceding the interview.

Often there is only 1 InfoPass desk open, creating long waits for InfoPass appointments.

For each office, please provide the following information:

- 3. How many InfoPass appointments are available each day? How many officers are dedicated to InfoPass appointments each day? How many days of the week are InfoPass appointments made available?**

RESPONSE: We open appointments every day and frequently on Saturdays. The number of InfoPass appointments and officers available at each field office varies by day

and time of day. The number of appointments offered at each office may be up to 650 a week and often results in excess availability.

4. How does USCIS measure the effectiveness and/or efficiency of InfoPass appointments?

RESPONSE: We have various internal control and monitoring mechanisms to evaluate the effectiveness and efficiency of InfoPass appointments.

**REQUEST FOR REIMPLEMENTATION OF USCIS APPOINTMENT SYSTEM
AND/OR EMAIL INQUIRY SYSTEM FOR AILA MEMBERS**

In the past the Miami District operated an appointment system for AILA members, which was discontinued. The West Palm Beach Field Office has reinstated AILA InfoPass Appointments as of November 2016. By all accounts the program has been a success. At the WPB Field Office, AILA coordinates the scheduling of a limited number of daily slots (5) available exclusively to our members. The program has yielded efficiencies for both AILA and USCIS and many cases are adjudicated during these appointments. For AILA it is especially helpful when a case issue arises suddenly and requires immediate action but no traditional InfoPass appointments are available for weeks into the future. This is a very common occurrence.

In the Miami District our members have to juggle with cases pending at four different field offices, and it has become increasingly cumbersome for our members to effectively follow up and receive adjudications on our clients' cases by having to make at least 3 inquiries over a 4 month time period before it can be escalated to District Leadership through our existing complaint system. It has become burdensome from both a logistical and practical standpoint. There have been additional complications, such as medical examinations aging out, due to the delays in adjudications.

Especially in light of the fact that no such requirements are necessary for congressional inquiries, we respectfully request a modification in how our members can communicate with the local field offices.

5. Is the Miami District open to discussing the possibility of reinstating a USCIS Appointment System for AILA members? Is the Miami District open to discussing the possibility of reinstating an email inquiry system for AILA members?

RESPONSE: No, but thank you for bringing this to our attention. The Acting Tampa District Director was unaware of the Infopass practice at WPB and has ceased the attorney appointment system in order to be consisted with all Florida offices.

CUBAN PAROLE

The Obama administration announced the end of the “Wet Foot, Dry Foot” policy for Cuban nationals on January 12, 2017. The announcement indicates that the new policy applies to Cuban nationals who entered and/or who were “encountered” in the U.S. after January 12, 2017. A member’s client appeared at an InfoPass appointment at the Miami Field Office on Friday, January 13, 2017 requesting a Cuban parole, and was given a hand-out instructing them to contact Deferred Inspections (CBP). At Deferred Inspections, he was instructed to appear at CBP in Dania Beach. The attorney called CBP in Dania Beach and was informed that if a Cuban national appeared to seek parole, they would be detained and processed as any other person who had entered without inspection.

- 6. Has USCIS’ policy and procedure changed regarding Cuban Parole after this recent announcement? If so, what is the new policy and procedure?**

RESPONSE: Yes, we are following the January 12, 2017 DHS Secretary’s directive. Any Cuban national who makes a request for parole to USCIS on or after 4:59 pm 1/12/17 will be treated as any other foreign national making a parole request.

- 7. Is USCIS still following the procedures outlined on the USCIS memo dated March 4, 2008, titled "Processing of Initial Parole or Renewal Parole Requests Presented by Natives or Citizens of Cuba to USCIS Field Offices?"**

RESPONSE: No. The memorandum titled, “Processing of Initial Parole or Renewal Parole Requests Presented by Natives or Citizens of Cuba to USCIS Field Offices” has been superseded.

Obama’s statement said that “Effective immediately, Cuban nationals who attempt to enter the United States illegally and do not qualify for *humanitarian relief* will be subject to removal, consistent with U.S. law and enforcement priorities.”

- 8. What is considered to be *humanitarian relief* ? Would that include humanitarian parole? If not, why not?**

RESPONSE: Procedures for humanitarian parole remain the same. Humanitarian parole is granted by USCIS on a case-by-case basis.

- 9. If an individual entered prior to January 12, 2017, but has not yet been “encountered,” will that individual still be eligible for parole from USCIS?**

RESPONSE: No.

- 10. What evidence will be required to prove entry prior to January 12, 2017?**

RESPONSE: The individual must provide evidence of his or her encounter with **CBP** or of having made a request for parole with USCIS on or before 4:59pm EST on January 12, 2017.

The Meissner memo issued April 19, 1999 speaks to parole and release. It provides . . . “Finally, the Office of the General Counsel has advised the Service concerning the relationship between **parole** under § 212(d)(5) and **"release"** under § 236. Memorandum from Paul W. Virtue to Executive Associate Commissioners for Policy and Planning and for Field Operations, and to Regional, District and Sector Counsels (August 21, 1998). In a case involving an applicant for admission, the General Counsel concluded that: . . . release under § 236 of the Act and 8 C.F.R. § 236.1(d)(1) should not be seen as a separate form of relief from custody. **Any release of an applicant for admission from custody, without resolution of his or her admissibility, is a parole.** (Citations omitted.) In the case of an **applicant for admission who is not an “arriving alien,”** therefore, § 212(d)(5)(A) and § 236 should be seen as complementary, rather than as **alternative release mechanism.** For this reason, if the Service releases from custody an alien who is an applicant for admission because the alien is present in the United States without having been admitted, the alien has been paroled. This conclusion applies even if the Service officer who authorized the release thought there was a legal distinction between paroling an applicant for admission and releasing an applicant for admission under § 236. When the Service releases from custody an alien who is an applicant for admission because he or she is present without inspection, the Form I-94 should bear that standard annotation that shows that the alien has been paroled under § 212(d)(5)(A).”

11. Does USCIS still consider this Meissner memo as valid?

RESPONSE: No. The “Meissner Memo” has been superseded by this new policy.

12. Will USCIS still consider issuing paroles for eligible Cubans, pursuant to the Meissner memo dated April 19, 1999?

RESPONSE: No.

13. If a Cuban national is detained at entry, claims a fear of persecution, passes a credible fear interview and is subsequently paroled out of detention, will that parole be deemed sufficient for purposes of the Cuban Adjustment Act?

RESPONSE: Only if the Cuban national was paroled under the provision of INA 212(d)(5)(A).

14. What forms of parole does USCIS recognize as sufficient for purposes of adjustment of status under the Cuban Adjustment Act?

RESPONSE: Parole under 212(d)(5)(A).

ISSUES WITH MEDICAL EXAMS

We are aware that in the past 6 months the CDC has modified requirements for medical exams twice.

As of August 1, 2016 Civil Surgeons have to provide additional information about gonorrhea testing. The new gonorrhea component applies to all Form I-693 reports completed on or after August 1, 2016. USCIS considers a Form I-693 complete on the date the Civil Surgeon signs it. For applicants requiring treatment, Civil Surgeons must document the laboratory test used to make the diagnosis; the drug regimen received (including doses, dosage units, and administration routes of all medications), start date, completion date, and any periods of interruption; and the clinical course observed, such as clinical improvement or lack of improvement during and after treatment, including resolution of symptoms and signs, as well as any drug reactions.

On November 23, 2016 the CDC issued technical guidance that Civil Surgeons must specifically document testing an applicant for syphilis, and if an applicant tests positive, the treatments provided. To date and to our knowledge there has been no USCIS practice advisory addressing this newer requirement, but please advise if there have been any updates.

We have received reports from multiple members that indicate the following:

- a) For medical exams completed before August 1 and are still current (less than 1 year old), there are officers requesting that new medical exams with laboratory results be submitted even though the medical is still valid.
- b) For medical exams completed after August 1, there are officers requiring that laboratory results be submitted, when this is not a requirement.

15. Please make sure your officers are aware of the current requirements, and please advise our members how they should best address issues encountered in a timely manner in the event that an RFE is issued and is unwarranted.

RESPONSE: It is not a new requirement to provide the laboratory test used to make the diagnosis. The CDC updated their website on Nov. 23, 2016 to make their instructions clearer. CDC's website has the information below pertaining to Syphilis and Gonorrhea. You will notice on the website under Gonorrhea there is a special note about August 1st changes, but this note is not under the Syphilis instructions. Therefore, the I-693 documentation should have always included the laboratory test results as outlined on the CDC's website. Officers will continue to issue RFEs for a new I-693 when the lab results are missing.

<https://www.cdc.gov/immigrantrefugeehealth/exams/ti/civil/technical-instructions/civil-surgeons/required-evaluation-components/syphilis.html>

The following is highlighted for documentation requirements on the CDC Website:

“All medical documentation, including any laboratory reports, must be included with the required I-693 forms.”

INCORRECT ADJUDICATION OF SIJS APPLICATIONS

A few months ago we brought to your attention an issue reported to us regarding the incorrect adjudications of SIJS (Special Immigrant Juvenile Status) applications under the new guidelines issued by USCIS, and we have not yet received a response from your office.

Practitioners throughout Florida are reporting an issue with how USCIS officers are interpreting the new SIJS guidelines issued by USCIS. The new guidelines are being interpreted to require the denial of SIJS status where the underlying state court order is a custody order under Chapter 751 of the Florida statutes. As explained in detail in the attached comments to USCIS about the guidelines, the guidelines cannot be interpreted to bar Chapter 751 orders on the grounds that they are “temporary,” as opposed to permanent, orders.

Custody orders under Florida Statutes Chapter 751 are not “temporary” in the sense contemplated by the USCIS guidelines. Chapter 751, Florida’s statute for custody by extended family members, is misleadingly entitled “Temporary Custody of Minor Children by Extended Family”. In fact, Chapter 751 custody orders only terminate when the child ages out, marries, or becomes emancipated or by judicial intervention. Further, family court judges are authorized to make findings of abuse, abandonment or neglect under Chapter 39 (the dependency statute). It should also be noted that neither the TVPRA nor the regulation bar “temporary” orders from establishing SIJS eligibility.

We presented two examples of cases in which local USCIS has misinterpreted the guidelines. In both cases, the underlying custody orders under Chapter 751, Florida Statutes, included findings of abuse, abandonment or neglect and a finding that reunification was not viable. Each also included best interest language. In both cases, United States Citizenship and Immigration Services (USCIS) took issue with the fact that the orders granted “temporary” custody. The NOID also demonstrates some confusion over the difference between dependency (conducted in a different court under Chapter 39, Florida Statutes) and custody proceedings (conducted under Chapter 751, Florida Statutes) but it does not appear that this confusion impacted the decision. Practitioners are receiving similar RFEs, NOIDs and Notices of Intent to Revoke across the state of Florida.

In both of the cases presented, the custody orders contained all of the required language—that the parent or parents abused, abandoned or neglected the child, that reunification was not viable and that it was not in the child’s best interest to be returned to the country of origin. No more should have been required for approval.

- 16. To avoid the widespread erroneous denial of SIJS petitions, we have respectfully requested that USCIS suspend its RFEs and NOIDs on this issue until it can be clarified with USCIS headquarters. Has there been any update on receiving guidance from USCIS Headquarters?**

RESPONSE: The USCIS Policy Manual, Volume 6, Part J, Chapter 2.D.2. states the following with respect to court orders submitted in support of petitions for special immigrant juvenile (SIJ) classification:

The juvenile court must find that reunification with one or both parents is not viable due to abuse, neglect, abandonment, or a similar basis under the relevant state child welfare laws. Lack of viable reunification generally means that the court intends its finding that the child cannot reunify with his or her parent (or parents) remains in effect until the child ages out of the juvenile court's jurisdiction. The temporary unavailability of a child's parent does not meet the eligibility requirement that family reunification is not viable.

Please note that the SIJ case workload was centralized at the National Benefits Center as of November 1, 2016. However, field offices will continue to adjudicate SIJ petitions that were pending at the field office on or before November 1, 2016 as well as cases that otherwise fall under the field office's jurisdiction.

- 17. Is there language that USCIS would deem acceptable in temporary custody orders under Section 751 of the Florida Statutes, such as the guardianship remaining in effect until the child turns 18?**

RESPONSE: See response above and refer to The USCIS Policy Manual, Volume 6, Part J, Chapter 2.D.2.

EMERGENCY ADVANCE PAROLE

It is our understanding that USCIS Field Offices have been issued new guidance relating to the handling of emergency advance parole requests, including guidelines for eligibility, specific criteria when applicable (such as for DACA recipients), and new Form I-512 templates for all requestors including DACA recipients.

- 18. Please provide our members with the current emergency advance parole guidance so that we are better able to work with USCIS in these situations.**

RESPONSE: Current emergency advance parole guidance is located on the [USCIS Emergency Travel](https://www.uscis.gov/green-card/green-card-processes-and-procedures/travel-documents/emergency-travel) webpage at <https://www.uscis.gov/green-card/green-card-processes-and-procedures/travel-documents/emergency-travel>.

SWORN STATEMENTS PROVIDED DURING INTERVIEWS

During our February 11, 2014 liaison meeting, USCIS indicated that officers would provide a copy of sworn statements taken during an interview upon request. We understand that new guidance was issued on a national level in August 2016, which appears consistent with the Miami District's previous ongoing practice.

- 19. Please confirm that the Miami District will continue to provide copies of sworn statements provided during an interview upon request. Is there anything different in the new guidance recently issued that our members should be aware of?**

RESPONSE: Sworn statements are provided to applicant or petitioner taken during the course of the interview if requested. If a sworn statement is requested at a later time the applicant must submit a FOIA request to obtain documents from the A File.

- 20. Additionally, what is USCIS's policy on providing the sworn statements upon request at a later time, for example, at a subsequent InfoPass appointment?**

RESPONSE: See answer to #20 above.

TRAFFIC RECORDS FOR NATURALIZATION APPLICATIONS

On Form N-400, Application for Naturalization, part 12 #23 asks if the applicant has ever been arrested, *cited*, or detained by any law enforcement officer for any reason. This language would seem to call for disclosure of simple traffic citations, such as speeding. However, with respect to supporting documents, both the instructions to the form and Chapter 3 Part B of the USCIS Policy Manual indicate that certified records are required for criminal charges and cases involving an arrest. Neither the form instructions nor the Policy Manual indicate that certified records are required for traffic citations that are not criminal in nature and for which there was no arrest. Nonetheless, at naturalization interviews, officers do sometimes request certified records of a traffic citation (not criminal, no arrest, purely traffic), telling attorneys that they are required. Often it can be resolved by calling for a supervisor, but not always. One member reports being scheduled for a second interview, and the interview notice requires the applicant to bring certified records for simple traffic citations. While we understand that in a particular case there may be a particular incident that causes an officer to request a traffic record, some officers seem to refer to it as a general requirement across the board, as if the same policy for criminal cases applies to traffic citations.

- 21. Please clarify whether an applicant is generally required to provide certified copies of all *traffic citations* which do not involve a criminal charge or arrest. If not, kindly instruct officers in the field that an applicant should generally not be required to produce certified records for all simple traffic citations.**

RESPONSE: Applicants are not required to submit records for minor traffic violations, unless the violations are drug or alcohol-related, resulted in an arrest, or in which the penalty was a fine of more than \$500.

STAND-ALONE I-212 WAIVERS

As USCIS is aware, in August 2016 the regulations regarding provisional waivers were expanded to allow those with final orders of removal to seek a provisional waiver of unlawful presence if they have first obtained approval of an I-212 Application for Permission to Reapply for Admission to the United States after Removal or Deportation. The instructions on uscis.gov provide that if the applicant is seeking conditionally granted advance permission to reapply for admission prior to departure and is inadmissible only under INA section 212 (a)(9)(A) (irrespective of whether another waiver under section 212(g), (h), (i), or 212 (a)(9)(B) is needed), the applicant must file with the USCIS Field Office with jurisdiction over the place the applicant is residing.

22. Since the regulations have been modified, has there been an increase in stand-alone I-212 filings at the local field offices?

RESPONSE: Yes, slightly.

23. How many stand-alone I-212 waivers are currently pending at the Miami District Field Offices?

RESPONSE: There are less than 100 pending I-212 District Wide.

24. What is the current processing time for stand-alone I-212s?

RESPONSE: There is no processing time for stand-alone I-212.

25. Has the Miami District received any guidance from headquarters as to criteria or procedures for adjudicating these waivers, and if so, can you please share with our members?

RESPONSE: No additional guidance has been provided.

I-751s PENDING ADJUDICATION

Members have reported long delays in adjudications of pending I-751 Petitions to Remove Conditions on Residence, including petitions for individuals in removal proceedings, which according to the USCIS Policy Manual should be expedited.

26. What is the current processing time for I-751s that are referred for interviews at the Field Offices in the Miami District?

RESPONSE: The timeframe from the initial filing of the application varies as the Field Offices have no control of when the A-File is shipped from the Service Centers. The offices are making every effort to schedule these cases as soon as they arrive in the office.

27. Is USCIS taking any steps to clear the present backlog?

RESPONSE: All of the offices have plans in place to schedule these cases for initial interview. All of the offices in District 9 have been scheduling I-751 cases every month or every other month as needed. Currently all field offices report that their backlog of I-751 cases pending initial interview has been significantly reduced.

**RETURN OF ALIEN RESIDENT CARDS WHEN REMOVAL PROCEEDINGS
HAVE BEEN TERMINATED**

When permanent residents are placed in removal proceedings, usually their Alien Resident Cards (ARCs) are confiscated by DHS/ICE/CBP. Subsequently, when removal proceedings are terminated and the LPR requests that the ARC be returned, they are often instructed by ICE/CBP and/or DHS to schedule an InfoPass appointment with the USCIS Field Office in their home zip code area, provide a copy of the order terminating proceedings, and request that USCIS order the file to return the ARC. When the individual follows these instructions, InfoPass officers at some of our local USCIS field offices advise the individuals that they will not order the file and the individuals should file an I-90 and request a new ARC. This is costly and in many cases the ARC seized has years of validity left.

28. What is USCIS' policy on this issue?

RESPONSE: See answer to #30 below.

29. Why can't USCIS order the file, confirm identity and return the ARC when proceedings have been terminated and the individual provides proof of the proceedings being terminated?

RESPONSE: See answer to #30 below.

30. If there is no policy place, can one be established?

RESPONSE: **USCIS Procedures for Returning Original Documents**

Individuals should file Form G-884, Request for the Return of Original Documents, with USCIS to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. For this process, original documents are defined as documents of a personal nature such as an I-551, Permanent Resident Card. Requestors

may mail in Form G-884, or schedule an InfoPass appointment. There is no fee to file Form G-884.

Additional instructions and information relating to Form G-884, Request for the Return of Original Documents can be located at <https://www.uscis.gov/sites/default/files/files/form/g-884instr.pdf>.

CASHIER'S WINDOWS

A few members have reported difficulty in feeing in applications at the cashier windows. For example, one member was told that a motion to reopen for Immigration Court could not be feed in at the USCIS cashier's window, and had to wait over 20 minutes for a supervisor to confirm that the fee could be paid. Another member reported having to wait over 40 minutes for someone to appear at the cashier's window to fee in an applications.

31. Please confirm for our members which applications may be feed in at the cashier's window.

RESPONSE: Filing fees are accepted at the local field office only in limited circumstances. Presently, local field offices can only accept filing fees for motions to reopen for the Immigration Court and for the Board of Immigration Appeals, Form EOIR 29, and Form I-131 (only in cases of emergency) and Form I-212 (in limited circumstances). These filings can be fee'd in at a local field office during normal business hours (7:00 am – 3:00 pm), Monday through Friday, except for Federal holidays.

Please consult the USCIS website (www.uscis.gov) for current filing instructions.

32. Please provide the hours for the cashier's window at all 4 field offices, so that members know when they can expect the window to be open.

RESPONSE: These filings can be fee'd in at a local field office during normal business hours (7:00 am – 3:00 pm), Monday through Friday, except for Federal holidays.

COMMUNICATING WITH LOCAL ASC/BIOMETRICS OFFICES

We have received a few inquiries lately as to what is the best method to contact the local ASC/Biometrics Office in the event of a problem. We have been informed that the ASC/Biometrics department is managed by an independent contractor, not by the actual USCIS office that it is housed in. Problems range from individuals missing their scheduled Biometrics appointments to being told that Biometrics could not be performed due to a lack of identity document.

33. What is the best way for our members to communicate with the local ASC/Biometrics Offices?

RESPONSE: The Biometrics Appointment Notice lists a toll-free number to call for inquiries. For reschedules, they can mark the appropriate box on the Biometrics Notice and return the notice to the address listed on the notice.

34. Can we have a list of the Supervisors or Directors of each office?

RESPONSE: In the Miami and Caribbean District, all ASCs and field offices are colocated, therefore, to address unresolved matters pertaining to a specific field office, please contact field office leadership via the USCIS Attorney Liaison.

35. Can we have phone numbers to contact the individual offices?

RESPONSE: As noted, all ASCs and field offices are colocated, therefore, to address unresolved matters pertaining to a specific field office, please contact field office leadership via the USCIS Attorney Liaison.

**FLORIDA BAR AGENDA ITEMS (in coordination with, and in supplement to,
AILA's Agenda Items)**

There is significant concern regarding your office's policy with respect to inadmissible aliens who adjusted status due to a Service error. In particular, this relates to cases that are not due to any fraud or misrepresentation by the alien and the error is discovered more than five years later during the adjudication of an N-400. It is our understanding that your office is not willing to: 1) reopen the cases (to cure the defect); 2) affirmatively approve the N-400 applications; 3) issue NTAs and refer the cases to ICE for removal proceedings; and/or 4) approve the N-400 applications if ICE decline to file the NTAs or if ICE is unable to sustain the charge(s) in court.

Please confirm that our understanding is correct, and if so, why exactly your office is not willing to try to correct/resolve the Service error by pursuing one of the aforementioned avenues of relief. If our understanding is incorrect, what exactly is your office's policy with respect to this issue and how can we resolve such cases with your office.

Along the same lines, kindly address your office's policy with respect to the following scenarios:

- 36.** When an inadmissible alien was admitted with an immigrant visa due to a Service or DOS error (and not due to any fraud or misrepresentation by the alien) and the error is discovered years later during the adjudication of an N-400.

RESPONSE: Each case is evaluated individually. Applicants for naturalization must meet their burden of establishing that they have been lawfully admitted for permanent residence.

- 37.** When the adjustment was granted in error due to fraud or misrepresentation by the alien, and the error is discovered years later during the adjudication of an N-400.

RESPONSE: Each case is evaluated individually to determine whether or not to issue an NTA. USCIS will continue to follow the USCIS Policy Memorandum PM-602-0050, "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens" (Nov. 7, 2011). The memorandum is available on the USCIS website if further information is needed regarding the issuance of NTAs by USCIS.

- 38.** When the immigrant visa was issued in error due to fraud or misrepresentation by the alien, and the error is discovered years later during the adjudication of an N-400.

RESPONSE: Each case is evaluated individually to determine whether or not to issue an NTA. USCIS will continue to follow the USCIS Policy Memorandum PM-602-0050, "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens" (Nov. 7, 2011). The memorandum is available on the USCIS website if further information is needed regarding the issuance of NTAs by USCIS.

AGENDA ITEMS FEBRUARY 9, 2017
Combined AILA South Florida – USCIS Miami District – and Florida Bar
Committee Liaison Meeting

AILA's Supplemental Notes and Comments:

Updates from USCIS not on the agenda:

- After the Executive Orders, USCIS reports they are continuing to operate “business as usual.” All I-forms and N-forms are continuing to be processed. They were unable to provide us with any other updates at this time.
- Even though there is a federal hiring freeze, USCIS will still get new employees who were already in the pipeline and/or who are not affected by the freeze.
- Amanda Sewall, former District Congressional Lead, is no longer with USCIS and has moved to EOIR in a similar role, which is one of 5 such positions created nationwide. USCIS is unable to fill the position on a permanent basis at this time, so the position will be filled by officers in one month increments.
- ICE has created a Community Relations Officer position, and was recently filled by Vladimir Diaz.
- If you have conflicts with interviews based on your own schedule, or family members scheduled separately, please let USCIS know as far in advance as possible. It is best to email the USCIS office's reschedule email ahead of the interview date if possible. If not, please let USCIS know as soon as you arrive for your appointment so they can try to accommodate or shift interviews around.
- INFOPASS appointments – take a G-28 with you each time as the Infopass officer may not readily have access to the file and it may not be recorded in the system that you are attorney of record. It is acceptable to bring a copy of the G-28 the attorney filed with the case as long as it was signed by both the applicant and attorney. If you do not have a G-28 on file, bring an original signed G-28.
- If attending an interview or Infopass appointment on behalf of or in place of another attorney, you must bring a new G-28.

Questions 1 & 2: Excessive Wait Times for Interviews and Infopass Appointments

USCIS follows a national standard operating procedure and checks in the applicant during the 15 minute window preceding the interview. USCIS tried to look at the case examples presented by AILA of extensive processing times, and in their system some of the cases did not show the excessive wait reported. They will continue to look into particular situations reported, but indicated their interview waiting times are either in line or better than other major offices around the country. They also explained that there are certain dates in each office where issues have slowed down progress, but their overall average daily processing, and thus wait times, within one hour. AILA indicated that this issue is being looked at on a national level as well.

Questions 6-14: Cuban Parole

USCIS confirmed that the change to the parole policy is a national policy.

Question 15: New requirements on medical exams

If an Officer makes a mistake and demands results where not required, make a request to see a Supervisor.

Questions 16-17: SIJ Petitions based on temporary custody orders per FL Statute Section 751

USCIS confirmed that they will not automatically deny the I-360; rather they will consider additional evidence (such as the petition filed in family court) to see whether it is intended to be temporary or more permanent. They confirmed they will follow the national training they received.

Question 18: Emergency Advance Parole

Note, there is now a national standard and guidelines for emergency advance parole. USCIS provided the attached guidelines, but it is noted they have a date of July 2015. AILA is aware that national guidelines were issued in August 2016, and the AILA National Field Operations Committee is seeking those through FOIA. AILA will provide them to the members when received.

Question 19: Sworn Statements given during interview

If a copy is not requested at interview, it must be obtained through FOIA. We are advised this is a national policy.

Question 21:

For traffic citations relating to alcohol, drugs, and \$500 or higher fine imposed, USCIS will require a certified copy of the records. Certified records are not required for basic traffic offenses.

Questions 22-25:

USCIS confirmed that I-212 waiver applications that are properly filed with the Field Office can be filed through INFOPASS.

Questions 26-27:

USCIS reports that none of the Field Offices are reporting significant backlogs in adjudicating I-751s. They mentioned that sometimes there may be delays in the Service Center transferring

the case to the local office. If your I-751 has been sent to the Field Office and you have not heard, you can inquire through INFOPASS. If your client has been waiting for an excessive period of time, we are advised to bring it to their attention. AILA recommends following the established complaint procedures, so that if after those inquiries the case is not scheduled or adjudicated, your liaison committee can seek USCIS assistance.

Question 30:

File G-884 at INFOPASS for the return of documents, but USCIS will only return an LPR card if it is still valid and unexpired. USCIS will not return expired LPR cards. This form can be used to seek return of other personal documents such as birth certificates, etc. If mailed in, the form must be notarized.

ADDITIONAL COMMENTS BY USCIS:

- USCIS wishes to remind attorneys to be polite and not interrupt officers.
- Further, USCIS wishes to remind attorneys that they are not able to “pick and choose” their officer.
- Some attorneys have requested a copy of the naturalization test taken by the applicant. USCIS indicates that they will not provide a copy of the exam.



U.S. Citizenship and Immigration Services

Emergency Travel

Overview

In case of an emergency, and **before** leaving the United States, you should know what documents will be required to reenter the United States as well as understand whether or not your departure will negatively impact your application(s) for immigration benefits.

As a general rule, any person who is not a U.S. citizen or non-citizen U.S. national is subject to immigration review each time the person seeks admission to the United States from any place outside the United States. Even if you have already been admitted as a permanent resident (you have a green card) you are subject to review by an immigration official. If, during such review, you are determined to be inadmissible (even though you may have been admissible previously), you may be denied admission.

If you are seeking admission or parole at a port of entry you generally must have in your possession a valid and unexpired travel document (e.g. a green card, U.S. visa, an advance parole document) to present to the officer at the port of entry.

Depending on your immigration status or if you have an application for an immigration benefit pending, different types of travel documents may be required if you (including permanent residents) wish to return to the United States lawfully after travel abroad. These documents should be applied for, in certain cases, prior to your departure from the United States. Please see the "[Travel Documents](#)" page for more information on the types of travel documents.

Caution

Travel outside of the United States may have severe consequences if you are in the process of adjusting your status (applying for a green card). In general, if you are seeking immigrant status (a green card) and depart the United States without the appropriate documentation (i.e. advance parole) you may be inadmissible to the United States upon return, or even if admitted, you may be found to have abandoned your application.

If you have been admitted as a nonimmigrant and have applied to extend the period of authorized nonimmigrant stay, or have applied to change to a different nonimmigrant status, you will automatically abandon the application if you leave the United States before USCIS makes a decision on the advance parole application. Receipt of an advance parole document does NOT prevent abandonment of the change of status or extension of stay application. Upon returning to the United States, you are likely to be denied admission if your current status has expired.

For the reasons stated above, it is important that you obtain the proper documentation before leaving the United States. Also, you should keep in mind that admission into the United States is not guaranteed even if the appropriate documents are obtained. In all cases, you are still

subject to immigration inspection or examination at a port of entry to determine whether you are admissible into the country and whether you are eligible for the immigration status sought.

Asylum applicants, asylees, refugees, and lawful permanent residents who obtained such status based on their asylum or refugee status are also subject to special rules with regard to traveling outside the United States. Additional information regarding traveling outside the United States as well as the consequences that could result if an asylum applicant, an asylee, a refugee, or a lawful permanent resident who obtained such status based on his or her asylum or refugee status returns to his or her country of claimed persecution may be found in the Fact Sheet entitled "[Traveling Outside the United States as an Asylum Applicant, an Asylee, or a Lawful Permanent Resident Who Obtained Such Status Based on Asylum Status \(PDF, 45 KB\)](#)."

Unlawful Presence

If you depart the United States after accruing certain periods of unlawful presence in the United States (time spent in the United States illegally) you may be barred from admission for either three years or ten years, depending on the amount of unlawful presence an individual has accrued. Any departure from the United States may trigger this ground of inadmissibility, even if you have obtained an advance parole document.

If you have accrued more than 180 days, but less than 1 year, of unlawful presence and who voluntarily depart the United States before the start of removal proceedings are inadmissible if you seek admission within 3 years of the date of their departure. If you have accrued 1 year or more of unlawful presence and you depart the United States, whether or not removal proceedings have started, you are inadmissible if you seek admission within 10 years of the date of departure.

Criteria for Expedited Processing of an Application

USCIS will expedite an application, including an application for a travel document, Form I-131, in certain situations, which may include:

- Severe financial loss to company or person;
- Emergency situations;
- Humanitarian reasons;
- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or National Interest Situation (Note: The request must come from an official U.S. Government entity and state that delay will be detrimental to the Government.);
- USCIS error; or
- Compelling interest of USCIS.

You may submit an expedite request by contacting the National Customer Service Center (NCSC) at 1-800-375-5283, or by submitting a written request and supporting documentation with your application.

Emergency Advance Parole Documents

If you are experiencing an extremely urgent situation, you may visit your local office to request an emergency advance parole document. When visiting a local office to request emergency advance parole, you should bring the following items:

- A completed and signed Form I-131, Application for Travel Document
- The correct I-131 filing fee
- Evidence to support the emergency request (e.g. medical documentation, death certificate)
- Two passport-style photos.

How to File

To apply for an emergency travel document, you must file Form I-131, [Application for a Travel Document](#), complete with supporting documentation, photos and applicable fees. See the application for specific filing instructions.

Where to File

Where to file the Form I-131 depends on the benefit sought. See the [form instruction page \(PDF, 267 KB\)](#) for details. Your local office may accept an emergency advance parole application if you are experiencing an extremely urgent situation. Business trips, weddings, holiday parties, and other planned events would usually not be considered an emergency situation. If you are filing Form I-131 for an emergency travel document at your local office based on an extremely urgent situation, you are encouraged to [make an Infopass appointment](#) first. "Make an Appointment (Infopass)."

When to File

You must apply for the travel document before leaving the United States. Generally, an applicant for a travel document must also complete biometrics capture at an Application Support Center (ASC) prior to departure from the United States. Failure to do so may cause the applicant to lose permission to reenter the country and lead to the denial of any other applications pending.

Last Reviewed/Updated: 07/14/2015



Instructions for Request for the Return of Original Documents

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form G-884
OMB No. 1615-0100
Expires 09/30/2018

What Is the Purpose of Form G-884?

Use Form G-884 to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit.

NOTE: If you filed a form that requested original documents, we will automatically return those originals to you. You do not need to file this form.

You need to provide us with:

1. A completed and signed Form G-884; and
2. Supporting documentation.

See section entitled **Submitting Your Form G-884**.

When Should I Use Form G-884?

You should use Form G-884 if you submitted original documents that U.S. Citizenship and Immigration Services (USCIS) did not request with a petition, application, or request, and you are now seeking to have those documents returned to you.

NOTE: Refer to the instructions of the form or forms you submitted to determine whether non-requested originals are available for return or destroyed after scanning.

Furnishing the information requested on Form G-884 and submitting the required supporting documents will assist USCIS to locate and return the documents requested.

General Instructions

NOTE: You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parent's marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

USCIS provides forms free of charge through the USCIS website. In order to view, print, or fill out our forms, you should use the latest version of Adobe Reader, which you can download for free at <http://get.adobe.com/reader/>. If you do not have Internet access, you may call the USCIS National Customer Service Center at **1-800-375-5283** and ask that we mail a form to you. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Signature. Each request must be properly signed and filed. For all signatures on this request, USCIS will not accept a stamped or typewritten name in place of a signature.

Filing Fee. There is no fee to file Form G-884.

Evidence. At the time of filing, you must submit all evidence and supporting documentation listed in the **Specific Instructions** section of these Instructions.

Copies. You should submit legible photocopies of documents requested, unless the Instructions specifically state that you must submit an original document. USCIS may request an original document at the time of filing or at any time during processing of an application, petition, or request. If USCIS requests an original document from you, it will be returned to you after USCIS determines it no longer needs your original.

NOTE: If you submit original documents when not required or requested by USCIS, your original documents may remain a part of the record, USCIS will not automatically return them to you, **and your original documents may be immediately destroyed upon receipt.**

Translations. If you submit a document with information in a foreign language, you must also submit a full English translation. The translator must sign a certification that the English language translation is complete and accurate, and that he or she is competent to translate from the foreign language into English. The certification should also include the date, the translator's signature and printed name, and may contain the translator's contact information.

How To Fill Out Form G-884

1. Type or print legibly in black ink.
2. If you need extra space to complete any item within this request, attach a separate sheet of paper; type or print your name and Alien Registration Number (A-Number) (if any) at the top of each sheet; indicate the **Page Number, Part Number, and Item Number** to which your answer refers; and sign and date each sheet.
3. Answer all questions fully and accurately. If a question does not apply to you (for example, if you have never been married and the question asks "Provide the name of your current spouse"), type or print "N/A," unless otherwise directed. If your answer to a question which requires a numeric response is zero or none (for example, "How many children do you have" or "How many times have you departed the United States"), type or print "None," unless otherwise directed.

Specific Instructions

This form is divided into **Parts 1. through 3.** The following information will help you fill out the form.

Part 1. Information About You (Person requesting the return of original documents)

Item Number 1. Your Full Name. Provide your full legal name. If you have two last names, include both and use a hyphen (-) between the names, if appropriate.

Item Number 2. Mailing Address. Provide your mailing address, if different from your home address.

Item Number 3. A-Number. This is your Alien Registration Number. If you do not have an A-Number or do not know it, leave this blank.

Item Numbers 4. - 5. City/Town/Village of Birth, and Country of Birth. Provide the location where you were born.

Item Number 6. Date of Birth (mm/dd/yyyy). Provide your date of birth in the mm/dd/yyyy format. (For example: May 1, 1979, should be written 05/01/1979.)

Item Number 7. Daytime Telephone Number. Provide a telephone number with the area code where you can be reached during the day.

Item Number 8. Specific information about desired document(s) or record(s). Name or describe the original documents you wish returned. Be as specific as possible. (For example: marriage certificate of John Q. and Mary A. Public.)

Part 2. Data for Identification of Personal Record

Provide the following information. (Failure to provide the requested information may make it difficult for USCIS to locate the relating record.)

Item Number 1. Subject's Full Name. Provide the subject's full legal name. If there are two last names, include both and use a hyphen (-) between the names, if appropriate.

Item Number 2. Other Names Used. Include the subject's maiden name, nickname, or alias.

Item Number 3. Date of Birth (mm/dd/yyyy). Provide the subject's date of birth in the mm/dd/yyyy format. (For example: May 1, 1979, should be written 05/01/1979.)

Item Number 4. Place of Birth. Provide the name of the country where the subject was born. Include the city, state or province, and country.

Item Numbers 5. - 7. Entry Into the United States. Provide the requested information about the subject's entry into the United States.

Item Number 8. A-Number (if any). This is the subject's Alien Registration Number. If the subject does not have an A-Number or you do not know it, leave this blank.

Item Numbers 9. - 15. U.S. Citizenship Information. Provide information about the subject's Certificate of Naturalization or Certificate of Citizenship, if applicable. Use eight numbers to show the date on the Certificate of Naturalization or Certificate of Citizenship. (For example: May 1, 1979, should be written 05/01/1979.)

Item Number 16. Verification of Identity. Select type of identification the requester provided.

Part 3. Signature of Requester- Affidavit of Identity

Item Numbers 1. - 12. You, the requester, must sign and date the form. If you do not sign the form, the request will be returned as incomplete.

Submitting Your Form G-884

You must include copies of the following items when you submit your Form G-884:

1. **Your signed and completed Form G-884.** Form G-884 must be notarized if you are submitting it by mail. (You do not need to get Form G-884 notarized if you are submitting it in person via a scheduled appointment.)
2. Before we can consider your request, you must submit **two forms of identification**. Examples of acceptable forms of identification are:
 - A. Form I-551, Permanent Resident Card;
 - B. Driver's license;
 - C. State-issued identification document;
 - D. Employment authorization document;
 - E. Certificate of Naturalization or Certificate of Citizenship;
 - F. U.S. or foreign passport.

3. If you are requesting an original document(s) from a USCIS file other than one relating to you, submit proof of the relationship between you and the subject. In cases where the subject is either deceased or incapacitated, you must provide evidence of a **power of attorney** or that you are the **executor** of the subject's estate.

We recommend that you print or save a copy of your completed request to review in the future and for your records.

What Is the Filing Fee?

There is no filing fee for Form G-884.

Where to File?

Please see our website at www.uscis.gov/G-884 or call our National Customer Service Center at **1-800-375-5283** for the most current information about where to file this request. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Notice

USCIS wants to make sure that you are eligible to receive the requested documents. To do this, we may ask for more evidence, interview you, and/or conduct an inquiry. If you misrepresent facts or otherwise engage in fraud, USCIS will take appropriate action. This means we will not only deny your request, you may lose current and future immigration benefits. You may also face penalties, including criminal and/or civil prosecutions leading to fines and/or imprisonment.

Address Change

A requester who is not a U.S. citizen must notify USCIS of his or her new address within 10 days of moving from his or her previous residence. For information on filing a change of address, go to the USCIS website at www.uscis.gov/addresschange or contact the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

NOTE: Do not submit a change of address request to the USCIS Lockbox facilities because the Lockbox does not process change of address requests.

Processing Information

Initial Processing. Once USCIS accepts your request we will check it for completeness. If you do not completely fill out this request, USCIS may reject or deny your request.

Requests for More Information. We may request that you provide more information or evidence to support your request.

NOTE: If you submit original documents when not required or requested by USCIS, your original documents may remain a part of the record, USCIS will not automatically return them to you, **and your original documents may be immediately destroyed upon receipt.**

USCIS Forms and Information

To ensure you are using the latest version of this request, visit the USCIS website at www.uscis.gov where you can obtain the latest USCIS forms and immigration-related information. If you do not have Internet access, you may order USCIS forms by calling the Forms Request Line at **1-800-870-3676**. You may also obtain forms and information by calling the USCIS National Customer Service Center at **1-800-375-5283**. For TTY (deaf or hard of hearing) call: **1-800-767-1833**.

Instead of waiting in line for assistance at your local USCIS office, you can schedule an appointment online at www.uscis.gov. Select "Schedule an Appointment" and follow the screen prompts to set up your appointment. Once you finish scheduling an appointment, the system will generate an appointment notice for you.

USCIS Privacy Act Notice

AUTHORITIES: The information requested on this benefit application, and the associated evidence, is collected pursuant to the 8 CFR section 103.2(b)(1).

PURPOSE: The primary purpose for providing the requested information on this application is to request the return of original documents submitted to establish eligibility for an immigration benefit.

DISCLOSURE: The information you provide is voluntary. However, failure to provide the requested information may delay or prevent USCIS from processing your request.

ROUTINE USES: The information provided on this benefit application will be used by and disclosed to DHS personnel and contractors or other agents who need the information to assist in activities related to your request. The information will be shared in accordance with approved routine uses, as described in the associated published system of records notices [DHS/USCIS-001 - Alien File, Index, and National File Tracking System of Records, which can be found at www.dhs.gov/privacy].

Checklist

- ☐ Did you completely fill out and sign the form?
- ☐ Did you have the form notarized? (Form must be notarized if submitted by mail.)
- ☐ Did you attach a copy of your identity documents? (Two types of identification are required.)
- ☐ If applicable, did you attach a copy of a power of attorney or proof that you are the subject's executor?