

**Attorney Liaison USCIS West Palm Beach Meeting  
June 12, 2017**

1. Regarding current staff organization, would you please update the following chart regarding management and supervisory staff and their respective assignments?  
**Kathy Baranowski is our Acting District Director. Kim Dean is the Acting Deputy District Director**

<b>District 10 Office Supervisory Staff</b>	<b>Name:</b>	
Acting District Director	Kathy Baranowski	
Acting Deputy District Director	Kim Dean	
Chief of Staff	Steve Pecinovsky	
<b>USCIS WPB Counsel</b>	Mark Martinez	

<b>Field Office Supervisory Staff</b>	<b>Name:</b>	
Field Office Director	Wendy Wilcox	
<b>Branch Chief/Adjudications</b>	Laura Demoro	
<b>Branch Chief/Records/Customer Service</b>	Siva Muttuswamy	
<b>Supervisor: Adjudications</b>	Michelle Ramos	
<b>Supervisor: Adjudications</b>	Eugenio Rosado	
<b>Supervisor: Adjudications</b> <b>Supervisor: Adjudications</b>	Phyllis Ruggiero Michael Blum	
<b>Supervisor: Customer Service/Infopass and N-600s</b>	Susan Casis	
<b>Records Manager</b>	Ramya Velarde	

2. **I-130 Appeals/Motions to Reopen-Reconsider**

- a) I-130 Denials (EOIR-29) not being timely forwarded to Board of Immigration Appeals: During last two meetings your office advised that this issue had been addressed and that you were making an effort to send the record of proceedings in those cases as expeditiously as possible, but gave no specific time frame, nor any specific numbers of how many such cases remain pending with your office.

**WPB has addressed this issue. WPB makes every effort to forward each appeal and its associated record of proceedings to the BIA as expeditiously as possible. Depending on the complexity of the case and/or the volume of documentary evidence in the administrative record, attorneys may see more variation in processing times from case to case.**

**If you have filed an appeal from a visa petition denial and have concerns with the time it is taking for the appeal to be forwarded to the BIA, we encourage you to send us a**

case status inquiry via the inquiry e-mailbox, following the inquiry mailbox submission guidelines. The inquiry will be forwarded to the appropriate personnel for response.

Since our last meeting, some AILA members continue to report that they have filed I-290B's which are pending for quite a long time with your office and some report they have not received any of the following: acknowledgement of receipt, a service generated I-797C notice/receipt, nor any I-797C notice indicating the appeal/record has been forwarded to BIA. Can you please advise on why these receipts are not being issued and specifically what time your office considers acceptable to compile the record and forward the record accordingly or adjudicate said cases?

When the I-290Bs are filed locally, a receipt is printed and mailed to the customer of record. For those that come into the field office with the application and fee, the receipt is hand delivered. Please advise via the inquiry mailbox if a receipt has not been received and provide the specific case information for research to occur.

### 3. **INFOPASS**

Unavailability & long wait times: Some members report difficulty making INFOPASS appointments due to lack of availability, reporting they have tried for over two weeks and been unable to make appointments. Can you please let us know the number of appointments your office has per week (on average) and if anything is being done to add new appointments? In addition, members have reported longer than usual wait times and note that usually there are only three officers at the windows during one day. What is a reasonable amount of time to wait to be called for an Infopass appointment and have there been any changes to the appointment system?

The average number of InfoPass appointments per week is 160 before daily additions are made. Each morning 10 to 30 appointments are added depending on the availability of Officers. Thus, WPB maintains a public availability rate of 5 percent or greater. Each case question is different, which can cause appointment wait times to vary as well.

### 4. **FILE ROOM/MAIL ISSUES**

Two members have reported mailing responses to Request for Evidence timely and later receiving denials based on abandonment (non-receipt of response to RFE). The Attorneys were able to re-open these cases with proof of mailing to the email inquiry system but AILA is concerned about non-represented aliens. Have there been any recent changes in the mail room and what can be done to correct this issue immediately?

We have reviewed this feedback and are training our new employees accordingly.

## 5. BIOMETRICS

Multiple members report that clients have been refused admission for biometrics at the WPB ASC, where they had acceptable Identification Documents but were missing documents such as marriage certificate, original documents such as bonafides and birth certificates (of asylum derivative children when parents presented the child's passport as valid ID). Even more concerning was reports that ASC staff interrogated clients regarding legitimacy of their marriage and disparaged the client's credibility because they had retained an attorney to assist with the process. Has your office been notified of this or other similar incidents? If so, what is being done to correct this, since applicants should not be interrogated or questioned on the merits of their applications at an ASC appointment?

Please be advised that if an applicant's appointment letter has a married name and they present no ID to verify that name, applicants are asked to provide proof of the new name, such as the marriage certificate, divorce decree, or court legal name change. WPB ASC cannot process an applicant if their ID does not match their appointment notice and they have no proof of how their name was changed. Moreover, the I-797 appointment notices differ in what they advise an applicant to bring when they come to the ASC. For I-90s there is a section "3. Change of Information. If your name has changed since the issuance of your Permanent Resident Card, then you must bring evidence to support the name change (e.g. birth certificate, marriage certificate, or applicable court document) at the time of your appointment." N-400s appointment notices do NOT contain that information. When an N-400 applicant appears without the name change documentation, they are afforded the choice of A) Returning with the name change documents B) Being processed with the name on their identity document (i.e. Permanent Resident Card) and then completing their name change request at the time of their interview in the field office. For asylum applicants we accept passports (valid OR expired), Home Country ID's, state ID's (Temporary or non-Temporary), original birth certificates, legible copies of birth certificates, consulate letters of identity verification, and any ID set forth in the International ID Checking Guide Book. Moreover, when an applicant has no ID or an identity document is presented to the ASC ISO that is questionable, illegible, or potentially fraudulent, the ASC ISO has the discretion to require additional documentation to verify an applicant's identity.

The WPB ASC does not interrogate, interview, or question ANY applicant about the legitimacy of their marriage. At the end of each biometric capture, each applicant is presented with a Customer Service Comment Card where they anonymously evaluate the service that was provided to them during their appointment (applicants are verbally advised not to write their name or any other identifying markers on it). These comment cards are placed in a locked box and collected by Supervisory Staff at the end of each work day. To date, there have been no such instances reported of the nature described above. It is not the job of the ASC ISO or any other ASC staff member to question the legitimacy of any

application. The job of the ASC staff, and primarily the ASC ISO, is to ensure the integrity of the biometrics capture process by ensuring that the identity of each person presenting him- or herself for processing is verified. It is the job of the ASC Staff and ASC ISO to be vigilant and preserve the integrity of the biometrics process.

## 6. INTERVIEW/CASE ISSUES

- a) I-130's with final orders: Can you confirm if your office is holding these cases in abeyance or forwarding them to ICE prior to making an adjudication of the form?

WPB management is not aware of any such petitions being held in abeyance..

- b) Estimated time for a decision: AILA has previously brought up this issue where certain officers approve easy cases on the spot (or inform Counsel and clients that the case would be recommended for approval before the interview concludes) but certain officers do not and always state that they have to review the file before a decision is mailed. While we understand that all the cases are different (which has been your office's response to this question in the past) this question specifically addresses the same officers which seem to never provide a decision before the interview concludes and then take over 120 days to issue a written approval. Why is it that certain officers are able to approve easy cases on the spot while others do not? What is your office's policy regarding the time an officer has to review a simple case (no fraud or other issues) after an interview is conducted?

The purpose of the interview is to obtain the correct information in order to make the correct adjudication of the case. There are several system checks required, file(s) must be reviewed, and there may be a need to review applicable provisions of the law and precedent decisions, any or all of which may prevent completion at the time of the interview. In addition, the adjudicator must review submissions made at the time of an interview that may assist in resolving legal issues. If complex issues are involved, they may have to reach out to another agency, a supervisor, or consult with counsel.

Officers are to be fair, courteous, and patient without diminishing in any degree full and complete development of the material facts. The officer will make a decision when all pertinent issues have been resolved.

WPB supervisory staff is always available. If a member or customer is experiencing an issue with an officer or WPB staff member, they may request to speak to a supervisor at any time.

- c) Attorney Representation During Interview: Some members have reported incidents where they have been told by an officer/officers that they are not allowed to talk during an interview. This behavior is unprofessional and sometimes seems as a “scare tactic” used to intimate our clients. As advocates for our clients we are certainly allowed to discuss certain issues, specifically legal issues which may be present during the course of the interview pursuant to AFM Chapter 12.4 and previous agency memoranda. Can you please advise as to the specific position of your office with regards to what your office feels the role of counsel is during an interview, and what, if any, training has your office provided to officers on maintaining a professional relationship between attorneys and officers?

WPB follows USCIS policies regarding attorney representation during interviews, and our officers have been trained accordingly. Our officers have been reminded of agency policies on this issue. WPB supervisory staff is always available. If a member or customer is experiencing an issue with an officer or WPB staff member, they may request to speak to a supervisor at any time.

- d) A member reports that subsequent to an interview, according to your office, a petitioner withdrew Form I-130 but the attorney of record was never notified. The client was contacted subsequent to this, and said he never withdrew the petition. Similar topics have been raised before in past meetings, such as issue regarding attorneys of record not being notified of direct contact between officer and applicant/petitioner. Can you explain how your office handles requests to withdraw Form I-130, and why an attorney who has a properly filed G-28 would not receive such notification? Further can you describe what training, if any, has been given to officers about making sure that they do not contact applicants directly who are represented by counsel?

Where there is a properly executed G-28 on record, officers send an acknowledgment of withdrawal to the representative listed on the G-28 and to the petitioner. Officers have been reminded of agency policies on this issue.

## 7. NATURALIZATION N-648, MEDICAL CERTIFICATION

Members are still reporting issues with the way certain officers adjudicate this form which is not homogenous and greatly impacting un-represented individuals. It seems officers almost *always* issue a Request for Evidence on these cases no matter how detailed a doctor completes the form on cases relating to Dementia, Alzheimer’s or mental impairment caused by a psychological condition. One member reports that two local doctors (a neurologist and a psychologist) have expressed that they will no longer fill the form out for patients as they “do not understand what else immigration wants on the form” or “do not have time to re-do the form,” especially when they are not charging their patients for this service. The relevant guidelines have always cautioned adjudicators against requesting a

second medical certification unless absolutely necessary (*“Officers are instructed to use extreme restraint in exercising these options and should only do so when doubts remain...Officers should always remember that they are responsible for determining eligibility for naturalization not for making or rendering a medical determination.” Section 312 Disability Naturalization Adjudications: Supplemental Policy Guidance 3/12/97 P.10; Also See Guidance Clarifying the Adjudication of Form N-648, Donald Neufeld September 19, 2007*).

- a) Why is the CIS WPB office requiring applicants to obtain a second/more detailed Medical Certification when the one provided clearly states the applicant has a certifiable physical or mental impairment, such as Alzheimer’s or Dementia (verified by an MRI)?
- b) What type of training do officer’s receive on this subject? Specifically, what degree of discretion does an officer have in terms of finding that the Medical Professional did not elaborate on the “nexus” between the condition and the ability to meet the educational requirements? If a medical professional certifies and agrees that there is sufficient nexus then why are the officers questioning this finding?

The N-648 policy is continuously reviewed. Additionally, each rejected N-648 is reviewed by a supervisor. If you have a specific case that fits the example above, please submit it through the inquiry mailbox.

**8. FORMS I-131 & I-212 (FILED DIRECTLY WITH WPB CIS):**

What is the current processing times for I-131 Applications for Parole in Place for Spouses/Children/Parents of Military Members and for Forms I-212 Permission to Reapply for Admission After Order of Deportation Removal, filed in certain cases in advance of Form I-601A (under the expanded provisional waiver guidelines)? Both applications are filed directly with and adjudicated by the local field office, and some members report having such applications pending with the WPB Field Office for over 6 months. This answer should not refer to national processing times, as we are referring to the applications specifically processed by the local office.

Parole-in-place and Form I-212 applications are completed as expeditiously as possible. If you have filed one of these applications and have concerns with the time it is taking USCIS to adjudicate, we encourage you to send us a case status inquiry via the inquiry e-mailbox, following the inquiry mailbox submission guidelines. The inquiry will be forwarded to the appropriate personnel for response.

