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**Special Programs/Services and Miscellaneous Calls****Things to Know About Filing for Asylum****OVERVIEW**

Filing for refugee status is not the only special program option available to [foreign nationals](#) who have entered the United States. [Foreign nationals](#) may file for asylum if they wish to remain in the United States on a permanent basis. Filing [for asylum](#) allows [foreign nationals](#) to remain in the United States based on fear of persecution in their country of origin for one or more of the following factors:

- Race
- Religion
- Nationality
- Membership in a particular social group
- Political Opinion

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<b>Special Programs/Services and Miscellaneous Calls</b>
Things to Know About Filing for Asylum

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## Who can apply for Asylum?

***You may be able to apply for asylum status if you are:***

- Physically present in the United States or arriving at a port of entry to the United States; and
- Unable or unwilling to return to your country of nationality or, if stateless, country of last habitual residence on account of your race, religion, nationality, membership in a particular social group, or political opinion (including resistance to coercive population control measures).



Note:

***You can include a spouse and any unmarried children under age 21 who are physically present in the United States in your asylum application.***

You may file for asylum regardless of your immigration status in the United States. However, if you have been placed in proceedings in Immigration Court, you cannot apply with USCIS, you'll have to apply with the immigration court.

## When can I apply for Asylum?

**If you choose to file for asylum, you must file the application within 1 year of your last arrival into the United States unless you can demonstrate either:**

- Changed circumstances, which materially affect your eligibility for asylum, or
- Extraordinary circumstances relating to the delay in filing.

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**Are there differences in the application processes between filing with USCIS and filing with the immigration court?**

An asylum applicant may be classified as either an:


- **Affirmative Asylum Applicant – (applied with USCIS) or**
  - **Defensive Asylum Applicant – (applied with Immigration Court)**
- 

**Affirmative Asylum Process –**

- Asylum applicant, who has not been placed in removal proceedings, comes forward to USCIS apply for asylum. He or she has initiated the process.

**Defensive Asylum Process --**

- The U.S. government initiates action to remove an alien from the United States. An alien submits an asylum application as a defense against removal from the United States.
- An immigration judge adjudicates the asylum application.

 **Note:** In both the affirmative and defensive process, the applicant must meet the 1-year filing deadline described above, or show that an exception applies.

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**What is the process for Requesting Asylum at the Port of Entry?****Step 1**

Ask an Immigration Representative/United States Government Official "How do I apply for asylum?"

**Step 2**

An alien who seeks asylum:

- At a land border port of entry, waits in either Mexico or Canada for an asylum officer to adjudicate his/her asylum claim. If, however, the alien claims to fear harm in Canada or Mexico, the alien is placed into expedited removal, unless there are grounds of inadmissibility, meaning a credible fear hearing and maybe detained by the U.S. government at a facility in the United States.
- At an Airport: If the alien does not have valid documents or presents fraudulent documents and expresses a fear of harm or an intent to apply for asylum, the alien is placed in expedited removal, unless there are grounds of inadmissibility for a credible fear hearing and may be detained by the U.S. government at a facility in the United States.
- At a Seaport: A passenger or a stowaway who seeks asylum is placed in expedited removal for a credible fear hearing and is detained by the U.S. government at a facility in the United States. A crew member who seeks asylum presents his or her asylum claim to an immigration judge after an asylum application and an appropriate charging document (Form I-863, "Notice of Referral to Immigration Judge") have been served on the Immigration Court.

**If I'm outside the country, how do I seek Asylum?**

**If you are outside the United States, you would be seeking refugee status.** You should speak with an officer at the nearest United States Consulate or United States Embassy. The officer will advise you about the correct procedure to follow.

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### How do I apply for Asylum with USCIS?

To apply for asylum, the principal applicant must submit to USCIS Service Center that has jurisdiction over the applicant's place of residence the following:

- An original [Form I-589](#), which is completed in English and signed by the applicant and preparer, if any. An "original I-589" is a Form I-589 with the original signature plus any supplementary sheets and/or statements.
- Two (2) copies of the completed and signed Form I-589.
- One (1) passport-style photograph taken within 30 days of filing the Form I-589.
- One (1) Copy of All Passport Pages -If an applicant has a passport, he/she should submit one (1) copy of it cover to cover, along with the asylum application and bring the original to the asylum interview.
- The Asylum Division may provide language interpreters at the interview if the applicant requests a translator in advance.

### Do I need a translator to accompany me to my appointment or interview?

The Asylum Division may provide language interpreters at the interview if the applicant requests a translator in advance. If you are hearing impaired, USCIS may be able to provide sign language translators, if requested in advance. You may also bring your own translator with you, if he/she is able to certify that he/she can translate to and from English and your native language.

### Can my Child or other relative be my translator?

Unless it is an emergency situation, children and other immediate relatives should not be used as translators. Every attempt should be made to use a translator who is a disinterested third party. ***(Please note that local offices have the discretion to accept or reject any person as a translator).***

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**What about my Spouse and Children?**

The spouse and any child (under the age of 21 and unmarried) who is physically present in the United States may be included on the principal applicant's I-589 as a dependent derivative. If an applicant has a spouse or child in the U.S. who wants to be included as a dependent on the Form I-589, an applicant must also submit the following for each dependent:

1. One (1) additional copy of the principal applicant's original Form I-589.
2. One (1) passport-style photograph taken within 30 days of filing Form I-589.
3. Three (3) copies of a marriage certificate, if the dependent is a spouse.
4. Three (3) copies of a birth certificate, if the dependent is a child.

If a principal applicant does not have and is unable to obtain a marriage or birth certificate, he or she may submit three (3) copies of secondary evidence of relationship. Secondary evidence may include, but is not limited to, medical records, school records and religious documents. Affidavits or sworn statements may also be accepted.

**What if I don't appear for an interview?**

It is very important that you appear for the asylum interview if you are not in lawful immigration status. If you fail to appear for the asylum interview and the failure to appear is not excused, USCIS may refer the asylum application to an immigration judge in removal proceedings. If you cannot appear for the scheduled asylum interview, you should send a written request to the asylum office that has jurisdiction over the asylum application explaining the reason you cannot appear and requesting that the interview be rescheduled.

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### What happens when an application is referred to the Immigration Court?

An asylum applicant that has been referred to the Immigration Court by an asylum office will receive a new hearing on his or her claim to asylum by an immigration judge. The immigration judge hearing the case makes an independent determination on asylum eligibility and is not bound by the decision of the asylum office. The immigration judge may consider any evidence submitted to the asylum office.

If the immigration judge finds the applicant ineligible for asylum status, the applicant may appeal this decision to the Board of Immigration Appeals (BIA).

- If the applicant receives an oral decision from the judge, he/she must state in court if he/she wishes to appeal that decision.
- The immigration judge provides the applicant the appropriate appeal forms that must be filed within 30 days of the judge's decision.
- If the applicant receives a written decision, an available appeal rights will be specified on the decision form.
- The timely filing of an appeal allows the applicant to remain in the United States while the appeal is pending, and to apply for (or renew) employment authorization.
- Form EOIR-26

### Where can I find additional information?

The USCIS Asylum Division released a pamphlet entitled **Information Guide for Prospective Asylum Applicants**, which is intended to serve as a practical resource for potential asylum applicants. You may access this Guide by visiting our website at [www.uscis.gov/asylum](http://www.uscis.gov/asylum) and select the appropriate link on the right-hand side.

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**Special Programs/Services and Miscellaneous Calls****Employment Authorization While the Asylum Application is Pending**

An asylum applicant cannot file a Form I-765, "Application for Employment Authorization", unless at least 150 days have elapsed since the asylum applicant filed his or her asylum application, and the case is still pending. An asylum application is considered "pending" if the case meets any one of the following criteria:

- 150 days has passed and no decision has been made on the Form I-589
- After 150 days from the date it was filed, the Form I-589 was referred by the Asylum Office to the immigration court and has not yet been decided by an Immigration Judge
- After 150 days from the date it was filed, the Form I-589 was referred by an asylum officer and was then also denied by an Immigration Judge but the decision has been appealed and the appeal has not been decided.

If the applicant's case history meets any one of the above scenarios, he/she may file a Form I-765 under the (c)(8) category. There is no fee for the initial application.

**Important Notes:**

- **If an application for asylum is denied before 150 days from the date of filing the Form I-589, the asylum applicant is not eligible to file for employment authorization under the (c)(8) category on the Form I-765 at any time thereafter.**
- **If an application for asylum is denied before an application for employment authorization filed under the (c)(8) is decided, the employment authorization will be denied.**

***NOTE: E-filing may also be available for Form I-765.***

**How long does USCIS have to make a decision on the *initial* Form I-765?**

If filed appropriately, CIS must make a decision on the *initial* Form I-765 under the (c)(8) category within 30 days from the date it was received at the Service Center. Failure to adjudicate the initial (c)(8) Form I-765 within 30 days will render the applicant eligible to request an interim EAD from a USCIS local office.

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**Special Programs/Services and Miscellaneous Calls****Traveling Outside the U.S. While the Asylum Application is pending****Do I have to get a travel document before I leave the United States while my application for asylum is pending?**

Yes. If you leave the United States without first obtaining Advance Parole, your application for asylum **could be considered abandoned**.

**May I apply for a travel document to leave the United States and return while my application for asylum is pending?**

You may apply for advance parole while your asylum application is pending.

**What form do I use to apply for Advance Parole?**

The [Form I-131](#) is used to apply for Advance Parole.

**Once I have the Advance Parole document, can I travel to any country?**

An Advance Parole document allows you to re-enter the United States and continue to pursue your application for asylum. However, an applicant for asylum who leaves the United States with an advance parole document and returns to the country from which they are claiming persecution shall be presumed to have abandoned his or her application, unless the applicant is able to establish compelling reasons for such return.

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**Special Programs/Services and Miscellaneous Calls****Information for Victims of Human Trafficking****OVERVIEW**

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the “T” nonimmigrant category. The **T** nonimmigrant category is for a person who is or has been the victim of a severe form of trafficking in people. This is a unique category. It is designed to assist government law enforcement investigation and prosecution of crimes.

To be eligible, it must be shown that –

- the person is a victim of a severe form of trafficking in people, and is physically present because of such trafficking;
- the person has complied with any reasonable requests for assistance in the investigation or prosecution of acts of trafficking in persons, or is under the age of 15; and
- the person would suffer extreme hardship and unusual and severe harm upon removal.

The Trafficking Victims Protection Act of 2000 provides valuable assistance to persons who have been subjected to human trafficking. These services include interpreters, witness protection, and avenues by which these persons can lawfully remain in the United States, including the “T” nonimmigrant category. For more information about the “T” nonimmigrant category, [see Volume 4.4.1, Nonimmigrant Services](#).

***Also, for additional information, please contact your Federal Law Enforcement Agency such as ICE, the FBI or local Federal Law Enforcement Agency.***

The law regarding how a “T” nonimmigrant may be able to apply to adjust status to Permanent Resident may be found in the Immigration and Nationality Act, Section 245(l)(1).

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**Special Programs/Services and Miscellaneous Calls**

Information for Abused Spouses, Children, and Parents of U.S. Citizens or Permanent Residents; and Information for widow(er)s of deceased U.S. Citizens

**OVERVIEW**

**Information about VAWA:** The Violence Against Women Act (VAWA) and Battered Immigrant Women Protection Act of 2000 (BIWPA) provide battered alien spouses and children of U.S. citizens or Lawful Permanent Residents (LPR) eligibility to self-petition for lawful permanent residence. Eligibility is based on whether or not the marriage was legally terminated during the two-year period immediately preceding the filing of the self-petition due to extreme mental cruelty or battery. The Act also allows for an abused parent of a U.S. citizen son or daughter to self-petition for lawful permanent residence.

**Information about Widow(er)s:** Effective October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing widows or widowers of U.S. Citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary to qualify for permanent resident status. Additionally, the new law applies to any unmarried minor children of the widow(er).

**Information for Abused Spouses, Children, and Parents of U.S. Citizens or Permanent Residents - FAQs**

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- [My abusive wife/husband filed an I-130 on my behalf. What happens to my application now?](#)
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**Information for Widow(er)s of Deceased U.S. Citizens - FAQs**

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- [How will USCIS know whether this new law applies to my specific case?](#)
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- [What if my Form I-130 was already approved before my U.S. Citizen spouse passed away?](#)
- [What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?](#)
- [If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow\(er\)?](#)
- [Where do I file Form I-360, Petition for Amerasian, Widow\(er\), or Special Immigrant?](#)
- [What about the minor children of the widow\(er\)?](#)
- [I previously filed Form I-360 to obtain deferred action as a widow\(er\). What happens to that Form I-360?](#)
- [The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow\(er\)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?](#)
- [Does it make a difference whether my children had a Form I-360 filed on their behalf?](#)


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**General Information on Self-Petitioning as an Abused Spouse, Child, or Parent**


**Who is eligible to self-petition as an abused spouse, child, or parent?**

*You may be able to apply for self-petition if you are:*


- If you are a battered spouse of a U.S. Citizen or lawful permanent resident

 Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

- If you are a battered child (under 21 and unmarried) who has been abused by your U.S. citizen or lawful permanent resident parent.

 Note: **You may include all of your unmarried children under the age of 21 on your petition as derivative beneficiaries as long as they have not filed their own self-petition.**

- If you are the parent, stepparent, or adoptive parent of a child who has been abused by your U.S. citizen or lawful permanent resident spouse.

 Note: **All children, abused or non-abused may be included in your self-petition as long as they have not filed their own self-petition.**

- If you are the battered parent, stepparent, or adoptive parent of a U.S. citizen son or daughter.

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**What are the basic requirements?**

If you choose to file a VAWA self-petition application, you must meet the following basic requirements:

***For a self-petitioning spouse:***

- Must be legally married to the U.S. citizen or lawful permanent resident batterer.
  - A self-petition may be filed if the self-petitioner believed the marriage was legally valid, but the marriage was not legitimate solely because of the bigamy of the abusive spouse.
  - A self-petition may be filed if the marriage was terminated by the abusive spouse's death within the two years prior to filing.
  - A self-petition may also be filed if the marriage to the abusive spouse was terminated, within the two years prior to filing, by divorce related to the abuse.
  - A self-petition may also be filed if the abusive spouse lost or renounced citizenship or LPR status within the two years prior to filing due to an incident of domestic violence.
  - Common Law marriage: If the place or state where the marriage took place recognizes the common law marriage as valid, then it is valid for immigration purposes, but proof of the marriage in the form of a marriage certificate must be presented to USCIS or Consulate Office.
- Must have entered into the marriage to the U.S. citizen or lawful permanent resident in good faith.
- Must have been battered or subjected to extreme cruelty during the marriage, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident spouse during the marriage.
  - Must have been battered or subjected to extreme cruelty in the United States unless the abusive spouse is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR spouse.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

**Answer continues on next page.**

***For a self-petitioning child or parent of an abused child:***

- Must qualify either as the child of the abuser, as defined in the INA for immigration purposes, or as the parent of the abused child.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent, or must be the parent of a child who was battered or subjected to extreme cruelty by the U.S. citizen or lawful permanent resident parent.
  - Must have been battered or subjected to extreme cruelty in the United States unless the abusive parent is an employee of the United States government or a member of the uniformed services of the United States.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen or LPR parent.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

***For a self-petitioning parent:***

- Must qualify as the parent of a U.S. citizen son or daughter.
  - A self-petition may be filed if the abusive U.S. citizen son or daughter lost or renounced citizenship status related to an incident of domestic violence or died within the two years prior to filing.
- Must have been battered or subjected to extreme cruelty by the U.S. citizen son or daughter.
- Is required to be a person of good moral character.
- Must have resided with the U.S. citizen son or daughter.

To establish all of these eligibility criteria, any relevant credible evidence will be considered.

## How Do I Apply for Benefits?

You can apply for benefits by filing [Form I-360](#): Petition for Amerasian, Widow (er), or Special Immigrant, with all supporting documents and appropriate fees:

### What is the Process?

#### *Notice of Receipt*

After you have filed your VAWA self-petition, you will receive an acknowledgement or Notice of Receipt within a few weeks after mailing the application to USCIS.

#### *Once the Self-Petition is approved*

If Form I-360 is approved, USCIS has the option of placing you in deferred action. This occurs if you, the self-petitioner, do not have a legal status in the United States. During these proceedings, USCIS will defer (or delay) any removal proceedings.

#### *How do I get Employment Authorization?*

Once your Form I-360 is approved and you receive deferred action, you then become eligible to apply for an Employment Authorization Document.

- File the Form I-765 (Application for Employment Authorization) with the Vermont Service Center.
- Indicate on the Form I-765 that you are seeking employment authorization according to 8 CFR 274a.12(c)(14).
- You must include the required photos, proper fee or waiver,
- You must sign the application (Form I-765),
- You must reside in the United States,
- You must include a copy of the Form I-360 approval notice with your employment application.

**Note: If you have already received your permanent resident card you do not need to file Form I-765.**

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**How Do I Adjust to Permanent Resident Status?**

- If you are an immediate relative of a U.S. citizen, you do not have to wait for an immigrant visa number to become available. You may concurrently file the USCIS Form I-485 (Application to Register Permanent Residence or Adjust Status) with the Form I-360 VAWA self-petition filed with the Vermont Service Center. If you file Form I-485 after your VAWA self-petition is approved, submit your Form I-485 along with your Form I-360 approval notice to the USCIS Lockbox Facility.
- If you do need a visa number to adjust to permanent resident status, you must wait for the visa number before filing the Form I-485.

**Do I have to pay any penalty fees if I am self-petitioning?**

No, penalty fees are only assessed aliens apply for adjustment of status under INA section 245(i). VAWA self-petitioners are eligible to adjust of status under section 245(a).

**My Application was denied. Can I file an appeal?**

If your application is denied, the denial letter will tell you how to appeal. Generally, you may file a Notice of Appeal along with the required fee within 33 days of receiving the denial. Once the fee is collected and the form is processed, the appeal will be referred to the Administrative Appeals Office.

**Can Anyone Help Me?**

Yes, please contact The Victims of Domestic Violence Hotline at 1-800-799-7233 or 1-800-787-3224(TDD) for information about shelters, mental health care, legal advice and other types of assistance, including information about self-petitioning for immigration status.

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**Can a divorced spouse seek relief through self-petitioning?**

Under current law, effective since October 28, 2000, you can self-petition as long as your marriage was terminated within two years of the filing of a VAWA self-petition (see Chapter 2 for further information regarding divorce and applying for self-petition). If you do not qualify under this section, you may be eligible for cancellation of removal under section 240A(b)(2) of the INA. You must meet the other requirements including having been physically present in the United States for 3 years immediately preceding the filing of the application for cancellation of removal and demonstrating extreme hardship upon removal.

- A self-petition will also be denied if the applicant remarries before the VAWA self-petition is approved.

**Can a man self-petition under the Violence Against Women Act?**

Yes, you may self-petition. The provisions for the application apply to victims of either sex.

**My abusive husband/wife filed an I-130 on my behalf. What happens to my application now?**

You can transfer the priority date established for the I-130 to the I-360 self-petition application. It is important to understand that this results in a shorter waiting time if you are waiting for a visa number.

**What do I need to do if I am a Conditional Resident and I am a battered spouse or child of a U.S. citizen or Lawful Permanent Resident?**

Normally, conditional residents must file to remove the conditions up to 90 days prior to the expiration of the Conditional Permanent Resident Card. However, if you are filing a waiver of the joint filing requirement because of abuse or extreme cruelty, you may file to remove the conditions even after the expiration of the Conditional Permanent Resident Card. You should file the USCIS Form I-751 (Petition to Remove the Conditions on Residence) with all relevant evidence as specified in the form's instructions.

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## **Information for Widow(er)s of Deceased U.S. Citizens – FAQs**

### **What is the effect of the new law upon widow(er)s of deceased U.S. Citizens and their children?**

On October 28, 2009, the President signed the FY2010 DHS Appropriations Act into law, allowing eligible widows or widowers of U.S. citizens to qualify for permanent resident status regardless of how long the couple was married. The new law removes the two-year marriage requirement previously necessary for a widow(er) to qualify for permanent resident status as an immediate relative of his or her late U.S. citizen spouse. Additionally, when a widow(er) qualifies as an immediate relative under the law, his or her unmarried minor children will also qualify for the same status. The law applies equally to widow(er)s living abroad, who are seeking immigrant visas, and to widow(er)s in the United States, who want to become permanent residents based on their marriage.

The new law only affects the ability of a widow(er) to file for permanent resident status as an immediate relative of their deceased U.S. Citizen spouse. All other requirements to obtain a visa remain in force. Specifically, the widow(er) must still establish that:

- He or she was the citizen's legal spouse.
- The marriage was bona fide and not an arrangement solely to confer immigration benefits to the beneficiary.
- He or she has not remarried.
- He or she is admissible as an immigrant.
- In an adjustment of status case, that he or she meets all other adjustment eligibility requirements and merits a favorable exercise of discretion.

### **I had a pending Form I-130 when my spouse passed away and would like to find out if I can continue on some type of special program**

As of October 28, 2009, any pending Form I-130 that was filed on a widow(er)'s behalf prior to the citizen spouse's death will automatically convert to a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, so long as, on the date of the citizen spouse's death, they qualified as an immediate relative. Eligibility for classification as an immediate relative ceases if the widow(er) has remarried.

Additionally, any Form I-130 that has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death is reopened for a new decision. USCIS will identify those cases that are the subject of litigation that were pending on October 28, 2009. Once a case is identified, USCIS will notify the widow(er) in writing that their Form I-130 has been reopened and adjudicated as a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant.

### **If I had a pending Form I-130, how do I find out if my petition has been converted to a Form I-360?**

Your Form I-130 will automatically convert to a widow(er)'s Form I-360. USCIS will adjudicate your converted I-360 and notify you with a decision. If your case has been the subject of litigation in any Federal court on the issue of the effect of the petitioner's death on your Form I-130, you will receive notification from USCIS that the Form I-130 has been reopened.

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**How will USCIS know whether this new law applies to my specific case?**

If you are a named plaintiff in a court case challenging the denial of your spouse's Form I-130, USCIS already knows about your case because of the lawsuit. If your spouse's Form I-130 remains pending before USCIS, USCIS may not be aware of your spouse's death. In this situation, you should write to the USCIS office where your case is pending, with a copy of your filing receipt showing the USCIS receipt number, any other notice issued in your case, and a copy of your spouse's death certificate.

**What happens if I remained in the U.S. after my U.S. Citizen spouse passed away, while awaiting a decision on my Form I-130?**

Generally, if a widow(er) remained in the United States after the U.S. citizen petitioner passed away, while awaiting the outcome of Form I-130 that can now be approved as a Form I-360, they will be deemed not to have accrued any unlawful presence as a matter of policy. This protection applies only to widow(er)s who had a Form I-130 pending before USCIS, the Board of Immigration Appeals, or the courts on October 28, 2009, but applies even if the widow(er) was not in a lawful status while the now-converted Form I-360 was pending. If your spouse never filed a Form I-130 for you, you may file a Form I-360 within the applicable filing period, but the new filing will not affect any unlawful presence you already have accrued.

**What if my Form I-130 was already approved before my U.S. Citizen spouse passed away?**

If the Form I-130 was approved before the U.S. citizen petitioner's death, it will automatically convert to an approved I-360. Unmarried minor children of the widow(er) will also be eligible to seek an immigrant visa or adjustment of status based on the approved Form I-360.

**What if I had a pending Form I-485 when my U.S. Citizen spouse passed away?**

If USCIS has jurisdiction to act on a Form I-485, Application to Register Permanent Residence or Adjust Status, that is the subject of litigation on this issue in any Federal court, USCIS will notify applicants in writing that their Form I-485 has been reopened. If the widow(er) entered the United States as a K-1 nonimmigrant and filed an I-485 after marrying the deceased U.S. citizen, he or she will be deemed the beneficiary of a Form I-360 Widow(er) petition. If a widow(er) with an approved Form I-130 and a pending Form I-485 left the United States voluntarily after his or her petitioning U.S. citizen spouse died, and thus "abandoned" his or her adjustment application, the approved Form I-130 is converted to an approved Form I-360, so that the widow(er) may apply for an immigrant visa abroad.

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**If my U.S. Citizen spouse has passed away and I do not have a petition pending with USCIS, how do I obtain status as a widow(er)?**

If your U.S. citizen spouse died on or after October 28, 2009, you will have two years from the date of the citizen spouse's death to file a Form I-360 petition. If your U.S. citizen spouse died before October 28, 2009, and you did not have a Form I-130 pending on October 28, 2009, you have until October 28, 2011, to file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, for you and your unmarried minor children.

**Where do I file Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant?**

Currently, USCIS requires that applicants who are submitting a Form I-360 as a widow(er) must file the form with the Vermont Service Center along with the supporting evidence and fees specified in the Form I-360 instructions. The Form I-360 and filing instructions can be found at the USCIS website, under the "Forms" link.

**What about the minor children of the widow(er)?**

The child of a widow(er) whose Form I-360 is approved may be included in the widow(er)'s petition as long as they meet the definition for "child" under the Immigration and Nationality Act. Where the deceased citizen filed a Form I-130 for his or her spouse that was pending at the time of his or her death, and the Form I-130 can now be adjudicated as a Form I-360 petition, the child(ren) of the widow(er) will be included in the Form I-360. An individual qualifies as the "child" of a widow(er) depending on their age when the visa petition was filed. For those cases that were pending on October 28, 2009, the Form I-360 filing date is the date on which the deceased citizen filed the prior Form I-130. If a widow(er) has an unmarried son or daughter who was under 21 when the deceased citizen filed the Form I-130, that individual will still be considered under 21 for purposes of the widow(er)'s Form I-360.

**I previously filed Form I-360 to obtain deferred action as a widow(er). What happens to that Form I-360?**

If you were already granted deferred action, and received an employment authorization document on that basis, USCIS will not terminate your deferred action or your EAD. Now that Congress has enacted the new legislation, any Form I-360 that was filed to obtain deferred action and has not yet been adjudicated as a deferred action request will now be considered to be an I-360 widow(er)s petition. If your prior I-360 was already approved as a deferred action request, USCIS will, on its own motion, reopen your Form I-360 and adjudicate it as an I-360 widow(er) petition. It will not be necessary for you to file a formal motion or to pay a new Form I-360 filing fee.

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**The deferred action guidance said I could obtain employment authorization if my deferred action Form I-360 was approved. If my deferred action Form I-360 is now considered a widow(er)'s visa petition, does that mean I can apply for employment authorization before my Form I-360 is approved?**

If you filed a Form I-360 as a deferred action request, you are still in the U.S. and your Form I-360 now qualifies as a widow(er)'s visa petition, the filing of an adjustment application (Form I-485), with the required filing fee will make it possible for you to file a Form I-765 to apply for employment authorization based on the pending Form I-485.

**Does it make a difference whether my children had a Form I-360 filed on their behalf?**

A child who was listed on your Form I-130 can be included on your converted I-360, regardless of whether your child was the beneficiary of his or her own Form I-130.

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**Special Programs/Services and Miscellaneous Calls****Information about the Diversity Visa Program****OVERVIEW**

The Diversity Visa Program is a visa lottery program through the Immigration Act of 1990 that provides another opportunity for aliens to gain lawful entry into the United States. Applicants are selected at random during a predetermined selection period.

[How do I File an Application for the Diversity Visa Program?](#)

[Can I Apply for Adjustment of Status based on Selection in the Diversity Visa Lottery?](#)

[Can I get Information About Scams or Fraud in the Diversity Visa Program?](#)

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**Can I Apply for Adjustment of Status based on Selection in the Diversity Visa Lottery?**

If you are present in the United States in a valid nonimmigrant status and are planning to seek adjustment of status to that of a lawful permanent resident based on your selection in the diversity visa (DV) program, you may submit an adjustment of status application. For information on the fee and where to file go to the USCIS web site at [www.uscis.gov](http://www.uscis.gov) and select the Immigration Forms link.

The Department of State advised USCIS that each month it would provide the cut-off numbers for the Diversity Immigrant category 90 days in advance. This advance notice is being provided to allow USCIS additional time to process the background checks for DV applicants. USCIS will not accept adjustment of status applications until the beginning of the DV program year on October 1. Applications for adjustment of status filed under the DV program may be accepted for processing any time during the 90-day period preceding the cut-off date provided in the Visa Bulletin. You must present your receipt or other satisfactory proof of payment (canceled check) for the diversity processing fee to USCIS at the time of your adjustment interview.

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<b>Special Programs/Services and Miscellaneous Calls</b>
Information about Class Action Lawsuits against USCIS

**OVERVIEW**

The following information is presented for those individuals who are part of various class action lawsuits against USCIS or its predecessor agency.

[USCIS Settlement Notices and Agreements](#)

[Information concerning the Santillán Class Action](#)

[Key terms about the Santillán Settlement Agreement](#)

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**Key terms about the Santillán Settlement Agreement**

- The class action lawsuit Santillan, et al. v. Mukasey, et al., No. C 04-2686 MPH (Santillán) was filed on July 6, 2004, to challenge alleged delays by USCIS in issuing documentation of status (e.g., a Permanent Resident Card (Form I-551) or green card, or a temporary document) to individuals who had been granted, or would be granted, LPR status by immigration judges or by the BIA. The effective date of the agreement was July 22, 2008, the date that the district court approved it and vacated its earlier permanent injunction. The duration of the settlement agreement will be for 2 years from the effective date.
- The key terms of the settlement agreement provide that any class member who is granted adjustment to LPR status in Immigration Court or BIA proceedings will be given a written description of the procedures for obtaining documentation of status. Except in certain cases involving national security or public safety, USCIS will issue each class member his or her Permanent Resident Card (Form I-551) within thirty (30) business days of the class member's attendance at an appropriately scheduled appointment at the local USCIS office, unless biometrics are required. Where biometrics are required, USCIS will provide an appointment at a USCIS Application Support Center within 15 days, and the Permanent Resident Card will be produced within 15 business days of that appointment. In certain emergency travel and work circumstances, a class member may seek issuance of temporary status documentation. DHS may withhold documentation of LPR status from a class member beyond any of the time periods stated in the agreement, where Defendants possess specific and particular information that the class member may be a risk to national security or public safety. However, any such decision to withhold documentation must be certified in writing by the USCIS Director or Deputy Director.
- **Aliens contacting the National Point of Contact or National Customer Service Center with an inquiry about delay documentation:** The settlement agreement provides that class members who have complied with their obligations under the settlement agreement but have not received LPR status documentation within the times limit prescribed above may notify a national point of contact (POC) at the HQ Field Operations at a dedicated email address, specifically [citrix.coir@dhs.gov](mailto:citrix.coir@dhs.gov). If a class member cannot contact the POC via e-mail, he or she may call the National Customer Service Center.  
**Note: Callers who identify themselves as class members asking about delayed documentation shall be transferred to Tier 2.** The Immigration Information Officer (IIO) at Tier 2 shall collect the class member information described below and e-mail to the National POC e-mail address.
- When contacting the POC, the class member (or his or her representative) must include:
  - Class member's name;
  - Class member's A number;
  - Class member's date of birth;
  - Class member's address;
  - Date EOIR order became final;
  - Type of relief granted;
  - Location of USCIS where class member attended InfoPass appointment(s)
  - Date of InfoPass appointments(s) and ASC appointments(s) (if applicable); and
  - Any other information or documentation regarding the class member's efforts to obtain LPR status.

*Continued on next page*

- Copies of the settlement may be obtained from: 1) The USCIS website at [www.uscis.gov](http://www.uscis.gov) (from the homepage, select “Laws” and then select “Legal Settlement Notices”); 2) the EOIR website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir); or 3) the ICE website at [www.ice.gov](http://www.ice.gov). Copies are also being distributed to immigration assistance providers listed on the EOIR Roster of Recognized Organizations and Accredited Representatives (see 8 C.F.R. §§ 292 and 1292); and to immigration assistance providers listed on the Pro Bono Program section of the EOIR website.

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## Special Programs/Services and Miscellaneous Calls

### Filing for Permanent Resident Status Under Special Conditions

#### OVERVIEW

USCIS provides resources by which aliens from a variety of countries may gain permanent resident status through special conditions. This includes "Special Immigrant" status, among others. Using the information below, you can find the special conditions to be eligible to apply.

- [Immigration through Investment](#)
- [Immigration through the Legal Immigration Family Equity Act \(LIFE\)](#)
- [Immigration through "The Registry" Provision of the Immigration and Nationality Act](#)
- [Immigration as a "Special Immigrant"](#)
- [Immigration Benefits Granted by the Immigration Court](#)
- Immigration through Country-Specific Adjustment
  - [Immigration through the Cuban Adjustment Act](#)
  - [Immigration through the Haitian Refugee Immigration Fairness Act of 1998 \(HRIFA\)](#)
  - [Immigration through the Nicaraguan Adjustment and Central American Relief ACT \(NACARA\)](#)
  - [Immigration for Eligible Individuals from Vietnam, Cambodia, Laos](#)

#### FAQ Regarding Special Immigrant Juvenile Perez-Olano Settlement

- [What is the Special Immigrant Juvenile Perez-Olano Settlement?](#)
- [Who are considered class members?](#)
- [How long is this Perez-Olano Settlement Agreement in effect?](#)
- [How do I request to reopen my case under the Settlement Agreement?](#)
- [Can I request a fee waiver?](#)
- [My case was denied when I was under 21, but currently I am over 21. Am I eligible to file Form I-290B?](#)
- [What would happen if my Motion to Re-open is granted?](#)
- [What if USCIS denied my Motion to Reopen?](#)
- [Where can I find these Specific Settlement Agreement filing instructions?](#)
- [I am a Special Immigrant Juvenile, what form do I need to file to adjust status?](#)

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**What is the Special Immigrant Juvenile Perez-Olano Settlement?**

Perez-Olano v. Holder is a class-action lawsuit filed on behalf of juvenile aliens who may have been eligible for Special Immigrant Juvenile (SIJ) status or SIJ-based adjustment of status because they were abused, abandoned, or neglected.

**Who are considered class members?**

A- All aliens including, but not limited to, Special Immigrant Juveniles who, on or after May 13, 2005, apply or applied for Special Immigrant Juvenile status or Special Immigrant Juvenile-based Adjustment of Status based upon their alleged Special Immigrant Juvenile eligibility.

**How long is this Perez-Olano Settlement Agreement in effect?**

The settlement agreement is effective from December 14, 2010 until December 13, 2016.

**How do I request to reopen my case under the Settlement Agreement?**

Class members can file the Form I-290B, Notice of Appeal or Motion with the appropriate fee or fee waiver (I-912) and mail it to:

Applicants filing under the Perez-Olano Settlement Agreement (POSA):

For U.S. Postal Service (USPS) deliveries, use the following address:

USCIS  
P.O. Box 5510  
Chicago, IL 60680-5510

**For private courier (non-USPS) deliveries, use the following address:**

USCIS  
Attn: POSA  
131 South Dearborn – 3rd Floor  
Chicago, IL 60603-5517

**Can I request a fee waiver?**

You may file Form I-912 request for a Fee Waiver with supporting documents in conjunction with the Form I-290B Notice of Appeal or Motion.

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**My case was denied when I was under 21, but currently I am over 21. Am I eligible to file Form I-290B?**

Yes, you may file Form I-290B, Notice of Appeal or Motion if your SIJ petition or SIJ-based application for adjustment of status was denied or revoked if:

- The I-360 or SIJ-based I-485 was denied or revoked on or after May 13, 2005
- For reasons related to age-out, dependency age-out, or specific consent; and
- Re-adjudication will only be with respect to age eligibility and specific consent.

**What would happen if my Motion to Re-open is granted?**

The immigration service officer will then re-adjudicate the Form I-360 in accordance with the settlement agreement

**What if USCIS denied my Motion to Reopen?**

If the Motion to Reopen is denied you may appeal to the Administrative Appeals Office.

**Where can I find these Specific Settlement Agreement filing instructions?**

These Specific Settlement Agreement filing instructions are posted on the landing page of the Form I-290B, Notice of Appeal or Motion -at [www.uscis.gov](http://www.uscis.gov).

**I am a Special Immigrant Juvenile, what form do I need to file to adjust status?**

You may file Form I-360 in conjunction with Form I-485, or file Form I-485 after your petition for Special Immigrant Juvenile status (Form I-360) has been approved. You will need to submit other required documents when you submit your SIJ-based Form I-485. For further information regarding Forms please visit [www.uscis.gov](http://www.uscis.gov)

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**Special Programs/Services and Miscellaneous Calls****Humanitarian Parole****OVERVIEW**

Humanitarian Parole is used sparingly to bring someone who is otherwise inadmissible into the U.S. for a temporary period of time due to a compelling emergency. USCIS may grant parole temporarily to anyone applying for admission into the U.S. based on urgent humanitarian reasons or if there is a significant public benefit for a period of time that corresponds with the length of the emergency or humanitarian situation.

**Where can I get more information about humanitarian parole?**

Please visit our website at [www.uscis.gov](http://www.uscis.gov) and select the “Humanitarian Parole” link under the heading “Humanitarian”.

**Frequently Asked Questions about the end of the Lautenberg category parole program in Moscow****Is there a deadline to obtain parole as a Lautenberg category member seeking parole into the United States from Moscow?**

Yes. USCIS will no longer be offering parole to Lautenberg category members who were denied refugee status in Moscow. If you have been offered parole by USCIS in Moscow, you must make plans to arrive in the U.S. by September 30, 2011.

**Why has USCIS stopped authorizing parole to this group of individuals?**

Parole allows a person to enter the United States but does not provide a path to permanent immigration status. Because the provision in the Lautenberg Amendment that allows adjustment of status to lawful permanent resident status for denied refugee applicants who are paroled will expire Sept. 30, 2011, USCIS will not continue to offer parole to persons who are not eligible to adjust their status.

**What happens to someone who is denied refugee status and is not authorized parole?**

If you are denied refugee status and not offered parole, you may submit a Request for Review of your denied refugee case. You may submit only one request. For more information on the Request for Review process, see our [Request for Review Tip Sheet](#). A person wishing to immigrate to the United States may have other immigration options. Please refer to our website at [www.uscis.gov](http://www.uscis.gov) for information on these options.

**FAQs continue on next page.**

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**What if I have been authorized parole as a Lautenberg category member, but I have not traveled to the U.S.?**

Individuals authorized parole cannot travel to the United States until they have submitted the required affidavits of support and medical clearances, and USCIS has received the results of all security background checks. If you were authorized parole prior to the end of this program, but have not yet traveled to the United States, you will receive a notice of what steps you still need to complete before you can travel, including any security checks. If you have been authorized parole by USCIS you must complete this process, make travel arrangements and enter the United States no later than Sept. 30, 2011. Your parole into the United States will not be authorized after that date.

**I was authorized parole earlier this year but did not submit a Request for Review (RFR) because I intended to travel to the United States with parole authorization. However, I am not able to travel to the United States by Sept. 30, 2011. May I file a Request for Review even though it is past the 90-day window for filing?**

Yes, you have 90 days from the date of this notice to submit a Request for Review of your denied refugee case.

**What if there has been a change to my family circumstance since the interview, such as a new baby or my child has turned 21 years of age?**

If there has been a change to your family circumstance since the time of your USCIS interview, please contact the International Organization for Migration (IOM) immediately to determine if this affects your authorization for parole. Please refer to the next FAQ for contact information.

**Who should I contact if I have questions or problems concerning my case or the process I need to complete to travel?**

You may contact the International Organization for Migration, located at 2-aya Zvenigorodskaya ul., Dom 12, Moscow, Russia 123100, [MoscowUSRAP@iom.int](mailto:MoscowUSRAP@iom.int), Tel.: +7 (495) 797-8721, Fax: +7 (495) 253-3522. You may also inquire at USCIS in person from 1 to 4 p.m. weekdays, excluding holidays. We are located in the U.S. Embassy at Bolshoi Devyatinsky, Pereluk 8, 121099, Moscow, Russia. You may also reach us by email at [Moscow.dhs@dhs.gov](mailto:Moscow.dhs@dhs.gov).

**What if I am having trouble obtaining the Affidavit of Support from a sponsor in the United States?**

USCIS strongly suggests you obtain your Affidavit of Support on or before Aug. 31, 2011. If you do not obtain the Affidavit of Support by that date, USCIS cannot ensure you will have enough time to complete the other required steps to allow you to travel and enter the United States by Sept. 30, 2011.

**Where can I get further information about the end of the parole program in Moscow?**

Please refer to our July 2011 [Questions and Answers](#) posted on our website at [www.uscis.gov](http://www.uscis.gov) under the "News" link.

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**Special Programs/Services and Miscellaneous Calls****Commonwealth of the Northern Mariana Islands (CNMI)****OVERVIEW**

On May 8, 2008, the Consolidated Natural Resources Act (CNRA) was signed into law. The CNRA extends most provisions of U.S. immigration law to the Commonwealth of the Northern Mariana Islands (the CNMI) for the first time in history. The transition period for implementation of U.S. immigration law in the CNMI began on November 28, 2009, and is scheduled to end on December 31, 2014.

**CNMI E-2 Investor Status**

For information about the new E-2 CNMI Investor nonimmigrant visa classification, please visit our homepage at [www.uscis.gov](http://www.uscis.gov) and select the “News” link and then select the “Questions and Answers” link on the left-hand side and select the CNMI E-2 information under December 2010. [Information about CNMI E-2 Nonimmigrant Status](#)

**Parole**

For information about Parole for Certain Aliens in the CNMI, please visit our website at [www.uscis.gov](http://www.uscis.gov) and select the “News” link and then select the “Questions and Answers” link on the left-hand side and select the Parole information under November 2009. [Information about Parole for Certain Aliens in the CNMI](#)

**Employment Authorization and Verification (for those with umbrella permits)**

For information about Employment Authorization and Verification in the CNMI for those with umbrella permits, please visit our website at [www.uscis.gov](http://www.uscis.gov) and select the “News” link and then select the “Questions and Answers” link on the left-hand side and select the Employment Authorization and Verification information under March 2010. [Information about Employment Authorization and Verification](#)

**Foreign Nationals whose work permits expire before CNMI-only visa categories are available (for those without umbrella permits)**

For information about what foreign nationals without umbrella permits should do if their work permits expire before the CNMI visa categories become available, please visit our website at [www.uscis.gov](http://www.uscis.gov) and select the “News” link and then select the information about work permits under April 2010. [Information for Foreign Nationals whose work permits expire before CNMI-only visa categories are available](#)

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**Special Programs/Services and Miscellaneous Calls****Haitian Relief Measures****OVERVIEW**

USCIS is committed to the effort to assist in the recovery from the earthquake that struck on January 12, 2010 and has announced temporary relief measures that will be made available to those individuals who are unable to return to their home country or are currently traveling in the United States due to the destruction and humanitarian crisis in Haiti.

**Frequently Asked Questions**

- [What is the Help HAITI Act of 2010?](#)
- [What temporary relief measures will USCIS make available to Haitian nationals in response to the earthquake devastating that country?](#)
- [Who will be eligible for temporary relief?](#)
- [I am a Haitian national, currently I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national, I was granted advance parole to travel outside of the United States. I cannot return to the US from Haiti due to the earthquake and my allowed time is expiring or about to expire. What are my options?](#)
- [I am a Haitian national student currently enrolled in school in the US; due to the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?](#)
- [I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?](#)
- [I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the earthquake in Haiti. What are my options?](#)
- [I am a Haitian national; I have lost my resident status documents due to the earthquake in Haiti. What are my options?](#)
- [I am a Haitian national; I am in removal proceedings and cannot leave due to the earthquake in Haiti. What are my options?](#)
- [If a person from Haiti is out-of-status, will this person be eligible for any relief?](#)
- [Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and return to the U.S.?](#)

FAQs continue on next page

- [Is USCIS/DHS going to grant Temporary Protected Status to Haitian nationals?](#)
- [Can an applicant for adjustment-of-status \(Form I-485\) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?](#)
- [Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?](#)
- [I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?](#)

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**What is the Help HAITI Act of 2010?**

The Help HAITI Act of 2010 allows certain Haitian orphans paroled into the United States to become permanent residents. Applications for permanent residence under this law may be filed any time on or before December 9, 2013. To be eligible for permanent residence under the Help HAITI Act of 2010, the orphan must have been inspected and granted parole into the United States under the humanitarian parole policy announced by the Secretary of Homeland Security on January 18, 2010. To apply, Form I-485 must be submitted with fee, along with Form I-693; a copy of the I-94 that was received upon parole and evidence of identity and nationality. For more information and filing instructions, please visit the USCIS website: [www.uscis.gov](http://www.uscis.gov) and read the [Help HAITI Act of 2010](#). You may also call 877-424-8374 or email [NBC.adoptions@dhs.gov](mailto:NBC.adoptions@dhs.gov).

**What temporary relief measures will USCIS make available to Haitian nationals in response to the earthquake devastating that country?**

Temporary relief measures available to nationals of Haiti include favorable adjudication, where possible, of requests for change or extension of nonimmigrant status, acceptance of applications for change or extension of nonimmigrant status submitted after the alien's authorized period of admission has expired, re-parole of aliens granted parole by USCIS, extension of certain grants of advance parole, expedited processing of advance parole requests, favorable and expedited adjudication, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students, expedited processing of immigrant petitions for children of U.S. citizens and lawful permanent residents (LPRs), issuance of employment authorization where appropriate and assistance to LPRs stranded overseas without documents.

**Who will be eligible for temporary relief?**

All nationals of Haiti with current immigration benefits or benefit applications pending with USCIS will be eligible for temporary relief.

**I am a Haitian national, currently I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?**

Aliens wishing to change or extend their nonimmigrant status must submit an application, per existing standards, and submit evidence establishing that their inability to return to Haiti prior to the expiration of their authorized period of admission was due to the events of January 12, 2010.

**Change or Extension of Nonimmigrant Status:**

- USCIS will implement procedures to adjudicate favorably where possible applications for change or extension of nonimmigrant status following the expiration of an applicant's period of admission.
  - Form I-539 applications currently in process and newly filed applications for Haitian nationals for immediate processing.
  - B visa non-immigrant visitors can apply for an additional six month extension. All other nonimmigrant aliens must continue to meet existing criteria for change or extension of status.
  - In cases where an alien is no longer able to extend his or her current nonimmigrant status, favorable consideration should be given to requests for change of status to B-1 or B-2.

**Employment Authorization:**

- Certain nonimmigrant classifications are not permitted to apply for or receive employment authorization. Nonimmigrant visitors, for instance, would not be granted work authorization.

**I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?**

A Haitian national who has already been paroled into the U.S., may apply to extend the period of parole. If an alien presents a genuine, expired or unexpired Form I-94, which contains an expiration date of January 12, 2010 or later, and the alien demonstrates that he or she was or is prevented from returning to Haiti prior to the expiration of his or her parole as a direct result of the earthquake, he or she may file for re-parole. The length of the extension is at the Director's discretion but normally should not exceed 6 months.

**Re-parole Affected Parolees:**

- Aliens may file for re-parole at the USCIS District office with jurisdiction over their current place of residence in the U.S.: [USCIS Office Locations](#)

**Employment Authorization:**

- Parolees in the U.S. may apply for employment authorization. For how to apply, please refer to the instructions on the [Form I-765](#).

**I am a Haitian national, I was granted advance parole to travel outside of the United States. I cannot return to the US from Haiti due to the earthquake and my allowed time is expiring or about to expire. What are my options?**

Due to disruption of consular services following the earthquake and in recognition of the humanitarian needs of affected aliens, an automatic extension of advance parole until March 12, 2010, is granted to those aliens who are currently in Haiti and who are outside of the United States if their advance parole authorization, Form I-512, Authorization for Parole of Aliens into the United States, expires between January 12, 2010 and March 12, 2010. Ports of entry have been instructed to accept these auto-extended Form I-512s.

**I am a Haitian national student currently enrolled in school in the US; due to the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?**

Nonimmigrant F-1 students from Haiti who may be unable to continue to cover the cost to engage in a full course of study may need off-campus employment authorization. An F-1 student who can demonstrate that he or she is from Haiti can apply for employment authorization to work off-campus.

The student needs to be recommended for employment by the Designated School Official (DSO) and should submit Form I-765, Application for Employment Authorization along with the Form I-20 with approval from the DSO to the USCIS Service Center with jurisdiction. Please refer to the [Form I-765](#) for instructions. For additional details about this temporary form of relief to Haitian nationals, please visit our Web site at [www.uscis.gov](http://www.uscis.gov).

**I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?**

You may be authorized to work and should submit Form I-765, Application for Employment Authorization, and USCIS will adjudicate as promptly as possible.

**I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the earthquake in Haiti. What are my options?**

Given the need for immediate relief, USCIS will expedite certain applications. Standard requirements for security checks remain in place under expedited procedures.

**Expedite Processing:**

- **Relative Petitions for Minor Children of legal permanent residents and U.S. citizens Residing in Haiti:**
  - In cases where the petitioner requests expedited processing of a Form I-130, Petition for Alien Relative, for a child from Haiti, the case will be expedited where a visa number is readily available.
- **Requests for Advance Parole:**
  - Haitian nationals with benefit applications pending in the United States may need to travel quickly for emergent reasons and will need to apply for advance authorization for parole to return to the United States. USCIS will expedite the Form I-131, Application for Travel Document

**I am a Haitian national; I have lost my resident status documents due to the earthquake in Haiti. What are my options?****Persons Stranded Without Documents:**

- USCIS overseas offices will continue to assist legal permanent residents who have lost their documents. Database checks and interviews will continue to be conducted during and outside of business hours to rapidly verify status and authorize issuance of boarding letters at the consulate in Haiti. Boarding letters permit airlines to allow aliens to travel to the United States.

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**I am a Haitian national; I am in removal proceedings and cannot leave due to the earthquake in Haiti. What are my options?**

Individuals from Haiti who are under a final order of removal may be granted a stay of removal. This temporary suspension is specific to Haiti due to the massive infrastructure damage.

- Decisions will be made on a case-by-case basis and based on specific circumstances.
- Where appropriate and authorized by law, nonimmigrant visitors and aliens that receive a stay of removal may be eligible to apply for or receive employment authorization so that they may financially support themselves, or potentially help the rebuilding effort by sending remittances to Haiti.

**If a person from Haiti is out-of-status, will this person be eligible for any relief?**

A person whose nonimmigrant status has expired may be able to file for a change or extension of status, if he or she was in a valid, nonimmigrant status.

**Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and return to the U.S.?**

A person from Haiti who is out of status may travel to Haiti, but will not be eligible for Advance Parole. Advance parole is permission to re-enter the United States.

**Is USCIS/DHS going to grant Temporary Protected Status to Haitian nationals?**

Yes. Please check our website at [www.uscis.gov](http://www.uscis.gov) under the “News” link and see our “Temporary Protected Status Questions and Answers” document for additional information.

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**Can an applicant for adjustment-of-status (Form I-485) travel to Haiti to assist family members without forfeiting his or her application?  
Can such applicants travel to Haiti to attend funerals?**

Aliens who have pending applications for permanent residence, Form I-485, are eligible for advance parole if they have an approved Form I-131 Request for Advance Parole. Aliens wishing to return to Haiti to assist family members or attend funerals can request expedited processing of their I-131's as described above. So long as the alien has been approved for Advance Parole, he or she may travel for short periods of time outside of the United States without abandoning the application for permanent residence.

**Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?**

A U.S. citizen, whether naturalized or born in the United States, may not file a Form I-130, Petition for Alien Relative, on behalf of a niece, nephew or other minor extended family member who was orphaned as a result of the earthquake. A U.S. citizen may only petition for his or her spouse, parents, children, adult sons and daughters, and brothers and sisters.

The international standard among adoption professionals in a crisis is to keep children as close to their family members and community as possible. It is often difficult to determine whether children whose parents are missing are truly orphans. In the current situation, many children have become separated from one or both of their parents whose fate is unknown. Even when children are indeed orphaned, they are often taken in by other relatives. Staying with relatives in extended family units is generally a better solution than uprooting the child completely. Also, in the immediate aftermath of such disasters, a country's government may be in disarray and what resources are available may be deployed on recovery projects.

USCIS believes that it will take many months before the countries affected by the disaster will be able to identify the children who are actual orphans. It is only if and when these countries decide to make these orphans available for international adoption that American citizens will be able to begin adoption proceedings for those children who also qualify as orphans as defined in the Immigration and Nationality Act.

Additional information regarding the process of inter-country adoptions by U.S. citizens can be found at:  
<http://uscis.gov/graphics/services/index2.htm>

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**I am a U.S. Citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?**

We have already received numerous inquiries from American citizens who are in the process of adopting children from Haiti. We understand the deep concern these prospective adoptive parents feel about the welfare of these children, and we are actively working to identify available options in light of the recent tragedy. USCIS and the U.S. Department of State have already begun defining possible ways to expedite these pending cases. To help us collect information about pending adoption cases in Haiti, please send us detailed information about your adoption case to [HaitianAdoptions@dhs.gov](mailto:HaitianAdoptions@dhs.gov). In the e-mail please provide as much information as possible, such as:

- Name of prospective adoptive parents;
- Prospective adoptive parent contact information;
- Name of matched child;
- Child's date of birth;
- Current location of child;
- Date Form I-600A was filed and with which USCIS office;
- Date Form I-600 was filed and with which USCIS office;
- Whether the adoption in Haiti was finalized; and
- The Haitian or U.S. documents you are able to provide (Only list the documents, do not send copies).

Finally, we encourage you to visit our website at [www.uscis.gov](http://www.uscis.gov) and the U.S. Department of State website at [www.adoption.state.gov](http://www.adoption.state.gov) for more information and updates.

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**Special Programs/Services and Miscellaneous Calls**

Information about Other Special Programs, including Cuban Migration, Immigrant Status for Iraqi and Afghan Translators, and Visas for Certain Iraqi Nationals Who Worked for the U.S. Government, the Wounded Warrior Program, and the MAVNI Pilot Program

**OVERVIEW**

USCIS provides resources by which **foreign nationals** from a variety of countries may gain permanent resident status through special programs. This includes Special Program for Cuban Migration, among others. Using the information below, you can find special programs that allow them to apply for permanent resident status. Also included below is information about other programs such as Operation Vigilant Sentry and the Wounded Warrior Program.

❑ [Information Regarding the Parole for Cuban Medical Professionals from Third Countries.](#)

Cuban Advance Parole Program for Family Members

On August 11, 2006, the Department of Homeland Security announced a new program that will allow some family members in Cuba, who are the beneficiary of an approved Visa Petition from a family member in the United States, to apply for a parole to enter the U.S. Final regulations and operating procedures for this program are in the process of being developed. When these regulations and procedures are finished, in place, and announced, this program will begin. We will notify you as soon as this happens.

❑ [Information Regarding the Cuban Family Reunification Parole Program](#)

On November 21, 2007, the Department of Homeland Security announced the Cuban Family Reunification Parole (CFRP) Program. Under this program, U.S. Citizenship and Immigration Services (USCIS) is offering beneficiaries of approved family-based immigrant visa petitions an opportunity to receive a discretionary grant of parole to come to the United States rather than remain in Cuba to apply for lawful permanent resident status (i.e., a “green card”). The purpose of the program is to expedite family reunification through safe, legal, and orderly channels of migration to the United States and to discourage dangerous and irregular maritime migration. General information concerning this new Cuban parole program is available on the USCIS website, [www.uscis.gov](http://www.uscis.gov), or by calling the USCIS National Customer Service Center at (800) 375-5283.

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□ [Information Regarding Special Immigrant Status for Afghan and Iraqi Civilian Translators.](#)

Special immigrant status is available to Afghan and Iraqi nationals who have worked directly for the United States Military as translators. Created by the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), this new immigration category allows translators and their families to gain admission to the United States, apply for permanent residency and eventually acquire U.S. Citizenship. To request special immigrant status, translators must file a "Petition for Amerasian, Widow(er), or Special Immigrant" ([Form I-360](#)) with the required evidence. The requirements which must be met in order to apply for this special petition as well as the required evidence that must accompany the I-360 can be found in the [July 2, 2007 fact sheet](#).

Pursuant to the USCIS Fact Sheet dated July 2, 2007, the USCIS has received enough petitions requesting special immigrant status from certain Afghan and Iraqi translators to meet this year's visa cap which allows up to 500 Afghan and Iraqi nationals per year to immigrate under this special program. Priority dates for this special class of visa petitions can be found on the Department of State website at [www.travel.state.gov](http://www.travel.state.gov).

□ [Information Regarding the New Special Immigrant Visa for Certain Iraqi Nationals Who Worked for the U.S. Government](#)

On July 9, 2008, the U.S. Citizenship and Immigration Services (USCIS) announced guidelines for a new special immigrant visa for certain Iraqi nationals who worked for, or were contractors of the United States government in Iraq for at least one year after March 20, 2003. Section 1244 of the Defense Authorization Act for Fiscal Year 2008 authorizes 5,000 special immigrant visas for Iraqi employees and contractors each year for fiscal years (FY) 2008 through 2012, as well as their spouses and children. There are no filing or biometric fees associated with this petition.

For additional information regarding the **Iraqi Refugee Processing/Special Immigrant Visa Processing (SIV)** go to: [http://www.uscis.gov/files/article/iraqi\\_refugee\\_fs\\_11feb09.pdf](http://www.uscis.gov/files/article/iraqi_refugee_fs_11feb09.pdf)

[Information Regarding the Military Accessions Vital to National Interest \(MAVNI\) Recruitment Pilot](#)

MAVNI is a military recruitment pilot program. This program recruits certain legal aliens (nonimmigrants) whose skills and considered vital to the national interest. Those holding critical skills (physicians, nurses, and experts in certain languages) would be eligible. This pilot program will recruit up to 1,000 nonimmigrants and will continue for a period of up to one year.

**Note:** For information about this program, including information on how and where to apply and eligibility requirements, please call our toll-free number at 1-800-375-5283..

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□ [Information about the USCIS Wounded Warrior Program](#)

USCIS established the Wounded Warrior Program to recruit and hire severely wounded veterans. While not guaranteeing a job, USCIS provides veterans the opportunity to interview for available positions. USCIS has established a liaison with many organizations, including:

- U.S. Army Wounded Warrior Program;
- Soldier and Family Assistance Centers;
- Department of Veterans Affairs, Vocational Rehabilitation and Employment;
- Department of Defense's Operation Warfighter;
- U.S. Marine Corps Wounded Warrior Regiment;
- Department of Labor's Americas Heroes at Work;
- Salute America's Heroes; and
- National Reconnaissance Office.

While USCIS is committed to recruiting all severely wounded veterans, to maintain consistency with other federal wounded warrior programs, our recruiting is focused on those who:

- Suffer from injuries or illness incurred in the line of duty after September 10, 2001, and
- Receive or expect to receive a Department of Defense or Veterans Affairs disability rating of 30 percent or greater in categories such as: loss of limb, loss of vision/blindness, spinal cord/paralysis, permanent disfigurement, loss of hearing/deafness, severe burns, traumatic brain injury, post-traumatic stress disorder, and any other condition requiring extensive hospitalization or multiple surgeries; or
- Receive a Department of Defense or Veterans Affairs combined rating equal to or greater than 50 percent for any other combat or combat related condition.

Interested candidates are encouraged to send their resume ([USAJOBS Resume Builder](#)), and their DD Form 214 and DoD/VA letter of disability rating (if issued) to [vicky.crawford@dhs.gov](mailto:vicky.crawford@dhs.gov). Interested candidates are also encouraged to call USCIS Recruiting at 202-233-2500 and ask for the Wounded Warrior Program Manager.

## Special Programs/Services and Miscellaneous Calls

### Freedom of Information Act (FOIA) FAQs

#### OVERVIEW

Enacted in 1966, The Freedom of Information Act (FOIA) is a federal law that gives the public greater access to Federal Government records and information with certain exemptions, such as National Security Information, Confidential Business Information, Personal Privacy, Certain Law Enforcement Records, etc. The Act can be found at 5 U.S.C. Section 552.

#### Frequently Asked Questions

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- [Who is eligible to file a request under FOIA?](#)
- [Who is eligible to file a request under the Privacy Act?](#)
- [How Do I submit a FOIA request or obtain a copy of my file?](#)
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- [I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?](#)
- [I received my response and there were pages marked “Referred to another government agency.” What does this mean?](#)
- [How do I file a FOIA request for a border incident, or for information regarding voluntary removal?](#)

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**What is FOIA?**

The Freedom of Information Act (FOIA or the Act) is a law enacted in 1966 that provides any person with the right to request access to government records, except those records exempted by the Act (e.g., classified national security, business proprietary, personal privacy, and investigative). The Act provides the public with the right to know or be informed about activities, decisions and policies of U.S. federal agencies. The Act can be found at 5 U.S.C. § 552.

**Who is eligible to file a request under FOIA?**

Any person can file a request under FOIA, including U.S. citizens, Legal Permanent Residents, foreign nationals, organizations and associations.

**Who is eligible to file a request under the Privacy Act?**

To file a request under the Privacy Act, the requester must either be a U.S. citizen or a Legal Permanent Resident.

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**How Do I submit a FOIA request or obtain a copy of my file?**

- All requests must be in writing. While no specific form is required, there is a downloadable Form G-639 available from our website at [www.uscis.gov/foia](http://www.uscis.gov/foia) that outlines all of the required information needed to fulfill your FOIA request.
- The request must be signed. Signatures must either be notarized or executed under penalty of perjury. If using Form G-639, see blocks 7 & 8.
- Include as much identifying information as possible to allow us to properly identify the record sought. Include the A-number, Country of Birth, Date of Birth, and at least 1 parent's name. This information is mandatory. If you do not know any of this information, indicate N/A on your request.
- Do not send any money with your original request. If fees are assessed, you will receive a separate letter with a specific fee amount identified and instructions for payment.

Please submit your FOIA request to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**Where do I submit a FOIA request?**

Please submit all new FOIA requests, FOIA inquiries, FOIA status requests, and address changes for a FOIA case to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

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**What is the National Records Center (NRC)?**

The National Records Center is an underground facility that houses approximately 25 million immigration A-files at one location. In addition, all FOIA/PA operations for USCIS are centralized at this location.

**How long will it take to receive a response to my FOIA request?**

By statute there is a mandatory timeframe for responding to a FOIA request. The Act requires that government agencies respond to a FOIA request within 20 business days.

**How can I check on the status of my FOIA request?**

You may check the status of your request by going to our website at [www.uscis.gov](http://www.uscis.gov). The left-hand side of the homepage has a link to the "FOIA Request Status Check". You must have the NRC control number associated with the FOIA request. This number is located in the upper right hand portion on all correspondence received from the NRC. It is an alpha-numeric number and will begin with three letters. Alternatively, status requests may be submitted to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**I received a letter from USCIS stating my request was put on the complex track. What does that mean?**

USCIS uses a 3 track FOIA processing system.

- Track 1 is a request for very specific information or documents. A request for a copy of a green card or your naturalization certificate is an example of a Track 1 request. These are considered simple requests because they require minimal documents to be researched and reviewed.
- Track 2 requests ask for a copy of the entire record. These are considered complex requests because they require research and review of more documents.
- Track 3 requests involve individuals served with a charging document that are scheduled for an immigration hearing.

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**How do I change the track of my case (Simple versus Complex - How do I Narrow the scope of my request)?**

If you have requested an entire copy of your file, your request has been placed in Track 2, or the complex track. You may narrow the scope of your request from a copy of the entire record to a copy of specific documents. This will move your request to Track 1. Track 1 cases are typically processed in a shorter amount of time than Track 2 cases because fewer documents are being reviewed for release. If you have been served with a charging document and are currently scheduled for a hearing before an immigration judge, you may ask for Track 3 status. Track 3 cases receive accelerated processing.

To narrow the scope of your request or change the track of your case, you may mail, e-mail or fax a request to modify your FOIA request to include only specific documents. Please include your NRC control number, the specific document(s) you are requesting, your current address, and your signature. If you wish to obtain Track 3 status, you will need to submit the request in writing and include one of the following documents:

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

All submissions may be submitted to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

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**I have a hearing before a Judge. Why was my Track 3 request denied?**

Most Track 3 cases are denied because the requestor failed to provide the proper documentation. You must submit either a

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written Notice of Continuation of a scheduled hearing before the immigration judge.

The document submitted must be properly signed and must contain a future, certain date. Court orders that contain a past court date, or a court date to be determined are not sufficient for Track 3 status.

**I need to have my FOIA request expedited. How do I do that?**

Requests for expedited treatment must be submitted in writing. A requester who seeks expedited processing must submit a statement, certified to be true and correct to the best of that person's knowledge and belief, explaining in detail the basis for requesting expedited processing. Certification can be accomplished either by having your statement notarized by a notary public or by self-certifying. In order to self-certify the requester must add a sentence at the end of the request for expedited treatment that the information contained in the request is true and correct to the best of their knowledge and belief. The request must be signed under penalty of perjury. You may refer to the bottom of Form G-639 for an example.

Submit your request, along with your NRC control number, to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

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**I can't afford to pay the fees for my FOIA request. Can I have the fees waived?**

Request for fee waivers must be submitted in writing. Submit your request, along with your NRC control number, to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**How do I change the mailing address on my existing FOIA request?**

To change the address where your records will be mailed, you must submit notification including the old address, the new address, NRC control number, and the signature of the requestor in writing to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**How do I change the attorney or representative on my FOIA request?**

Requests to change attorneys will only be accepted with the consent of the original attorney. The original attorney must mail or fax a written, signed request asking for the substitution of the parties. If you cannot obtain the written notification from the original attorney, your newly appointed attorney must submit a new Form G-28 along with your new request. This will be treated as a new request and the process will begin anew. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

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**How can I request that my records be sent to me via overnight or express mail?**

To receive records via overnight or express mail, an account with Federal Express is required. You will need to provide us with your account information in writing. We will send the response ONLY via Federal Express. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**How do I make a "Request for a Certification of Non-Existence of a Record"?**

To obtain a certification of the non-existence of a record, you need to send your name, date of birth, country of birth and any other pertinent information to:

U.S. Citizenship and Immigration Services  
ATTN: Records Operations Branch  
1200 First Street NE  
Washington, D.C. 20529-2204

Additional information concerning Certificates of Non-Existence or Dual Citizenship may be obtained on our webpage: [Dual Citizenship Research FAQs](#).

**How do I obtain Certified Copies of my naturalization certificate or other documents?**

We do not certify copies of records. If you have lost your original naturalization certificate, you must submit an application to have it replaced. To apply for a replacement Naturalization or Citizenship Certificate file [Form N-565, Application for Replacement Naturalization/Citizenship Document](#).

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**I filed a FOIA request and received a request for more information. Why do I need to provide additional information?**

Many individuals have the same or similar names. It is important that we properly identify the correct record related to your request. The additional information is needed to assist us in quickly and accurately locating your records.

**I received a request for more information and I need more time to get the documents. Can I get an extension of time to supply the requested information?**

Yes. If you need more time than was given in your acknowledgement letter to supply additional information you may request additional time. Please include your NRC control number and submit it to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 648010  
Lee's Summit, MO 64064-8010  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**I received the documents I requested. Can I get better quality copies?**

The copies you were provided in response to your FOIA request were the best copies available. Many of our documents are old and we provide the best available copy.

**I received my requested records. However, I didn't receive everything. How can I get the missing documents?**

If the cover letter you received attached to your records included instructions on how to file an appeal, you may file an appeal within 60 days from the date of the letter. After 60 days, you must submit a new FOIA request. If there was no appeal paragraph contained in the letter, you must submit a new FOIA request.

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**The CD I received was broken. How can I get a replacement?**

Please send a written request including your contact information and the NRC control number and we will mail a duplicate copy. Please send your request to one of the following:

Address: Department of Homeland Security  
National Records Center  
PO BOX 64801  
Lee's Summit, MO 64064  
Fax: 816-350-5785  
E-mail: [USCIS.FOIA@DHS.GOV](mailto:USCIS.FOIA@DHS.GOV)

**I received a “no record” letter and would like to have a second search done. How do I request another search?**

We conducted a comprehensive search of all records based upon the information you provided. If you have additional information which may assist us in locating a record, you may submit the new FOIA request along with the additional information to the NRC along with a request that a second search be conducted. Please be sure to reference your original control number in your request to assist us. Your request will be considered to be a new request. If your request is related to genealogy or historical records, those must now be submitted to the [USCIS Genealogy program](#).

**I received a letter stating that my request was being closed out as a duplicate request. I still need my information. Am I going to receive it?**

Your letter should contain a reference to a second NRC control number. That should be the request that your records will be processed under.

**I received my response and there were pages marked “Referred to another government agency.” What does this mean?**

Occasionally there will be documents in an immigration record that were created by another government agency. We are unable to process those documents under FOIA and must send them to the other agency for their review and disclosure. If the cover letter you received with your records indicated that pages were referred to another government agency, you will receive separate correspondence from that agency.

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**How do I file a FOIA request for a border incident, or for information regarding voluntary removal?**

For information related to incidents at the border, or other border related information, or voluntary removal, please submit a FOIA request to U.S. Customs and Border Protection at the following address:

**U.S. Customs and Border Protection**  
Attn: FOIA Division  
799 9th Street NW, Mint Annex  
Washington, DC 20229-1177

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**Special Programs/Services and Miscellaneous Calls****Miscellaneous Reference Material****OVERVIEW**

This section covers information on topics that are better answered by USCIS or other government agencies. This section is a reference source to other government agencies.

**Miscellaneous Reference Material****If you are from the Media or for persons wishing general information about immigration**

Please call USCIS, Office of Communications, Public Affairs: 202-272-1200

**If you wish to register a complaint about employee misconduct or about the service you received from a USCIS employee**

**(1)** You should first file your complaint in writing to the Office Director at the office where you were served. You can obtain office addresses online at [www.uscis.gov](http://www.uscis.gov)

**(2)** If you have tried working with the local office Director and feel you didn't receive an appropriate response, you can contact the Office of Security and Integrity. You can report employee misconduct by fax at 202-233-2453 or by mail at the following address:

Chief, Investigations Division  
OSI MS 2275  
USCIS  
633 Third Street NW, 3rd Floor  
Washington, DC 20529-2275

**(3)** If you wish to report allegations of criminal misconduct by a USCIS employee, you may call the Office of the Inspector General at their toll-free line 1-800-323-8603, by fax at 202-254-4292, or by e-mail at [dhsoighotline@dhs.gov](mailto:dhsoighotline@dhs.gov).

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**For information about immigration enforcement or illegal immigration activity/illegal alien**

(1) Please call the U.S. Immigration and Customs Enforcement (ICE) at their toll-free tip line: 1-866-347-2423 or see their Website at [www.ice.gov](http://www.ice.gov)

(2) You may also visit the U.S. Customs and Border Protection Website at [www.cbp.gov](http://www.cbp.gov) or call their toll-free line: 1-800-BE-ALERT.

**For information about entering the U.S. and inspections at a Port of Entry**

Please visit the U.S. Customs and Border Protection Website at [www.cbp.gov](http://www.cbp.gov)

**For information about Social Security Cards and Social Security Account Numbers**

Please visit the Social Security Administration Website at [www.ssa.gov](http://www.ssa.gov) or call their toll-free line: 1-800-772-1213

**General information about labor laws or labor issues**

Please visit the Department of Labor Website at [www.dol.gov](http://www.dol.gov)

**Specific information:**

**about foreign labor certifications or labor condition applications**

Please visit the DOL Employment and Training Administration Website at [www.doleta.gov](http://www.doleta.gov) or [www.foreignlaborcert.doleta.gov](http://www.foreignlaborcert.doleta.gov)

**about foreign national employees wishing to report abuse from a U.S. employer, such as wage and hour violations**

Please visit the DOL Employment Standards Administration Website at [www.dol.gov/esa/whd](http://www.dol.gov/esa/whd) or call their toll free line: 1-866-487-9243.

**Information about visa processing, priority dates, U.S. Consulates or Embassies abroad, or passports**

Please visit the Department of State Website at [www.state.gov](http://www.state.gov) or <http://travel.state.gov>

**Specific information:**

**about Foreign Consulates in the U.S.**

Please visit the following Department of State Webpage: [www.state.gov/misc/10125.htm](http://www.state.gov/misc/10125.htm)

**about obtaining United Kingdom (UK) visas**

The USCIS Application Support Center (ASC) provides biometric-capture services to the UK government for the processing of UK visa applicants residing in the United States. As such, the ASCs have NO AUTHORITY to review or answer questions about the UK visa process.

*Continued on next page*

**The information provided here is for those UK visa applicants who seek additional information on the UK visa application process.**

The free website for UK visa applicants to find answers to UK processing question is [www.visainfoservices.com](http://www.visainfoservices.com). There is also a call center operated through UKBAIG's commercial partner, WorldBridge:

**1 - 900 - 656 - 5000** – Calls cost US \$3 per minute.

OR

**1 - 212 - 796 - 5773** – US \$12 flat fee (residents outside the US will need to call this number.)

**Please note:** Worldbridge is NOT able to provide information on the status of an application that has already been submitted. Worldbridge's service complements the comprehensive information on visas for the UK and Overseas Territories already available through the UK visas website.

**Customers who reside in Canada**

Customers residing in Canada may use the general inquiry mailbox [USCIS.Canada@dhs.gov](mailto:USCIS.Canada@dhs.gov). The mailbox provides customer service to those in Canada who cannot access the National Customer Service Center through the 1-800 number.

**Information for Civil Surgeons seeking guidance on technical instructions**

Please visit the Center for Disease Control Website at [www.cdc.gov/ncidod/dq/civil.htm](http://www.cdc.gov/ncidod/dq/civil.htm)

**Information about taxes, taxpayer identification numbers, and income tax reporting issues**

Please visit the U.S. Internal Revenue Service Website at [www.irs.gov](http://www.irs.gov)

**Information about the USCIS Genealogy Program (Fee-for Service Program Replaces Lengthy Freedom of Information Act / Privacy Act (FOIA) Request).**

Please visit the new USCIS Genealogy Program Webpage at: <http://www.uscis.gov/genealogy>

Questions about the USCIS Genealogy Program may be sent to [Genealogy.USCIS@dhs.gov](mailto:Genealogy.USCIS@dhs.gov)

**Questions from the Media or from persons wishing general information about the USCIS Customer Identity Verification Pilot (CIV)**

Please contact your local USCIS Field Office to obtain information about the USCIS Customer Identity Verification Pilot.

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**Information about a matter in Immigration Court (administered by the U.S. Department of Justice, Executive Office for Immigration Review)**

Please visit the EOIR Website at [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir) or call their electronic information system: 1-800-898-7180. This system requires the caller's A-Number for case information.

**Information about immigration related free/pro bono legal services**

Please visit the EOIR Website at [www.usdoj.gov/eoir/probono/states.htm](http://www.usdoj.gov/eoir/probono/states.htm)

**Information about State Vital Statistics Bureaus**

Please visit the National Center for Health Statistics Website at [www.cdc.gov/nchs/nvss](http://www.cdc.gov/nchs/nvss)

**Information about the Citizenship Grant Program**

Please visit our Webpage: [www.uscis.gov/grants](http://www.uscis.gov/grants)

**Additional Links**

Resources	Related Sites
<ul style="list-style-type: none"> <li>• <a href="#">Forms &amp; Fees</a></li> <li>• <a href="#">Processing Times</a></li> <li>• <a href="#">Case Status Online</a></li> <li>• <a href="#">SRMT - Referrals</a></li> <li>• <a href="#">Office Locator</a></li> <li>• <a href="#">"How Do I...?"</a></li> <li>• <a href="#">Appointments (INFOPASS)</a></li> <li>• <a href="#">FOIA</a></li> <li>• <a href="#">Genealogy</a></li> <li>• <a href="#">E-Filing</a></li> <li>• <a href="#">Citizenship Grant Program</a></li> <li>• <a href="#">USCIS Questions and Answers</a></li> <li>• <a href="#">Glossary of Immigration Terms</a></li> <li>• <a href="#">News@ USCIS News Room</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Department of Homeland Security</a></li> <li>• <a href="#">Customs and Border Protection</a></li> <li>• <a href="#">Immigration and Customs Enforcement</a></li> <li>• <a href="#">Department of State</a></li> <li>• <a href="#">Social Security Administration</a></li> <li>• <a href="#">Internal Revenue Service</a></li> <li>• <a href="#">Department of Labor</a></li> </ul>

The information contained here is a basic guide to help you become generally familiar with many of our rules and procedures. Immigration law can be complex, and it is impossible to describe every aspect of every process. After using this guide, the conclusion reached, based on information you provide and/or choose, may not take certain factors such as arrests, convictions, deportations, removals or inadmissibility into consideration.

If you have any such issue, the answer we provide may not fully address your need and may cause the full and correct answer to be significantly different.

We cannot provide legal advice. If you believe you may have an issue such as any described above, it may be beneficial to consider seeking legal advice from a reputable immigration practitioner such as a licensed attorney or nonprofit agency accredited by the Board of Immigration Appeals before seeking this or any immigration benefit.

For more information about immigration law and regulations, please see our website at [www.uscis.gov](http://www.uscis.gov).

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