

## Administrative Appeals



Robert P. Wiemann is the Chief of the Administrative Appeals Office (AAO). The AAO provides consistency in appellate decision-making. Prior to its formation, denied petitions and applications were appealed to one of four regional commissioners. The authority to adjudicate appeals is delegated to the AAO by the Secretary of the Department of Homeland Security.

The Appeals Officers of the Administrative Appeals Office produce appellate decisions that provide fair and legally supportable resolutions of individual applications and petitions for immigration benefits. These decisions provide guidance to applicants, petitioners, practitioners and government officials in the correct interpretation of immigration law, regulations and policy.

The Administrative Appeals Office reviews the decisions made by USCIS Adjudications Officers regarding petitions and applications for immigration benefits to ensure consistency and accuracy in the interpretation of immigration laws, regulations and policies. The AAO maintains awareness of applicable case law to ensure compliance with the most current legal standards while ensuring accuracy and legal sufficiency. When necessary, the AAO recommends the publication of precedent decisions to clarify issues in the adjudications program.

The AAO is currently composed of 80 employees divided into eight branches.

The **Multinational Branch** is primarily responsible for adjudicating appeals of multinational executive and managerial immigrant petitions. The Multinational Branch also adjudicates appeals of nonimmigrant petitions involving multinational executive, managerial or specialized knowledge intra-company transferees. Occasionally, the Multinational Branch handles the appeals of immigrant petitions involving scientists in Eurasia.

The **Temporary Protected Status (TPS) Branch** reviews and adjudicates appeals of denials of applications of individuals who have applied for TPS under the Immigration and Nationality Act.

The **Nonimmigrant Branch** adjudicates cases in the H-1B, H-2 and H-3 visa categories – these petitions are for aliens with specialized knowledge, temporary workers and trainees.

The **Family Services Branch** is responsible for appellate decisions on 16 different case types. The primary case type is the Application for Waiver of Ground of Inadmissibility (Form I-601), which comprise nearly 85 percent of the branch's caseload. In addition, the Family Services Branch adjudicates:

- o Application for Permission to Reapply for Admission into the United States After Deportation or Removal (Form I-212)
- o Application for Waiver of the Foreign Residence Requirement (under Section 212(e) of the Immigration and Nationality Act, as Amended) (Form I-612)
- o Petition for Alien Fiance(e) (Form I-129F)
- o Application for Travel Document (Form I-131)
- o Application for Certificate of Citizenship (Form N-600)
- o Application for Replacement Naturalization/Citizenship Document (Form N-565)
- o Certificate of Citizenship in Behalf of an Adopted Child (Form N-643)
- o Application to Preserve Residence for Naturalization Purposes (Form N-470)
- o Petition to Classify Orphan as an Immediate Relative (Form I-600)
- o Application for Advance Processing of Orphan Petition (Form I-600A)
- o Petition for Amerasian, Widow(er), or Special Immigrant (Form I-360)
- o Application for T Nonimmigrant Status (Form I-914)

The Family Services Branch also reviews certifications of denials of applications for adjustment of status under the Cuban Adjustment Act.

The **Immigrant I Branch** adjudicates petitions filed on behalf of aliens of extraordinary ability, special immigrant religious workers, immigrant investors, outstanding academics, aliens filing under the Violence Against Women Act and O and P nonimmigrant workers. In addition, U.S. Immigration and Customs Enforcement has delegated its authority to adjudicate bond breach appeals to the Immigrant I Branch.

The **Immigrant II Branch** handles appeals of denied employment-based third preference immigrant visa petitions for professionals, skilled and unskilled workers. The Immigrant II Branch works in concert with fraud detection initiatives. Appeals Officers check petitioning entities' corporate status to prevent dissolved businesses or businesses not related to the petitioning entity from fraudulently seeking an immigrant benefit. Appeals Officers utilize Electronic Database for Global Education sample documents to determine if fraudulent diplomas, certificates or transcripts are submitted to USCIS. Appeals Officers request and examine H-1B nonimmigrant cases for inconsistent job requirements in similar job offers made in connection with third preference immigrant visa petitions.

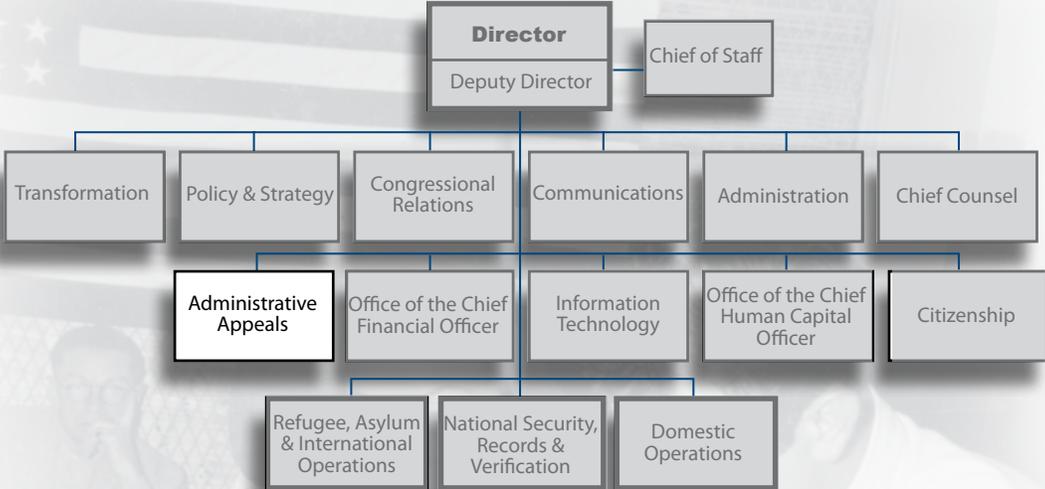
The **Legalization and Life Act Branch** was formed during FY2007 to address the growing volume of appeals based on the 1986 Immigration Reform and Control Act.

The **Management Support Branch** provides support to Administrative Appeals Office managers and employees in the areas of budget and finance, facilities and office services, human resources, contract file room oversight and fraud detection and reporting.



The Administrative Appeals Office produces appellate decisions for individuals seeking immigration benefits

# USCIS Organizational Chart



## Administrative Appeals

