



Executive Summary

April 19, 2010

VERMONT SERVICE CENTER STAKEHOLDER ENGAGEMENT

Background

On April 6, 2010, the Vermont Service Center (VSC) hosted a stakeholder engagement session in Burlington, Vermont. The purpose of the session was to discuss developments in cases involving temporary protected status, family based immigrant visa petitions and I-751 petitions, employment-based nonimmigrants, I-360 VAWA / T & U petitions, and I-539 / I-765 student issues. An additional session was devoted to an overview of the customer service unit, particularly related to lockbox processes and I-601/212 waivers of inadmissibility. The session presented stakeholders with an opportunity to interact with VSC management and staff members, and to engage in question and answer sessions with panelists.

Perry Rhew, Chief of the Administrative Appeals Office (AAO) at USCIS, gave the keynote address to open the conference. Mr. Rhew spoke on developments at the AAO, case processing timelines, progress on moving forward with the publication of precedent decisions, and the development of the new AAO webpages on the uscis.gov website. He also attended a breakout session concerning VAWA cases, and responded to questions regarding the cases. His remarks are summarized below, along with answers to some of the questions posed.

Principal Themes

- **Timelines for Case Processing at the AAO**

Current case processing timelines are posted and updated monthly on the uscis.gov website. The AAO attempts to resolve all cases that come before it within six months, and is able to achieve that goal in the majority of the case types they adjudicate. Some cases are obviously more complex and require additional time. Availability of resources limits the AAO's ability to resolve all cases within six months, but only because of the volume of cases received. At any given time the AAO has a present docket of 14,000 – 15,000 cases pending. The AAO attempts to issue 13,000+ decisions each year, and dealing with a growing docket inevitably increases overall processing time.

- **New AAO webpages**

After listening sessions with external stakeholders in late 2009 and receiving requests for additional information regarding the AAO, the AAO began working with the Office of Communications (OCOMM) to develop separate webpages on the uscis.gov website. The webpages now contain information regarding how cases are filed with the AAO, case types listed by subject matter and form number, links to AAO decisions, and updated processing times. The main page can be accessed by visiting www.uscis.gov/aa0. The AAO will continue to work with OCOMM to further develop the pages and respond to inquiries from the public.

- **Precedent Decisions**

The last AAO Precedent Decisions were issued in 1998. Since that time USCIS has issued adopted decisions that govern certain types of cases, but that do not carry the weight of precedent decisions. The

AAO recently began working more closely with the Office of General Counsel at DHS, the Office of Chief Counsel at USCIS, and the Department of Justice to move forward with establishing a more robust process to achieve more frequent publication of AAO Precedent Decisions. Working in conjunction with DOJ the AAO hopes to see the first precedent decisions published later this year.

- **Specific questions regarding VAWA, U, and T cases**

Prior to and during the VSC engagement the AAO received questions from external stakeholders regarding processing of certain VAWA, U, and T cases, including the following:

1. Would the AAO develop a process for amicus briefs to be submitted in victim cases, i.e. VAWA, U, T cases?

AAO response: We are in the process of putting forward a new regulation regarding AAO appeals which we hope to soon have made available for public comment. That regulation would propose a process for receipt of amicus briefs. Until then we have on occasion received amicus briefs filed in conjunction with individual cases.

For privacy reasons we have not implemented a process whereby anyone could simply file an amicus brief in any case. When attorneys have approached us asking to file a brief on an individual topic, we have encouraged them to contact an attorney with a case pending before us and ask the attorney to file the brief along with their case on their behalf. This process has worked well to date.

2. Would the AAO be willing to have a telephonic meeting with national advocates regarding VAWA, U, and T adjudications regarding our concerns?

AAO response: Absolutely. We welcome the opportunity to listen to external stakeholders and hear their concerns or questions regarding case processing. The Office of Public Engagement can assist external stakeholders with this effort.

3. Does the AAO have specialized staff assigned to victim cases, i.e. VAWA, U and T cases? Is the AAO open to receiving training by national experts on immigrant victims?

AAO response: We do have appeals officers specifically trained and assigned to adjudicate VAWA, U, & T cases. We welcome the chance to review and possibly use any training materials submitted by outside sources for use in training our adjudicators. We attempt to keep abreast of the latest developments in the law in this and other fields.

4. It would be helpful to know what kind of training the AAO VAWA unit officers receive and if the AAO communicates with the VSC VAWA unit when adjudicating an appeal.

AAO response: Adjudication of VAWA, U, and T cases is a relatively new field under the law, but we have attempted to provide our adjudicators with all of the most recent legal information available. Our initial legal research and training was both comprehensive and as complete as possible, and we revisit the training as legal developments occur. There are occasions when we need to communicate with the VSC regarding aspects of individual cases, but only on certain administrative aspects. We do not allow entities outside of the AAO to make decisions for us, nor do we simply accept a decision made by the VSC without question. Our officers carefully review each case *de novo* before making a final determination.