

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

*425 I Street, NW
Washington, DC 20536*

January 23, 2004

MEMORANDUM FOR REGIONAL DIRECTORS, CIS
SERVICE CENTER DIRECTORS, CIS

FROM: William R. Yates /S/ by Janis Sposato
Associate Director for Operations

SUBJECT: Concurrent Filing for Section 101(a)(27)(I) Special Immigrants

This memorandum provides guidance regarding the notice in the Federal Register published at [69 FR 3380](#) (January 23, 2004), which changes the filing procedures for aliens eligible to file Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, separately or concurrently with Form I-485, Application to Register Permanent Residence or Adjust Status, under section 101(a)(27)(I) of the Immigration and Nationality Act (Act).

On June 10, 1992, the Immigration and Naturalization Service (INS) issued guidance allowing aliens eligible for special immigrant classification under section 101(a)(27)(I) of the Act to concurrently file an application for adjustment of status with their petition for classification as a Special Immigrant -- International Organization Officer or Employee or eligible family member at their local INS district office. Petitioners not concurrently submitting an adjustment of status application (*i.e.*, submitting only a Form I-360) were required to file their petitions at the appropriate service center. Service centers were given discretion to return a petition to an alien with instructions to resubmit the petition concurrently with an application for adjustment of status at his or her local INS district office in cases where the alien appeared to be eligible for adjustment of status. Thus, the 1992 guidance limited the concurrent filing of Forms I-360 based upon 101(a)(27)(I) of the Act with Forms I-485 to the Service's district offices. This memorandum supercedes the 1992 guidance in regard to the filing of petitions and applications under section 101(a)(27)(I) of the Act.

Updated guidance regarding concurrent filing is needed in order to remind both CIS

employees and the public that it is in the best interest for certain aliens seeking special immigrant benefits to file for them concurrently. For example, to be considered eligible for special immigrant status, unmarried sons and daughters of international organization officers or employees must properly file an application for adjustment of status (Form I-485), or an application for an immigrant visa if abroad, in addition to the petition for special immigrant classification (Form I-360), by their 25th birthday. To minimize the possibility that qualified aliens do not lose their eligibility for special immigrant benefits, we are issuing the following guidance regarding the centralization of the processing of Forms I-360 and I-485 filed by aliens seeking special immigrant classification under section 101(a)(27)(I) of the Act and/or adjustment of status based upon classification as a special immigrant under 101(a)(27)(I) of the Act.

As of February 23, 2004, an alien petitioning for special immigrant classification under section 101(a)(27)(I) of the Act may concurrently file Form I-360 with Form I-485 only at the Nebraska Service Center. Applicants may be eligible for a waiver of the interview pursuant to existing I-485 interview waiver criteria. Forms I-360 and I-485 must be filed simultaneously, *i.e.*, at the same time bundled together in a single mailer or delivery packet with proper filing fees, at the Nebraska Service Center by the alien in order to qualify as “concurrently filed” applications.

In addition, the Nebraska Service Center will be the designated service center to accept a petition from an alien seeking classification under section 101(a)(27)(I) of the Act who chooses to file only the Form I-360. Any subsequent filing of a Form I-485 by an international organization special immigrant must also be submitted to the Nebraska Service Center, together with evidence of the approved I-360.

Any pending petitions and applications at the Texas Service Center, the California Service Center, and the Vermont Service Center or at district offices on February 23, 2004, should be adjudicated to completion and not forwarded to the Nebraska Service Center. Petitions and applications arriving at offices other than the Nebraska Service Center on or after February 23, 2004, should be forwarded to the Nebraska Service Center until the instructions to the Forms I-360 and I-485 have been amended to include the correct filing address.

[Attachment – Federal Register Notice](#)

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16-105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 15, 2004.

Anna Marsh,

Acting Executive Officer, SAMHSA.

[FR Doc. 04-1422 Filed 1-22-04; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

[CIS No. 2304-03]

Direct Mail of Requests for Special Immigrant Classification and/or Adjustment of Status by Officers or Employees of International Organizations and Their Family Members

AGENCY: Bureau of Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice advises eligible members of the international organization community that the Bureau of Citizenship and Immigration Services (CIS) is adjusting and expanding its Direct Mail Program by directing that all petitions for special immigrant classification pursuant to section 101(a)(27)(I) of the Immigration and Nationality Act (Act), whether submitted separately, or concurrently with an application for adjustment of status, be mailed to the Nebraska Service Center. Applicants who apply for adjustment of status based on a previously approved petition for special immigrant classification pursuant to section 101(a)(27)(I) of the Act must file their adjustment application at the Nebraska Service Center. We are making this change to provide better customer service.

DATES: This notice is effective February 2, 2004.

FOR FURTHER INFORMATION CONTACT: Corinna Luna-Benavides, Service Center Operations, Bureau of Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW, Washington, DC 20314, telephone (202) 305-8010.

SUPPLEMENTARY INFORMATION:

Background

What Is the Direct Mail Program?

Under the Direct Mail Program, individuals seeking certain immigration benefits, including classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act, have been directed to mail the prescribed application or petition directly to a service center for processing instead of submitting it to a local office. See 61 FR 56060 (October 30, 1996). This centralized procedure has resulted in more efficient processing of applications through standardization, the elimination of duplicative work, and the increase in staff productivity.

What Authority Does CIS Have To Administer the Direct Mail Program?

On March 1, 2003, the functions of the Immigration and Naturalization Service (Service) were transferred from the Department of Justice to the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002, Public Law 107-296. The responsibility for the immigration-benefits-adjudications function of the Service, which includes the processes for the filing of petitions and applications, was transferred to CIS of the DHS.

Explanation of Changes

What Does This Notice Do?

This Notice advises eligible members of the international organization community that, as of February 23, 2004, if they wish to file a petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act on Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, the Form I-360 must be mailed to the Nebraska Service Center. If the petitioner wishes to file an application for adjustment of status on Form I-485, Application to Register Permanent Residence or Adjust Status, concurrently with the Form I-360, the Form I-485 must be mailed simultaneously (filed at the same time, bundled together in a single mailer or delivery packet, with proper filing fees, to the Nebraska Service Center). Applicants who file Form I-485 for adjustment of status based on a previously approved petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act, must now file their application for adjustment of status only at the Nebraska Service Center.

Does This Notice Make Any Changes Relating to an Alien's Eligibility for Classification as a Special Immigrant and/or Adjustment of Status?

No. This notice only alters the filing location for petitions and applications for adjustment of status, filed either concurrently or separately under the Direct Mail Program, submitted by international organizations' officers or employees and their family members seeking special immigrant classification pursuant to section 101(a)(27)(I) of the Act.

How Are These Petitions and Applications Currently Being Processed?

Currently, if an eligible alien were filing only a Form I-360 petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act, he or she would file the petition at the service center having jurisdiction over his or her place of residence. If an eligible alien were petitioning for special immigrant classification and applying for adjustment of status concurrently, then he or she would apply for both actions at his or her local district office. If an alien were applying for adjustment of status after his or her Form I-360 petition for classification as a special immigrant had been approved, then that alien would file a Form I-485 adjustment application at his or her local district office.

Why Is CIS Changing the Application Filing Location at This Time?

The CIS is consolidating the adjudication of these benefits at one location to enhance the uniformity of decisions and improve customer service.

Are There Any Advantages for an Alien Eligible for Classification as a Special Immigrant Pursuant to Section 101(a)(27)(I) of the Act To Concurrently File an Application for Adjustment of Status (Form I-485) With His or Her Petition for Special Immigrant Classification (Form I-360)?

For certain eligible aliens, it may be in their best interest to file concurrently because of statutory deadlines requiring them to file for adjustment of status by a certain date.

Why Would an Alien Eligible Under Section 101(a)(27)(I) of the Act Not Want To File an Application for Adjustment Concurrently With a Petition for Special Immigrant Classification?

There may be certain situations whereby aliens might wish to continue to maintain their current immigration status, while knowing that they have

already qualified for special immigrant status. In addition, an eligible alien may be currently outside the United States and wish to file the petition for special immigrant classification with CIS, before applying for an immigrant visa abroad, rather than applying to adjust status in the United States.

How Will Eligible Applicants Be Notified of This Change in Filing Location?

In addition to this notice, CIS will be alerting those eligible aliens of the new filing procedures on its forms Web site, at <http://www.uscis.gov/graphics/formsfee/index.htm>. To ensure that all international organizations are aware of this change, the Department of State will be contacting these organizations to inform them of the new filing procedure.

When Will the New Procedure Become Effective?

This procedure becomes effective on February 23, 2004.

What Address Should Be Used?

If an alien is only submitting a petition for classification as a special immigrant (Form I-360) pursuant to section 101(a)(27)(I) of the Act, then the following address should be used: Nebraska Service Center, P.O. Box 87360, Lincoln, NE 68501-7360.

If an alien is concurrently submitting an application for adjustment of status (Form I-485) with a petition for classification as a special immigrant (Form I-360) pursuant to section 101(a)(27)(I) of the Act, or if an alien who has already had the Form I-360 approved by CIS pursuant to section 101(a)(27)(I) of the Act and later separately submits an application for adjustment of status (Form I-485), then the following address should be used: Nebraska Service Center, P.O. Box 87485, Lincoln, NE 68501-7485.

What Will Happen to the Petitions/Applications Already Filed?

Petitions for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act and any applications for adjustment of status based upon such special immigrant classification that have been filed with CIS prior to February 23, 2004, will be adjudicated to their completion at the service center or district office where they were originally filed.

What Will Happen to Those Applications/Petitions Filed at a Service Center or District Office After February 23, 2004?

Petitions for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act and any applications for adjustment of status based upon such special immigrant classification that are filed with CIS at a location other than the Nebraska Service Center after February 23, 2004, will be forwarded to the Nebraska Service Center until the instructions to the Forms I-360 and I-485 have been amended to include the correct filing address.

Will Aliens Applying for Adjustment of Status Be Interviewed?

Applicants may be eligible for a waiver of the interview pursuant to existing CIS interview waiver criteria. If the interview requirement is not waived, the case at the Nebraska Service Center will be referred to the district office where the applicant lives for an interview.

Which Applicants Will This Notice Affect?

This notice will affect those eligible individuals who have not yet submitted their petitions for special immigrant classification pursuant to section 101(a)(27)(I) of the Act and/or filed for adjustment of status based upon classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act.

Dated: December 2, 2003.

Eduardo Aguirre,

Director, Bureau of Citizenship and Immigration Services.

[FR Doc. 04-1513 Filed 1-21-04; 2:14 pm]

BILLING CODE 4410-10-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4904-N-01]

Notice of Submission of Proposed Information Collection to OMB Emergency Comment Request; Self-Help Homeownership Opportunity Program (SHOP)

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of proposed information collection.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for

emergency review and approval, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* February 6, 2004.

ADDRESSES: Interested persons are invited to submit comment regarding this proposal. Comments must be received within fourteen (14) days from the date of this Notice. Comments should refer to the proposal by name/or OMB approval number (2577-0157) and should be sent to: Melaine Kadlic, HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; e-mail: Melanie_Kadlic@omb.eop.gov; fax: (202) 395-6974.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, AYO, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail: Wayne_Eddins@HUD.Gov; telephone (202) 708-2374. This is not a toll-free number. Copies of documents submitted to OMB may be obtained from Mr. Eddins or on HUD's Web site at <http://www5.hud.gov:63001/po/i/icbts/collectionsearch.cfm>.

SUPPLEMENTARY INFORMATION: This notice informs the public that the U.S. Department of Housing and Urban Development (HUD) has submitted to OMB, for emergency processing, a proposed information collection for the Self-Help Homeownership Opportunity Program (SHOP).

This notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

SHOP provides funds for eligible non-profit organizations to purchase home sites and develop or improve the infrastructure needed to set the stage for sweat equity and volunteer-based homeownership programs for low-income persons and families. SHOP is authorized by the Housing Opportunity

Corrections

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This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

[CIS No. 2304-03]

Direct Mail Requests for Special Immigrant Classification and/or Adjustment of Status by Officers or Employees of International Organizations and Their Family Members

Correction

In notice document 04-1513 beginning on page 3380 in the issue of

Friday, January 23, 2004, make the following correction:

On page 3380, in the first column, under the heading "DATES", "February 2, 2004" should read "February 23, 2004".

[FR Doc. C4-1513 Filed 1-27-04; 8:45 am]

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