

Questions and Answers

National Benefits Center– American Immigration Lawyers Association (AILA) Meeting May 10, 2013

Overview

On May 10, 2013, the USCIS National Benefits Center (NBC) hosted an engagement with AILA representatives. USCIS NBC discussed issues related Stand-Alone Forms I-130 petitions, Processing Times, as well as other issues. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

Updates on new NBC initiatives (current or scheduled)

Question 1: What are NBC initiatives that are currently in process or are scheduled?

- August 1, 2012 -The NBC stopped shipping interview waiver I-485 Family-Based Adjustment of Status (AOS) applications to the California Service Center (CSC) and began adjudicating those cases.
- August 15, 2012 – The CSC and the Vermont Service Center (VSC) began shipping stand-alone Form I-130, Petition for Alien Relatives, filed for Immediate Relatives, to the NBC. Once NBC adjudicates an I-130 petition, it forwards it to the perspective field office bi-weekly based on the petitioner’s zip code. There are two exceptions to the I-130 petition to be forwarded to the field office: one is those that are foreign filers, and other is expediting requests. We anticipate being staffed sometime in the fall to work this workload.
- August 15, 2012 – NBC assumed jurisdiction over all new Form I-90, Application to Replace Permanent Resident Card.
- September 20, 2012 – NBC modified the I-485 initial evidence review process for family-based applications. Generally, the NBC will not send Requests for Evidence to the applicant for missing documents such as Form I-693, Report of Medical Examination and Vaccination Record. Instead, NBC will include a list of the needed documents in the applicant’s A-file and forward the file to the perspective Field Office for resolution.
- April 8, 2013- NBC opened its new office in Overland Park, Kansas, where Adjudications Division 7 will process Form I-90 applications. A new division, Adjudications Division 8, also will be located at the Overland Park, Kansas facility. NBC anticipates that Division 8 will begin to adjudicate stand-alone immediate relative Form I-130 petitions by the end of Fiscal Year 2013.

Staffing Changes

Question 2: What key staffing changes have taken place since our last engagement on November 20, 2012?

Response: Assistant Center Directors (ACDs). changes include:

- Monica Sanders, ACD for Adjudications, Division 4 (I-485s and associated applications)
- Pharrah Blackwood, ACD for Adjudications, Division 6 (Adoptions and Regressed Visas)
- Cindy Bain, ACD for Adjudications, Division 7 (I-90s)
- Brandi Blackburn is directing the Overland Park transition and is ACD for Division 8 (I-130s)

NBC Organizational Chart

Question 3: Is there an updated NBC organizational chart that can be provided?

Response: In response to adding two new divisions handling Form I-90s and Form I-130s and expanding the number of teams within each division, NBC has added a layer of management. As a result, first level supervisors report to a section chief and section chiefs report to the ACD.

NBC continues to hire and add resources to meet the needs of new product lines. When fully staffed, the number of federal employees will increase from approximately 585 to 916, and contract employees from approximately 1030 to 1300.

The new organizational chart is attached.

Stand-Alone Forms I-130

Question 4: At the November 30, 2012 engagement, the NBC reported that the California Service Center (CSC) and the Vermont Service Center (VSC) began shipping stand-alone Immediate Relative (IR) I-130 petitions to the NBC on August 15, 2012. Then NBC ships the I-130s to the appropriate USCIS Field Office bi-weekly based on jurisdiction (petitioner ZIP code). According to the minutes from the meeting, there are two exceptions to this policy: I-130s that are filed by an overseas petitioner, and those filed with a request for expedited processing. It was reported that once NBC is staffed for this workload in 2013, the NBC will assume jurisdiction of the stand-alone I-130 petitions.

a) What is the status of the transition of stand-alone I-130s to the NBC?

Response: NBC continues to receive I-130s and ship them to the appropriate filed office for adjudication. Based on staffing, we anticipate being able to adjudicate these in the fall.

b) How are I-130s for beneficiaries in removal proceedings handled? Does the NBC still ship the I-130 to the appropriate USCIS Field Office based on jurisdiction (petitioner ZIP code)?

Response: Currently, all I-130s filed for beneficiaries living in the U.S. are sent to the appropriate field office for adjudication. We do not currently review I-130s before they are shipped. Shipment to the Field Office is based on zip code of the petitioner's address.

c) What is the processing time expected to be for stand-alone I-130s filed by an overseas petitioner?

Response: The current processing time for stand-alone I-130s filed by an overseas petitioner is approximately 60 days from the date of receipt at NBC.

- d) Although all I-130s are assigned a “MSC” case number, I-130 processing times are not listed on the NBC Processing Time Information page on the USCIS website. Will the processing times for all I-130 petitions, including those forwarded to a field office, be posted on the USCIS Processing Time Information website?

Response: Currently the NBC is working with HQ Field Operations to post processing times on the USCIS website.

- e) Would NBC consider implementing a procedure to expedite the adjudication of I-130 petitions for beneficiaries who are in removal proceedings, as indicated in Question 16 on Form I-130, Part C? Immigration Judges are under no obligation to continue removal proceedings until a Form I-130 has been adjudicated, even though relief often depends on its approval. Attorneys could be instructed to include the Notice of Hearing issued by EOIR to alert the NBC of the next hearing date when requesting expedited processing.

Response: NBC is not considering implementing such a procedure at this time. Our current level of resources does not allow us to do this. When we resume adjudication of I-130s at the NBC, we will evaluate the feasibility of this suggestion. However, all petitioners for expeditious adjudication are considered on a case by case basis. Expedite criteria and instructions are published on the USCIS website.

Processing Times of Form I-290B

Question 5: What is the current processing time for Form I-290B, Notice of Appeal or Motion?

Response: The processing time for an I-290B seeking reopening or reconsideration of an Adjustment of Status application depends on the availability of the A-file. If the A-file is available and the initial decision was issued at NBC, the I-290B is adjudicated at NBC, and the current processing time is 30 to 45 days.

In cases where there is difficulty in obtaining the A file, or if the decision was issued by another USCIS office, the processing time can exceed this standard. If another USCIS office issued the underlying decision, NBC sends the I-290B and A-file to that office.

Processing Times of Form I-290B of a Legalization application

The processing time for I-290Bs seeking reopening or reconsideration of a Legalization application or an I-130 denied pursuant to the Adam Walsh Act is less than 30 days.

Processing Times of Form I-290B Adoption

Generally, I-290Bs seeking reopening or reconsideration of an adoption application or petition is reviewed upon receipt. The adjudication time varies because adoption cases often require coordination with a specific country or the Department of State regarding that country’s laws and documents.

Interview Waiver

Question 6: The following I-485 categories are eligible for an interview waiver: Unmarried minor children and stepchildren of U.S. citizens (IR7 and CR7), parents of U.S. citizens (IR0), K1/K2 entrants (CF1/CF2), native/citizen of Cuba filing under 11/2/66 Act (also spouses/children) (CU6/CU7), unmarried & under 14 year old child of Lawful Permanent Resident (F27)

- a) What is the current processing time for each category of interview-waivable I-485?

Response: The processing time is the same for all interview waiver categories. As of April, 2013, the processing time is 8 months from receipt of cases at NBC.

- b) If processing times vary for each category, can they be added to USCIS Processing Time Information for the NBC?

Response: NBC is currently working with HQ to establish processing times. These will be posted in the future.

- c) If an interview has been waived, would it be possible to post this information in the USCIS online case status?

Response: Currently, USCIS systems are not designed to reflect when a case has had an interview waived. Therefore, we are unable to provide this information through Case Status Online. We will review to see if this can be done in the future.

- d) Follow-up Question: Is it possible to let attorneys know that the interview for an I-485 has been waived?

Response: We understand that this is an issue, and are working with the Field Office Directorate to look at this topic. We will take your question under advisement.

- e) Follow-up Question: Is there a way for an attorney to request that an interview be scheduled for an I-485?

Response: No, we are not in a position to take requests that interviews be scheduled for an I-485. If the I-485 requires an interview, it will be scheduled; otherwise, the adjudication of the case will proceed without an interview. We would encourage you to include all relevant materials that support your application at the time of filing. This should ensure that all factors you deem important are considered.

Lockbox Filings and Child Status Protection Act

Question 7: Members report that despite including a brightly colored cover sheet seeking supervisory review on complicated legal issues, such as priority date retention under the Child Status Protection Act, cases are still being rejected by the Lockbox.¹ What can members do to help avoid Lockbox rejection of these cases in the future? May the attorney communicate with the Lockbox at lockboxsupport@DHS.gov?

An applicant may identify their eligibility for CSPA by marking box “h” on page 1 of the I-485 application and clearly printing “Child Status Protection Act Claim” on the blank line in category “h.”

Attorneys may communicate directly with the Lockbox using the mailbox: lockboxsupport@uscis.dhs.gov . Please send any examples of cases for lockbox review to the dedicated email box.

Defense of Marriage Act (DOMA) Cases

Question 8: We understand that Forms I-130 and Forms I-485 filed on behalf of same-sex married couples cannot be approved unless the Defense of Marriage Act (DOMA) is struck down or repealed. Nevertheless, the Board of Immigration Appeals (BIA) has remanded petitions for same-sex marriages for USCIS to conduct basic fact-finding on the validity of the marriage in the state in which it took place, and whether the beneficiary would be considered a “spouse” under the INA, absent DOMA.² At the same time, certain petitions have been denied by USCIS without issuance of an RFE. (Examples: MSC1390181953 and MSC1291126920). What is NBC’s process and policy for handling I-130 petitions filed by same-sex married couples?

The INA does not specifically define the term “spouse” with respect to gender, but Section 3 of the Defense of Marriage Act (DOMA) states for the purpose of eligibility for federal benefits, “marriage” means “only a legal union between one man and one woman as husband and wife” and the word “spouse” refers “only to a person of the opposite sex who is a husband or wife,” 1 U.S.C. §7. NBC adjudicates I-130 petitions filed on behalf of same sex spouses without issuance of an RFE because DOMA is the controlling federal law. It applies as a matter of federal law, whether or not the marriage is recognized under state law. Therefore, under DOMA, petitions for which the genders are the same must be denied because the applicant is statutorily ineligible.

Update on DOMA: On June 26, 2013, the U. S. Supreme Court invalidated part of the Defense of Marriage Act (DOMA). The Department of Homeland Security is currently reviewing the decision and will be providing further guidance soon.

Forms I-824 and Defense of Marriage Act (DOMA) Cases

Question 9: The NBC “Tips for Filing Petitions and Applications to the National Benefits Center” web page suggests that where notification to a consular post is necessary to start the immigrant visa process for a derivative, Form I-824 may be filed concurrently with a Form I-485 though the I-824 won’t be adjudicated until a decision on the I-485 has been made.

- a) Can an I-824 be interfiled with a pending I-130?

Petitioners may file Form I-824 while Form I-130 is pending—the lockbox will accept the I-824. However, generally Form I-824 is not needed while Form I-130 is pending since the purpose of Form I-824 is to take action on an approved application or petition. If filed, the I-824 is matched to the I-130 and the I-824 is adjudicated once a decision has been made on the I-130.

If there is a change while the I-130 is pending (for example, the beneficiary moves), the petitioner should submit a SRMT with the new information and requested change.

Humanitarian Parole

Question 10: What USCIS office should status requests and liaison inquiries be directed when a request for humanitarian parole is assigned with an MSC receipt number?

Response: All inquiries pertaining to applications for parole for individuals residing outside the U.S. or individuals inside the U.S. requesting re-parole where the Humanitarian Affairs Branch (HAB) granted the original parole should be sent to the following address:

U.S. Citizenship and Immigration Services
ATTN: International Operations/HAB
20 Massachusetts Ave., NW, 3rd Floor
Mail Stop 2100
Washington, DC 20529

If an applicant marks block “e” or “f” and they are determined to be inside the U. S., for either an initial or re-parole, HAB will send the application back to the NBC. The NBC will determine if the applicant is asking for Humanitarian Parole or is actually requesting something else.

If the individual is asking for Humanitarian Parole, the NBC forwards the application to the District Office for final adjudication. Applicants and/or their representatives can access the status of their case through My Case Status Online. Applicants and/or their representatives will also receive a transfer notice if the case is transferred from one location to another. If the case is located at the NBC, inquiries may be directed to the customer service number. If the Humanitarian Parole application is at the District Office, inquiries should be directed to that office.

I-485 Interview Scheduling and change of address

Question 11: We understand that jurisdiction for an adjustment of status interview is determined by the zip code of the applicant as stated in the Form I-485. Does the NBC search for Forms AR-11, Alien Change of Address for the applicant prior to scheduling the interview?

Response: No. NBC utilizes the applicant's address as reflected on the active application to determine the applicant's address and office of jurisdiction based on zip code.

An individual with a pending application, petition or motion should notify USCIS of a new address as soon as possible so that a change of address will be updated to USCIS systems for every pending form. To notify NBC or another USCIS office of the new address, the applicant should call the National Customer Service Center at 1-800-375-5283, or go online at uscis.gov and complete change of address forms electronically. The online change of address tool allows customers to accomplish two different purposes at the same time:

1. For all non-U.S. citizens present in the U.S. for more than 29 days, to comply with the legal requirement to notify DHS of any change of address (currently using Form AR-11, Alien's Change of Address Card) within 10 days of the move.
2. For individual customers who have pending applications and/or petitions with USCIS to change the address where USCIS should notify them of actions on their case.

If you choose to use this online electronic change of address notification, please do not mail in a Form AR-11. On the other hand, if you choose not to use this online tool, and choose to mail in a paper Form AR-11, please understand that doing so will not update your address on any applications or petitions pending with USCIS.

Question 12: We understand that the NBC notifies applicants of the I-485 interview about six weeks prior to the scheduled date, and transfers the file to the appropriate USCIS field office approximately three weeks before the interview. If the I-485 applicant relocates during this interim period to an address within the jurisdiction of a different field office, how should the applicants notify NBC of the address change? How should the applicant notify NBC of which local office they would like to have the interview?

Response: If the applicant has a pending I-485 application that has been scheduled for interview and the new address places him in a different jurisdiction, the applicant should call the National Customer Service Center (NCSC). By calling the NCSC the applicant may:

- Inform the previous Field Office that he or she cannot attend the interview because of an address change
- Inform the new Field Office of the need to schedule an interview in that jurisdiction.
- Notify USCIS of the address change.

The new Field Office is responsible for scheduling the applicant for interview and will request the applicant's alien file from the previous Field Office. NBC is rarely involved in rescheduling applicants for interviews. When time frames are very short (less than a week), applicants may contact the nearest Field Office (old or new), and the Field Office will help contact the NBC.

Delays in the scheduling of Violence Against Women Act (VAWA) cases

Question 13: AILA has received reports of delays in the scheduling of I-485 interviews for approved I-360s based on VAWA.³ (Examples: EAC1223550399, EAC1223550414, EAC1223550409, EAC1106550504, EAC1112950399, EAC1112850350, EAC1118250500, EAC1118250552, EAC1118851124, EAC1119450481, EAC1106750858, EAC1116750864, EAC1119850599, EAC1115450725, EAC1120250717, EAC1121050010, EAC1119450490, EAC1114950309, EAC1114750646, EAC1111350770, EAC1120650964, EAC1120350432, EAC1118750880, EAC1115250449, EAC1114750671, EAC1124450286, EAC1212750249, EAC1221150675, EAC1220850359, EAC1203250885, EAC1220350183).

Response: NBC has reviewed the status of the cases shown above. As of 4/8/13, none of the cases are pending at NBC or at a Field Office. All of the cases are at the Vermont Service Center (VSC), with the exception of three cases that have been adjudicated. The role of the NBC in the VAWA cases is limited. Some background regarding this caseload may be helpful.

Prior to May 2012, Vermont Service Center (VSC) completed any required preprocessing of these cases. Once the VSC approved the I-360 they would send the file to the field for interview of the I-485 application. NBC was brought into the process because of our role within USCIS regarding cases that require an interview.

NBC serves as the pre-interview processing office for N-400, I-485

NBC serves as the USCIS pre-interview processing hub for applications that require an interview. Our goal is to provide the field with interview-ready cases. Our two largest workloads are the Family-Based Adjustment of Status (FBAS) I-485 and N-400 applications. We also get some employment-based applications that require an interview from the Nebraska Service Center.

For the FBAS and N-400 cases we review the files for prima facie initial evidence that is required per 8 CFR 103.2(b)(1). Our evidence review process is designed to prepare the file for adjudication and reduce the continuance of cases in the field.

NBC serves as a preprocessing for VAWA AOS

In May, 2012, NBC agreed to assume a role in the pre-processing of the VAWA AOS cases from the VSC. When we receive cases from the VSC, the I-360 has been approved and the I-485 application is reviewed for evidence of:

- 1) Valid fingerprints and fingerprint results from the FBI (fingerprints are valid for 15 months)
 - 2) I-693 Medical (required per 8 CFR 245.5)
 - 3) I-864 Waiver of the Affidavit of Support
 - 4) Birth Certificate of the applicant
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Request of Evidence for Violence Against Women Act (VAWA) cases

If any required initial evidence is missing, we will send an RFE and give the applicant 87 days to respond. The review for missing initial evidence and the RFE, if necessary, is completed within the first ten days of receipt of the case at NBC.

Once all required initial evidence is present and fingerprint results are received, NBC will ship the case to the field for manual interview scheduling. These cases are manually scheduled by the field because of the sensitive nature of these cases. NBC has no control over scheduling interviews or completing adjudication.

On average, if a case does not require an RFE and fingerprints are valid, the application is shipped to the Field Office in less than 30 days.

NBC accepts 250 Cases per week from the VSC

Since May 2012, NBC has agreed to accept 250 cases per week from the VSC, and to accept larger shipments, if needed. NBC does not have a quota, but rather an agreed upon shipping schedule that allows for consistent case flow and flexibility for larger shipments, when needed.

NBC's workload is dependent upon the cases that are sent from the VSC. Records indicate that the age of cases that we receive varies.

Violence Against Women Act (VAWA) fingerprint processing

It should be noted that we recently identified an issue with the fingerprint processing of VAWA cases that affected timeliness. Some cases at the NBC had expired fingerprints and were not being worked. This issue has been corrected. NBC will conduct weekly sweeps of the VAWA cases to ensure we have valid fingerprint results and move cases to the field expeditiously. We have also initiated a process to "refresh" fingerprint results rather than require the applicant to appear again at an Application Support Center for another set of fingerprints. Therefore, the primary cause for delay of VAWA cases that were at the NBC has been eliminated with the addition of a new process to identify cases with expired fingerprints.

Pending Violence Against Women Act (VAWA) cases

NBC initiated discussions with the VSC and Service Center Operations regarding VAWA processing. The first teleconference was held on April 2, 2013. The meeting was quite successful in bringing various issues to the table and taking steps toward implementing processes that will affect the timely processing of these cases. NBC is committed to continuing the dialogue and developing ways to improve the process for VAWA applicants.

- a) What could attorneys do to bring long-pending cases to the attention of the NBC?

Response: If the I-360 and the I-485 are filed concurrently at the Vermont Service Center, attorneys should confirm that the I-360 application has been approved, which is documented by an I-797 approval notice, and that the I-485 application has been sent to the NBC, which is documented by an I-797 transfer notice. If the attorney has not received a transfer notice, the file remains at the VSC and attorneys should contact the VSC.

NBC follows the established practice of responding to written requests from applicants only when it involves a change of address request. This practice was established to protect the confidentiality of the applicant due to the highly sensitive nature of these cases. However, if we receive a referral inquiry from the National Customer Service Center (NCSC) regarding a VAWA case, we will determine if we have jurisdiction (the case is at the NBC) and we will resolve any issues if the case has been put on hold in error.

To protect the applicant, we will not respond to the inquiry because we cannot verify that the applicant made the inquiry to the NCSC. It is impossible to know who has made the inquiry and it may not be the applicant but an inappropriate party who is trying to determine the location of the applicant or the immigration status of the applicant.

Change of address Violence Against Women Act (VAWA) cases

It is recommended that a change of address for a VAWA-based adjustment applicant be sent to the address below and it must include the signature of the applicant authorizing the change of address. A change of address request will not be honored unless USCIS can verify that the applicant authorizes the change. Written requests may be sent to:

USCIS, National Benefits Center
P.O. Box 648006
Lee's Summit, MO 64002

As previously noted, NBC is working with the VSC to identify best practices and establish protocol to address these and other issues for VAWA cases.

- b) Would the NBC consider creating a specific e-mail address for this limited purpose?

Response: Again, due to the sensitive nature of VAWA cases, we must abide by the process described above in order to protect the applicant and prevent any unauthorized disclosures.

As previously stated, we are working with the VSC to establish an approved protocol for handling VAWA inquiries, and will keep you informed of any changes that occur as a result of these discussions.

c) Follow-up Question: How does the NBC contact attorneys working on the VAWA cases?

Response: As previously noted, we are holding active discussions with the Vermont Service Center (VSC) regarding the protocols they have in place regarding contacts with applicants and attorneys of VAWA cases. We will raise this question with the VSC, and work with them to provide an answer.

USCIS Case Status On-line

Question 14: We are receiving reports that the USCIS Case Status Online sometimes indicates that cases are being interviewed at the NBC and not the field office, creating significant confusion. (Examples: MSC1290696903, MSC1290025807, MSC1390157534) The language generally reads as follows:

“Testing and Interview -- On January 30, 2013, we mailed you an appointment notice for an interview for March 1, 2013, at NATIONAL BENEFITS CENTER. Please follow the instructions on the notice. If you move while this case is pending, please use our Change of Address online tool to update your case with your new address or call our customer service center at 1-800-375-5283.”)

Would the NBC follow up with the appropriate individuals to fix this error?

Response: Thank you for continuing to raise this issue. NBC has been working closely with the appropriate office in HQ to remedy this situation. Please continue to provide the receipt number(s) of any cases affected by this error to provide examples to HQ.

USCIS Security Checks/Screening at Field Offices – Advance Notice

Question 15: We understand that USCIS field offices will require all individuals (respondents, applicants, or beneficiaries) to have their photographs and fingerprints taken at the USCIS field office for input into the Secondary Inspections Tool (SIT) when they appear for a required interview or appointment.⁴ SIT is used to confirm that the individual is the person who applied for the immigration or naturalization benefit and is the same individual who appeared at an Application Support Center (ASC) for biometrics processing.

- a) Will the NBC give notice to petitioners, applicants, and beneficiaries and explain this additional security processing in the Form I-797 Appointment Notice, or through another instruction sheet?
 - b) If so, will the notice advise applicants to arrive well in advance of their scheduled interview so there is ample time to complete the additional security screening?
 - c) Would the NBC provide AILA with a sample instruction sheet if one has been prepared?
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Response: USCIS published two notices in the Federal Register. The first notice was issued on May 13, 2011 with a 60-day comment period and the second notice was published in the Federal Register on July 27, 2011 with a 30-day comment period. Copies of these notices can be found on our website, www.uscis.gov, under the “Laws” tab and then by selecting “Federal Register Notices.”

In addition, on April 8, 2011, USCIS issued an on-line news alert which explains this new process and on April 16, 2013, USCIS Customer Service and Public Engagement held a Stakeholder conference regarding implementation of the new process.

The biometrics collection should take less than five minutes to complete and applicants should not need to arrive any earlier for an appointment than they currently do.

I-797 Interview Appointment Notices have not been revised with information about CIV. USCIS will post an informational guide for the public regarding the new CIV process at the time of implementation. This information will be made available directly to affected customers at field and local offices. USCIS is unable to provide an advance copy.

For additional information regarding this process, please contact CSPE at public.engagement@uscis.dhs.gov.

N-648s and Biometrics Processing

Question 16: What accommodations are made in the biometrics process for persons who are disabled and may have trouble attending biometrics appointments?

- a) Is there an alternative background check process that may be completed for applicants who are severely physically disabled (e.g. cerebral palsy)?

Response: Yes, there is an alternative background check process that may be completed for applicants who are severely physically disabled. As indicated on the USCIS website, USCIS is committed to providing customers with disabilities the same access to its programs, activities, and facilities as customers without disabilities.

Accommodations vary depending on the individual’s disability and involve modifications to practices or procedures that allow applicants with disabilities to participate in immigration processes. A Notice for Customers with Disabilities is printed on the back of every I-797C Biometrics appointment. The instructions direct the individual to call the National Customer Service Center (NCSC) at 1-800-375-5283 (TDD: 1-800-767-1833) to request an accommodation if they need an accommodation due to a disability that affects access to a USCIS program or activity OR if a disability prevents the customer from going to the designated USCIS location as scheduled. The NCSC refers the call to SRMT and the request is then forwarded to the local ASC or Field Office of jurisdiction for processing.

If the NBC receives a request for an accommodation for disabled individuals for applications that go to the Field for interview, that information is forwarded to the Field as well.

I-90's and request for accommodation for disabled

However, because I-90's are adjudicated at the NBC rather than being sent to the field for adjudication, the process for I-90's is different. For I-90's only instructions are provided to the applicant who needs an accommodation about "information that must be submitted." This information is printed directly on the biometrics appointment. This includes:

- A copy of an official document showing photo, name, and date of birth
- A description and evidence of the condition which prevents the applicant from traveling to the ASC
- Two passport style color photos
- Police clearance letters from every jurisdiction that the applicant has lived in the U.S. for the last ten years or since the last Legal Permanent Resident (LPR) card was issued.

If an applicant who has indicated they need an accommodation does not submit this information, and does not attend their Application Support Center (ASC) appointment for biometrics and fingerprints, NBC will send a Request for Evidence (RFE) asking for the evidence detailed above.

Naturalization cases claiming disability waiver medical waiver of English

- b) For naturalization cases claiming a disability or medical waiver of the English and civics testing requirements, does the NBC review the Form N-648, Medical Certification for Disability Exceptions to evaluate any stated reasons as to why traditional biometrics cannot be completed before scheduling biometrics?

Response: No, the NBC does not review the Form N-648. That form is sent directly to the Field Office responsible for the interviews for that individual. Naturalization cases claiming a disability of medical waiver of the English and civics testing requirements should not call the NCSC. They must complete the N-648.

I-601A Application for Provisional Unlawful Presence Waiver

Question 17: Please describe the procedures the NBC has instituted for processing and adjudicating Forms I-601A, Applications for Provisional Unlawful Presence Waiver.

- a) How are Forms I-601A that are received from the Chicago Lockbox sorted by the NBC?

Response: The NBC receives the I-601as in the A File from the Lockbox. If the applicant has been assigned an A- number, the Lockbox creates a temporary file and Records orders the A- file when the case is received at the NBC. Records also schedules the applicants for their biometrics appointments. If the biometrics fees have not been paid, the case is put on hold until the fees are received by the Lockbox. When the biometrics are completed, NBC finalizes the preprocessing and the files are placed in a ready-to-adjudicate status in the order in which they were received.

- b) How are Forms I-601A that are received from the Chicago Lockbox sorted by the NBC?

Response: The primary I-601A team consists of 7 Immigration Service Officers (ISO), and one ISO Level 3 Officer. However, approximately 50 ISOs have been trained by the Adjudications Division responsible for this workload so that more resources can be assigned, if necessary.

- c) What training was provided to adjudicators on the definition of “extreme hardship”?

Response: Extreme Hardship training was provided by representatives from the Office of Field Operations and the Office of the Chief Counsel.

- d) Are there different teams of adjudicators assigned to applications based on an applicant's home country?

Response: No. Training and resources have been provided to all officers allowing them to research specific country conditions for each application, regardless of the applicant’s home country.

- e) Do adjudicators follow a checklist when reviewing provisional waiver applications?

Response: Yes, a processing checklist was developed and is completed with each application.

- f) What is the expected processing time for provisional waivers?

Response: There has not yet been a specific processing time associated with the provisional waiver product line, as NBC began processing waivers on March 4, 2013. Once the receipt volumes are determined and the staffing allocation is met, we will be able to establish a processing time.

- g) How many Forms I-601A has NBC received to date?

Response: Approximately 2200 applications have been received as of May 10, 2013.

- h) The instructions for Form I-601A indicate that copies of documents are acceptable and that no originals filed will be returned. In the past, waiver adjudicators have stated publicly that original signed letters are preferred and given more weight than photocopies, faxes, and/or scans of signed letters. Are signed originals of letters preferred?

Response: Legible photocopies are an acceptable form of evidence with the I-601A. USCIS may request the original documents, if necessary.

- i) I-601A applications are filed with the Chicago lockbox which processes checks electronically. When fees are processed electronically, does the lockbox provide the bank with a notation containing the MSC receipt number? This would be helpful for tracking cases that get lost in the system.

Response: When a submission contains just one application or petition, the associated receipt number is printed on the back of the check or money order. When a submission contains multiple applications/petitions, the lowest receipt number assigned to the forms within the submission will be printed on all checks.

U.S. Visitor and Immigrant Status Indicator Technology Program

Question 18: Will the NBC consult the U.S. Visitor and Immigrant Status Indicator Technology Program (US-VISIT) or the Arrival and Departure Information Systems (ADIS) to check if the I-601A applicant is still in the United States when adjudicating the I-601A?

Response: The NBC will check all available systems that are applicable to the adjudication, on a case-by-case basis. US-VISIT and/or ADIS may be included in these checks.

Standard Timeframe for Applicants to Respond to Requests for Evidence in relation to I-601 A

Question 19: On March 1, 2011, USCIS issued a Policy Memorandum (PM-602-0081) SUBJECT: Standard Timeframe for Applicants to Respond to Requests for Evidence Issued in Relation to a Request for a Provisional Unlawful Presence Waiver, Form I-601A limiting the response time to a Request for Evidence (RFE) to 30 days. If the I-601A applicant needs and can document a reason why additional time is needed to respond to a RFE, for example there is a delay in obtaining a document from abroad that would further demonstrate the hardship the U.S. citizen would suffer, would the NBC consider granting an extension of the RFE response time or issue a second RFE?

Response: The ISO working each case may increase the response time for the Form I-601A after supervisory review and concurrence. However, the maximum response period for a request for evidence may not exceed twelve weeks.

I-601 Denials

Question 20: Where an I-601A is denied, will the NBC follow the guidance set forth in the November 7, 2011, Policy Memorandum PM-602-0050 on NTA issuance?⁵

Response: Yes.

Email box for I-601 A issues

Question 21: Would the NBC consider creating a specific e-mail box to address I-601A issues?

Response: At this time NBC is not considering a specific email box to address I-601A issues. Applicants should call the National Customer Service Line to address I-601A issues.

USCIS –AILA Engagements

Question 22: AILA welcomes the opportunity to speak with representatives of the NBC to discuss issues of mutual interest to USCIS and its stakeholders. Our committee is interested in learning how we can improve our engagements with you, including your comments, complaints and suggestions.

NBC also welcomes the opportunities we have twice a year to engage on topics of interest to both AILA and NBC. Thank you for your commitment to work together on issues to benefit Stakeholders of USCIS. NBC does not have anything to offer at this time regarding how AILA can improve, complaints or suggestions.

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Functional Organizational Structure

