



# Questions and Answers

## USCIS International Operations Division in Ciudad Juarez Meeting with American Immigration Lawyers Association May 17, 2016

### Overview

On May 17, U.S. Citizenship and Immigration Services (USCIS) International Operations (IO) Division in Ciudad Juarez, Mexico, met with the American Immigration Lawyers Association (AILA) representatives.

USCIS and the Consular Affairs at the Department of State (DOS) addressed questions from AILA. The information below provides a review of those questions and responses.

### Questions and Answers

#### General Operations

1. How many employees (local and U.S. staff) are on site? Are there any significant staffing changes anticipated in the near future?

**Response:** No significant staffing changes are anticipated in the near future. Please see our staffing charts available on our public website at [uscis.gov/aboutus](http://uscis.gov/aboutus).

- Select the Directorates and Programs tab on the left, then select the Refugee, Asylum and International Operations Directorate (RAIO).
- After selecting International Operations, scroll down under International Offices and select the Latin America, Canada and the Caribbean (LACC) District to see the district office and all LACC field office staffing charts, which include the number of staff at each office.

2. Please provide an overview of current initiatives and priorities of USCIS in Ciudad Juarez.

**Response:** USCIS Juarez is focused primarily on adjudicating Form I-130, answering public inquiries and processing Form I-601 exception filings.

3. USCIS' May 2012 memo on the role of private attorneys states that an applicant has a right to an attorney in interviews conducted by USCIS International Operations offices abroad.<sup>1</sup>

- a. Are attorneys who have a G-28 on file permitted to attend interviews with their clients at the office?

**Response:** The policy memorandum provides guidance regarding representation and appearances before USCIS and applies to the adjudication processes of the IO Division of RAIO, to include the USCIS Ciudad Juarez Field Office.

- b. May attorneys who have a G-28 on file be permitted to attend an InfoPass appointment on behalf of their client to inquire about a case, or would your office prefer the attorney to inquire via e-mail?<sup>2</sup>

**Response:** Attorneys with a Form G-28 on file can attend an InfoPass appointment on behalf of their client.

## Visa Fees

4. We understand that USCIS international offices generally use the DOS payment options for filing petitions.<sup>3</sup> Per the USCIS website, payment can be made by U.S. dollars, Mexican pesos, U.S. Postal money orders, U.S. treasury checks, or credit cards.<sup>4</sup> Please advise which credit cards are accepted at USCIS Juarez.

**Response:** All major credit cards are accepted as form of payment, with the exception of Visa Electron credit cards.

5. In the past, USCIS Juarez has advised AILA members to make checks or money orders payable to "U.S. Department of the Treasury;" however, the USCIS website states that fees should be made payable to the "U.S. Department of Homeland Security."<sup>5</sup> Please advise as to whom the check or money order should be made payable.

**Response:** If the application will be submitted at an international office, the money order should be made payable to U.S. Department of Treasury. If the application is submitted to a USCIS office in the U.S., then the money order or check should be made payable to

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<sup>1</sup> USCIS Final Memo on the Role of Private Attorneys, AILA Doc. No. 12052940.

<sup>2</sup> Mexico – USCIS Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>

<sup>3</sup> AILA Agenda USCIS International Operations Responses, Dec. 2014, Q16(a), [http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED\\_Agenda\\_IO-AILA\\_11Dec2014\\_RESPONSES\\_2.pdf](http://www.uscis.gov/sites/default/files/USCIS/Outreach/PED_Agenda_IO-AILA_11Dec2014_RESPONSES_2.pdf); AILA Doc. No. 15020563, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minutes-12-11-14>.

<sup>4</sup> Mexico – USCIS Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>

<sup>5</sup> Paying Immigration Fees, <http://www.uscis.gov/forms/paying-immigration-fees>

U.S. Department of Homeland Security. Note: The USCIS [website on paying immigration fees](#) indicates that individuals should check the [international field office](#) website for fee payment information.

## Communications

6. Please confirm that the best contact information for USCIS Juarez is: telephone: 011-52-656-227-3451; email: [cdj.uscis@uscis.dhs.gov](mailto:cdj.uscis@uscis.dhs.gov).<sup>6</sup>

7. What is the current estimated response time for email inquiries?

**Response:** USCIS Juarez tries to answer all email inquiries within two business days.

8. If different from the current response time, what is the response time goal?

**Response:** USCIS Juarez's response time goal is five business days.

## Biometrics

9. Per the USCIS website, fingerprinting services may be available for overseas applicants in "rare" circumstances.<sup>7</sup> Understanding that some examples of those who may file or receive fingerprint collection services are listed on the website, please advise if financial and time impact to the applicant might be a consideration of whether an applicant may qualify for biometrics abroad.

**Response:** For some form types, individuals will be able to request biometrics collection with proof of a USCIS biometrics request. For other form types, the international field office director (FOD) may exercise discretion, on a case-by-case basis, based on whether the applicant has demonstrated extenuating circumstances.

10. Please confirm that biometrics capture for USCIS purposes is conducted at one of the three USCIS offices in Mexico and not at one of the Applicant Support Centers (ASCs) in Mexico.

**Response:** Biometrics capture for USCIS purposes is conducted at one of the three USCIS offices in Mexico. Biometrics collected at the ASCs are for DOS processing only.

11. The USCIS website also indicates that individuals may contact USCIS to determine eligibility on a particular case.

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<sup>6</sup> *Contact Us – USCIS Field Office*, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/contact-us-uscis-ciudad-juarez-field-office>.

<sup>7</sup> *Id.*

- a. Could any applicant requesting biometrics capture abroad attend the fingerprint appointment at any USCIS office in Mexico? (For instance, if an applicant lives in the jurisdiction covered by the Mexico City Field Office but not near the embassy and happens to be visiting Ciudad Juarez, would USCIS Juarez consider allowing biometrics to be collected at that office?)

**Response:** Biometrics generally are collected at the field office having jurisdiction. The international FOD may exercise discretion based on whether the applicant has demonstrated extenuating circumstances, such as, if an applicant lives in the jurisdiction covered by the Mexico City Field Office but not near the embassy and happens to be visiting Ciudad Juarez.

- b. If the applicant believes USCIS Juarez should collect their biometrics, should the applicant or attorney contact USCIS at the email address previously listed or make an InfoPass appointment to schedule the biometrics?

**Response:** The applicant or attorney may contact USCIS by email or make an InfoPass appointment to schedule the biometrics.

## Abandonment of Resident Status (Form I-407)

12. Some individuals wishing to file a Form I-407 are also interested in obtaining a nonimmigrant visa upon adjudication of the I-407. USCIS advises that I-407 applications can be filed by scheduling an appointment or by mailing in the application.<sup>8</sup>

- a. Does USCIS offer same-day processing of Form I-407 for those who file in-person?

**Response:** Individuals who make an appointment and submit Form I-407 in person generally receive same-day processing at USCIS Juarez and receive a copy of the signed Form I-407.

- b. Can applicants accomplish both the I-407 appointment and the nonimmigrant visa interview during the same visit? (For example, are I-407 appointments only in the afternoon, which would make a non-immigrant visa (NIV) appointment on the same day impossible? We understand that two separate appointments would need to be made—one with USCIS Juarez and one with the consulate.)

**Response:** Generally, USCIS Juarez processes I-407s the same day. We do not control scheduling of NIV interviews or coordinate Form I-407 appointments with NIV interview appointments.

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<sup>8</sup> Mexico - USCIS Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>.

- c. How many I-407 appointments are offered daily?

**Response:** USCIS Juarez offers 20 I-407 appointments.

- d. What are the general processing times of I-407s filed by mail?

**Response:** The IO-wide goal is to complete at least 80 percent of Form I-407s within 30 days adjusted processing time.

- e. Is the I-407 considered processed when the individual is provided a signed copy as record of the action, or once the signed I-407 and supporting documentation are processed by USCIS stateside?

**Response:** Note, first, that signing and submitting Form I-407 creates a record that the individual has abandoned LPR status. Abandonment actually “happens” when the individual leaves the United States (or remains abroad) with the intent to abandon LPR status. It may be that, in a given case, abandonment happened some time before submission of the Form I-407. We do not make a formal “finding” or “adjudication” of when the abandonment actually occurred.

Processing of the Form I-407 is completed when USCIS Juarez provides the applicant with a signed copy.

13. Can Third-Country Nationals (TCNs) file I-407s in Ciudad Juarez? If so, does the applicant have to be a resident of Mexico?

**Response:** TCNs can file Form I-407 Ciudad Juarez. The applicant does not have to be a resident of the Mexico.

14. What other documents (besides death certificate, custody decree or guardianship papers) can the individual submit to show they have sole legal custody of a minor to file Form I-407 on their behalf? For instance, will secondary evidence be considered in the event that primary evidence is not available?

**Response:** Individuals may submit any documents showing a formal grant of legal custody in accordance with the law of the place where custody was granted. Generally, they must provide primary evidence—a copy of the actual public document that grants custody. This may be a court order or an administrative order, depending on how a formal grant of custody is made in the relevant jurisdiction. If this primary evidence is not available, they may submit secondary evidence. Tertiary evidence (affidavits or other statements under penalty of perjury) may be submitted if neither primary nor secondary evidence is available.

As specified in 8 CFR 103.2(b), the individual must establish—by certification from the official who would have the public record, if it existed—that primary evidence is not available to submit secondary evidence.

15. What is the procedure if, at the interview, the officer determines that the individual abandoning their LPR status is not acting voluntarily?

**Response:** For abandonment to have effect, the individual must freely and knowingly choose to give up LPR status. We ordinarily assume that an adult is acting freely and knowingly. If at the interview the officer determines that there is a reasonable probability that the individual is not acting freely and knowingly, we will decline to accept the I-407 until this issue is resolved.

## Immigrant Visas

16. The USCIS Juarez website advises that Form I-130 petitions may be filed in person or by mail.<sup>9</sup>

- a. When submitting an I-130 petition in person, is this done through scheduling an InfoPass appointment?

**Response:** Yes. Customers can schedule InfoPass appointments at <https://trans.uscis.gov/>.

- b. What is the USCIS mailing address for filings? Please also offer any relevant courier addresses.

**Response:**

DHS/USCIS  
Field Office Director  
Department of Homeland Security  
U.S. Citizenship and Immigration Services  
C/O U.S. Consulate General  
Paseo de la Victoria #3650  
2nd Floor  
Partido Senecu, Ciudad Juarez, Mexico CP 32543

If mailing from the U.S. through U.S. Postal Service regular or express mail:

USCIS Ciudad Juarez Field Office  
PO BOX 9896  
El Paso, Texas, 79995

If mailing from the U.S. using a courier:

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<sup>9</sup> Mexico - USCIS Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>.

Field Office Director  
Department of Homeland Security  
U.S. Citizenship and Immigration Services  
C/O U.S. Consulate  
9601 Carnegie Avenue  
El Paso, TX 79925

You can also find our contact information on our website by navigating to “Contact Us,” or directly at <https://www.uscis.gov/about-us/find-uscis-office/international-offices/contact-us-uscis-ciudad-juarez-field-officeMailing%20address%20and%20instructions%20can%20be%20found%20at:%20%20https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-officeM>

17. In an effort to prevent a Request for Evidence (RFE) on petitions submitted to the USCIS field office, please advise if there are any common problems with I-130 petitions submitted to your office that could be avoided. (For example, have you observed any common mistakes made by petitioners or their attorneys?)

**Response:** The most common omission we see is failure to provide evidence showing termination of all prior marriages in spousal petition cases and proof of residency.

18. As of April 2016, locally filed I-130s are adjudicated in less than one month.<sup>10</sup> What is the wait time between USCIS I-130 adjudication and transfer of the file to DOS for IV issuance?

**Response:** The transfer usually takes 1-2 business days. Subsequent processing and issuance of the immigrant visa is a separate process controlled by DOS.

19. As a result of the limitation on direct filing of immigrant visas at posts where no USCIS office is co-located, USCIS allows DOS to request an exception for filing Forms I-130 directly with post. Per the USCIS Juarez website, it appears that your office solely covers particular areas in Mexico. As such, please confirm that USCIS Juarez does not receive exceptional circumstance requests.

**Response:** Since USCIS Juarez does not have jurisdiction over countries outside of Mexico, we do not have information on our website covering direct consular filings, which would only apply in countries in which there is no USCIS presence. All U.S. citizens residing in USCIS Juarez’s jurisdiction can file a Form I-130 for an immediate relative directly with our office. As such, USCIS Juarez does not receive exceptional circumstance requests for direct consular filings with DOS.

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<sup>10</sup> *USCIS Processing Time Information for the Field Office*,  
<https://egov.uscis.gov/cris/processingTimesIntlDisplay.do;jsessionid=abcLJbzodfinee0xiWPqv>

20. When a U.S. citizen lives in a border town in Mexico with his or her family, but works in the U.S. and commutes every day, would any additional evidence by the citizen be necessary to establish residence in Mexico for purposes of filing an I-130 locally?

**Response:** Please follow the instructions on Form I-130 found at <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>.

## Adoption

21. What are the biggest challenges that USCIS encounters in facilitating international adoption applications, and is there anything AILA members can do to help make the process more efficient?

**Response:** USCIS has not experienced significant challenges in processing international adoption applications and petitions. Furthermore, USCIS and DOS have formed a bilateral adoptions working group with the relevant Mexican authorities, which provides an additional venue for resolving challenges. The process is most efficient when applications and petitions are submitted with all required documentation issued by the appropriate authorities.

## Transportation Letters

22. Around the world, Transportation Letters are obtained through various agencies (CBP, USCIS or ICE). Per the USCIS field office website, it appears that USCIS Juarez issues Transportation Letters in Mexico.<sup>11</sup> Per the U.S. Consulate website, “individuals may apply for a Transportation Letter at the U.S. Consulate General Monday through Friday from 7:30 a.m. to 3:30 p.m. at window 1 on the second floor.”<sup>12</sup> However, it earlier states on the page that “an appointment is required for any of these services.”<sup>13</sup>

- a. Please confirm that USCIS Juarez processes Transportation Letters, rather than the U.S. Consulate in CDJ.

**Response:** USCIS Juarez processes Transportation Letters.

- b. Please clarify whether walk-ins are possible for this service, or if an InfoPass appointment is required (or preferred).

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<sup>11</sup> Mexico - USCIS Field Office <https://www.uscis.gov/about-us/find-uscis-office/international-offices/mexico-uscis-ciudad-juarez-field-office>

<sup>12</sup> <https://mx.usembassy.gov/visas/legal-permanent-residents/>

<sup>13</sup> Id.

**Response:** USCIS Juarez does not accept walk-ins. However, if you have an emergency or are unable to make an online appointment because of circumstances beyond your control, you may visit our office between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday.

23. If known, how quickly after submission of all necessary documents are Transportation Letters ready for use by the applicant?

**Response:** Transportation Letters are generally ready the same day.

24. Are expedited appointments available for immediate travel in compelling situations?

**Response:** Please see the response to Question 22-b.

25. In general, if airline tickets or the boarding card are not available to prove departure date, will the passport entry stamp be sufficient?

**Response:** As evidence of time outside the U.S., we accept airline tickets, and entry/exit stamps in the individual's passport.

26. Please advise whether the Transportation Letter is available same-day for in-person pick up, or if it will be sent to the applicant via DHL.

**Response:** A Transportation Letter is generally available the same day for the applicant to pick up. We don't use DHL delivery service.

## I-601 Waiver Issues

27. Since the consolidation of I-601 processing in the United States, what changes have been implemented at USCIS Juarez?

**Response:** USCIS CDJ started receiving I-601s in certain cases for exceptional and compelling circumstances.

28. Previously, USCIS Juarez reported that there might be a reduction in the size of support staff after the I-601 workload was transferred to the Nebraska Service Center (NSC). Did such a reduction occur? What percentage of staff was reduced or positions eliminated?

**Response:** I-601 centralization took full effect in December 2012. From June 2012 to December 2012, customers had the option of filing with USCIS Juarez or with the USCIS Lockbox. Before I-601 centralization, IO had 14 locally employed staff (LES) positions in Ciudad Juarez. In February 2013, this number decreased to 8 LES positions. In September 2013, this decreased further to 6 and still further to 4 in November 2013, where we have remained ever since.