



Questions and Answers

USCIS International Operations (IO) Division in Bangkok Meeting with American Immigration Lawyers Association (AILA) February 26, 2016

Overview

On February 26, U.S. Citizenship and Immigration Services (USCIS) International Operations (IO) Division in Bangkok, Thailand, met with the American Immigration Lawyers Association (AILA) representatives.

USCIS addressed questions from AILA. The information below provides a review of the questions presented by AILA and the responses provided by USCIS.

Questions and Answers

1. Question

Please provide a current organizational chart for USCIS and other DHS components with a presence in Bangkok. How many employees (local and U.S. staff) are on site? Are there any significant staffing changes anticipated in the near future?

Response: You can access an organizational chart depicting current staffing and composition for the USCIS district and field office in Bangkok on the USCIS website by following these steps:

- Navigate to www.uscis.gov/international;
- Select “Directorates and Program Offices” in the column on the left to expand the tab;
- Select “Refugee, Asylum and International Operations Directorate” (RAIO);
- Once the RAIO information appears, navigate down to “Organization” and select “The International Operations Division (IO)”;
- Links for organizational charts for each international field office, categorized by district, are located further down on the same page, under “International Offices.”
- Select “Asia/Pacific District.”

There are no significant staffing changes in Bangkok anticipated in the near future.

2. Question

Is there an ICE and/or CBP attaché at the U.S. Embassy in Bangkok? Do the ICE and/or CBP offices cover the same jurisdiction as the USCIS counterparts?

Response: Yes, there are ICE and CBP attaches in Bangkok. They do not cover the same jurisdiction as USCIS.

3. Question

Please provide an overview of current initiatives and priorities of the various components of DHS that have a presence in Bangkok.

Response: USCIS Bangkok's current initiatives and priorities are:

- Staffing multiple circuit rides and adjudicating refugee applications throughout APAC;
- Adjudicate immigration benefit requests;
- Improve quality, consistency, and timeliness of responses to public mailbox inquiries;
- Support DHS-wide initiatives, such as improving fraudulent document/imposter identification training for airline personnel and host country immigration officers

4. Question

Per the USCIS website, public walk-in hours are Monday through Friday, 8:30 a.m. to noon. Are interviews held during these times or are the walk-in hours solely for public inquiries?

Response: The above walk-in hours are correct. Customer service hours are for inquiries and for filing immigration applications or petitions, including Lawful Permanent Resident (LPR) abandonments requests. These hours are also used for fingerprint and DNA collection along with other interviews. Appointments for interviews outside the public walk-in hours are scheduled as needed.

5. Question

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 IO offices abroad.¹ Are attorneys who have a G-28 on file permitted to attend interviews with their clients at the Bangkok office?

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

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

Fees

6. Question

We understand that USCIS IO generally uses the State Department payment options for filing petitions.² Can USCIS confirm that the filing fees for USCIS services may be paid at the USCIS office in Bangkok, and by what method?

Response: USCIS filing fees are paid by cash (in U.S. dollars or Thai Baht), or with a credit card at the Consular/American Citizen Services (ACS) cashier. Most major credit cards are accepted, but debit cards issued in Thailand cannot be accepted. Our Web page on uscis.gov has been updated to reflect this information.

Communications

7. Question

Please confirm that the best contact information for USCIS Bangkok is: BKKCIS.Inquiries@uscis.dhs.gov; 02-205-5352 or 02-205-5382 (from within Thailand)/011-662-205-5352 (from the United States).

Response: The above information, which you can find on our public website, is correct.

8. Question

What is the estimated response time for email inquiries to USCIS?

Response: The sender receives an immediate auto-response verifying the email inquiry has been received by the USCIS Bangkok Field Office. The email provides additional information that may answer the sender's questions, including public walk-in hours and instructions for contacting the Consular section, abandoning resident status, refugee applications or filing a relative petition. For inquiries not answered by the auto-response, we try to respond to all inquiries within three to five business days. We are working on improving our auto-response emails and welcome your feedback.

Biometrics

9. Question

Will USCIS Bangkok permit overseas biometrics processing for individuals who have applied for immigration benefits stateside, such as a re-entry permit, refugee travel document, naturalization (in the §319(b) context) or Form I-90, Application to Replace Permanent Resident Card?

²Agenda International Operations AILA Responses USCIS, Dec 2014, Q16a, 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>

Response: IO has drafted new field guidance allowing additional discretion for international field offices to collect biometrics for applicants outside the United States who have a pending case stateside. The guidance is generally broad, but directs specific attention to the Form I-131 as it relates to re-entry permits and the Form I-90.

In **rare** circumstances, FODs may use their discretion to collect biometrics that were initially scheduled to be taken in the United States. In these cases, we would require evidence of extenuating circumstances or hardship. Generally, the expense of traveling back to the United States would not, in itself, be considered a hardship.

The complete guidance was recently posted at uscis.gov/bangkok.

Record of Abandonment of LPR Status (Form I-407)

10. Question

Does USCIS offer same-day processing of Form I-407?

Response: Applicants who submit Form I-407 in person at this field office generally receive same-day processing. Please refer to our field office's [public Web page](#) for more information regarding in-person visits.

Note that only the 2/26/2015 edition of the Form I-407 is currently approved for public use. That edition is available at <https://www.uscis.gov/sites/default/files/files/form/i-407.pdf>.

11. Question

Does USCIS Bangkok require a lawful permanent resident who has remained outside the U.S. for more than one year (usually due to the transfer of his or her U.S. citizen spouse abroad for work) and who has not secured a re-entry permit to file a Form I-407 before filing and being approved for a new Form I-130 when the family is transferred back the U.S.?

Response: Please refer to the response to question 21 provided by USCIS IO to AILA on December 11, 2014. Questions and responses are provided at uscis.gov/outreach/notes-previous-engagements/aila-international-operations-meeting.

12. Question

Many individuals wishing to file a Form I-407 are also interested in getting a visitor visa upon adjudication of the I-407. USCIS advises that Form I-407 applications can be filed during public walk-in hours, while a visitor visa requires a scheduled appointment with the embassy. Can applicants accomplish both appointments during the same visit and if so, what is the best way to arrange this?

Response:

This would be difficult to accomplish during the same visit. The Form I-407 abandonment process may be initiated by first filing the Form I-407 to create a record of the abandonment of LPR status with USCIS before making a NIV appointment. The consular officer can also accept the Form I-407 during the NIV appointment. The consular officer would then forward the Form I-407 to USCIS, and then continue the NIV process.

In the first scenario, after visiting the USCIS Bangkok office to file Form I-407 to create a record of abandonment of LPR status, the individual would then have to make a NIV appointment through the regular scheduling process.

In the second scenario, if the individual is at his or her NIV appointment and is given time to complete the Form I-407, he or she must visit our USCIS Bangkok office to submit the Form I-407 and will then need to return to the consular section to continue the NIV process. However, in most cases, the visa adjudicating officer would provide the applicant with instructions on submitting Form I-407 to USCIS, either in person or via mail.

13. Question

On average, how many I-407s does Bangkok receive per year?

Response: Please refer questions regarding statistics to USCIS IO Headquarters.

Immigrant Visas

14. Question

What is the process for filing a Form I-130 petition with USCIS Bangkok? What is the current processing time?

Response: As indicated on our public website, the Bangkok Field Office will accept and process Form I-130, Alien Relative Petitions, for U.S. citizens who live in Thailand. The U.S. citizen petitioner may visit our office and submit the petition packet during our public window hours Monday through Friday, 8:30 a.m. to noon. Before finalizing the acceptance of the petition, our office will instruct the petitioner to pay the filing fee at the consular cashier.

Please see our website at uscis.gov/bangkok for processing time estimates.

15. Question

Is there any required amount of time that a U.S. citizen petitioner must be living in Thailand before they are permitted to file a Form I-130 petition locally?

Response: There is no time requirement for residency, but the petitioner must be able to establish residency in Thailand. We have clarified the filing requirements on our field office page, www.uscis.gov/Bangkok.

16. Question

As a result of the limitation on direct filing of immigrant visas at posts where no USCIS office is co-located, USCIS permits the State Department to request an exception for filing directly with post.

- a. How many exception requests did USCIS Bangkok receive and approve from posts in its jurisdiction in 2015?

Response: Please refer questions regarding statistics to USCIS IO headquarters.

- b. What is the most common reason for the direct filing exception request?

Response: Please see uscis.gov/i-130, then click on “exceptional circumstances” for information on the direct filing exception in international locations where USCIS does not have a presence.

- c. What is the most common reason for denying the filing exception request?

Response: In general, those petitioners that are not approved have failed to provide evidence that they or the beneficiary face exceptional circumstances requiring their departure to the United States before the case could be processed through the regular domestic procedures.

- d. Some consulates process these requests in less than two weeks, while others take two months. How long does it take USCIS Bangkok to review and approve? Can these applications be made directly to your office where Consulates are failing to send them quickly?

Response: Our goal is a 48 hour turnaround. This goal is usually met. These requests cannot be directly filed with USCIS.

- e. Do you accept Direct Consular Filing application for Third Country National?

Response: The Consular Section refers requests to locally accept Form I-130 in exceptional situations. USCIS does not take into account the nationality or location of the beneficiary. We only take into account whether the circumstances warrant an exception.

Adoption

17. Question

What are the current processing times for adoption applications filed by U.S. citizens residing abroad?

Response: The processing time goal for Form I-600 received by USCIS international offices is 45 days.

18. Question

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

Response: General adjudication challenges include incomplete documentation, missing translations, and home studies that do not comply with federal requirements. We encourage U.S. citizens residing abroad to review materials on the USCIS and State Department websites regarding the intercountry adoption process and the Universal Accreditation Act before beginning the adoption process.

USCIS Transportation Letters

19. Question

In general, how quickly after submission of all necessary documents are transportation letters ready for use by the applicant?

Response: This function is handled by U.S. Customs and Border Protection (CBP) in Bangkok.

20. Question

Is issuance possible if the applicant is outside of the U.S. for more than one year? (For instance, there may have been an unexpected issue, such as a medical condition, arise requiring the individual to remain in Thailand longer than originally planned).

Response: Since CBP in Bangkok processes issuance of transportation letters, we recommend consulting CBP.

21. Question

Can you provide guidance on the I-751 “overseas hold” for a U.S. citizen spouse and Conditional Permanent Resident spouse living overseas temporarily? The Adjudicator’s Field manual Chapter 25.1(g)(4)(C) notes: These are cases where the petitioner and/or spouse live outside the U.S. The case is held pending until the return of the petitioner and/or spouse for a U.S. address to be entered into the computer. Once a U.S. address is known the case can be entered into the computer to see if an interview is required.

Response: Form I-751 process is not handled by our jurisdiction.