



Questions and Answers

USCIS International Operations – American Immigration Lawyers Association (AILA) Meeting November 3, 2017

Overview

On November 3, 2017, the USCIS Santo Domingo Field Office hosted an engagement with AILA representatives. USCIS discussed issues related to operations and various services, including communications, Forms I-130, Forms I-407 and Forms I-131A. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

GENERAL OPERATIONS

Question 1: How many employees (local and US staff) are onsite? Are there any significant staffing changes anticipated in the near future?

Response: The Santo Domingo Field Office has one field office director, and one locally-engaged staff position. There are no vacancies which we expect to fill.

Question 2: Please provide an overview of the current initiatives and priorities of USCIS Santo Domingo (SD)? Are there any particular case types that you process the most?

Response: The Santo Domingo Field Office mainly works on Forms I-130, I-407 and I-131A. We also conduct overseas verifications to support our domestic U.S. offices, capture biometrics for T and U visas recipients, and oversee DNA collection for beneficiaries living in the Dominican Republic.

Question 3: Per the USCIS Santo Domingo website, it appears that USCIS offers “public hours” on Tuesdays and Thursdays between 7 AM and noon. Should individuals make an InfoPass appointment prior to going to the office, or are walk-ins welcome?

Response: They should make an InfoPass appointment because we have phased out walk-ins. The percentage of the population that has access to the internet in the Dominican Republic is one of the highest in Central America and the Caribbean (61.3% according to the CIA Fact Book), so we feel like this change will not hinder the public in seeking our services.

We analyzed our walk-ins and we used the data to construct our InfoPass schedule. InfoPass will be available 3 days a week from 7:30 am until noon on Mondays, Tuesdays and Thursdays. We

will still accept Form I-407 referrals from the U.S. Consular Section and we will also accept emergency walk-ins on a case-by-case basis.

Question 4: What are goal processing times for email inquiries? Is your office meeting that goal?

Response: While there is no set processing time goal, we aim to answer all email inquiries as soon as possible, but no later than 5 working days.

- a. Per the USCIS website, the email address for USCIS Santo Domingo (SD) is domrepublic.uscis@uscis.dhs.gov and the phone numbers are 809.567.7775 (within DR) and 1.809.567.7775 (within the US). Please confirm these contact details are correct.

Response: Yes, these contact details are correct.

- b. Please advise if USCIS SD would prefer contact via email vs telephone.

Response: The Santo Domingo Field office prefers to be contacted via email.

Question 5: USCIS's 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.¹

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

Response: Yes. The policy memorandum provides guidance regarding representation and appearances before USCIS and applies to the USCIS Santo Domingo Field Office.

- b. May attorneys who have a Form G-28 on file be permitted to attend an appointment on behalf of their client in order to inquire about a case?²

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

LOCALLY FILED FORM I-130 PETITIONS

Question 6: AILA understands that Form I-130 petitions filed locally may be submitted either by mail or in-person. If filed in-person:

- a. Does USCIS SD prefer for the petitioner and beneficiary to attend the appointment to submit the petition or is the petitioner alone satisfactory?

Response: The USCIS Santo Domingo Field Office prefers for both the petitioner and beneficiary to appear in person to submit the Form I-130.

- b. Does USCIS SD prefer for the petitioner to secure an InfoPass appointment in order to file the Form I-130 locally? Or, would a walk-in during "public hours" be permitted?

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

² Dominican Republic – USCIS Santo Domingo Field Office, <https://www.uscis.gov/about-us/find-uscis-office/international-offices/dominican-republic-uscis-santo-domingo-field-office>

Response: The USCIS Santo Domingo Field Office only accepts Form I-130 filings through appointments made with InfoPass. Walk-in filings are not permitted.

- c. If filed by mail, should the applicant use a special courier address, or is the address online appropriate to use?

Response: If filing the Form I-130 by mail, the appropriate address is the address listed on our website

Question 7: AILA understands a list of documents has been provided to help establish the US citizen residency requirement in order to file locally; however, many USCIS offices simply require visas permitting the USC to live in-country and do not require additional documentation, such as utility bills or bank statements. Please advise if proof of legal status to live in the Dominican Republic is sufficient or if additional supporting documentation of residency must be submitted.

Response: Certain pieces of evidence may more strongly support a finding of residency than others. Please see our [public webpage](#) for more information on what types of evidence should be submitted.

Question 8: In an effort to prevent a Request for Evidence (RFE) on petitions submitted to the USCIS Santo Domingo field office, please advise if there are any particular common problems with Form I-130 petitions submitted in the DR. (e.g., Are there common mistakes or missing documents made by petitioners and their attorneys, of which AILA could remind its members to be mindful?)

Response: Many Form I-130s lack sufficient proof of a bona fide relationship or are missing proof that prior marriages of the petitioner and/or beneficiary have been dissolved, such as divorce or death certificates.

Question 9: What are some common issues that you see (e.g., documents people often forget to provide, which may cause a delay)? AILA attorneys would be happy to provide guidance to clients to ensure all required documents are submitted initially.

Response: Petitioners should refer to the General Requirements section in Form I-130 Instructions, which includes useful information pertaining to the types of evidence that should be submitted with Form I-130.

Question 10: 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. What is the most common reason for the direct filing exception request?

Response: The [USCIS Policy Memorandum](#) issued in May 2012 discusses the process for responding to requests by the Department of State to accept locally filed Form I-130s. This memo lists common exceptional circumstances when USCIS will likely authorize the Department of State to accept and process Forms I-130, which include but are not limited to military emergencies, medical emergencies, threats to personal safety, close to aging out, adoption of a child and short notice of position relocation. Please refer any additional questions regarding direct filing with the Department of State to USCIS International Operations Headquarters.

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

Response: See 10.a.

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

Response: See 10.a.

d. Is there a particular country from where most exceptional circumstance requests derive?

Response: See 10.a.

LOCALLY FILED WAIVERS: I-601s AND I-212s

Question 11: AILA understands that applicants need to meet appropriate requirements set out by the USCIS Memo on filing I-601s and I-212s abroad. Assuming an individual meets those requirements and the waiver can be filed locally, please advise on the general processing of locally filed I-601s and I-212s, such as caseload and timeframe for adjudication.

Response: Because IO now processes very few of these applications and only based on exceptional circumstances, there is no set processing time target. Rather, offices aim to process the applications expeditiously, commensurate with the basis that the request for exceptional filing was granted.

REFUGEE PROCESSING

Question 12: Does USCIS Santo Domingo see any Form I-730 applications?

Response: Please refer questions regarding statistics to USCIS International Operations Headquarters.

Question 13: According to the USCIS website, posted processing times for I-730s are listed at 3 months. Is USCIS SD meeting current processing time goals for I-730s?

Response: We refer you to IO HQ for statistical information on processing times. Forms I-730 continue to be adjudicated by International Field Offices.

ADOPTION

Question14: As a result of recent changes in U.S. immigration, has your office seen any delays in adoption cases processing through your offices?

Response: The USCIS Santo Domingo Field Office receives very few adoption-related immigration applications and petitions and therefore has not experienced a delay in processing adoption cases.

Question 15: 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: The USCIS Santo Domingo Field Office receives very few adoption-related immigration applications and petitions, so we do not have any recommendations at this time.

FORM I-407

Question 16: Has your office seen an increase in Form I-407 application submissions?

Response: Yes. Looking at the past 2 fiscal years, there has been a trend of increased Form I-407 submissions. We refer you to the [uscis.gov](#) website for more detailed statistical information on [Form I-407 submissions](#).

Question 17: Is there any backlog in Form I-407 processing at your office?

Response: No, they are usually processed on the same day they arrive.

Question 18: 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 Form I-407 applications can be filed at an in-person appointment or by mailing in the application.

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

Response: Yes, USCIS Santo Domingo Field Office offers same-day processing.

- b. Can applicants obtain an I-407 appointment in the morning in order to allow the individual to schedule their nonimmigrant visa interview later that morning? PLEASE NOTE: AILA understands that USCIS Santo Domingo does not schedule the NIV appointment. We are solely inquiring whether USCIS has flexibility for appointments so that the applicant would be able to schedule the I-407 after the NIV appointment had been secured.

Response: Yes, USCIS Santo Domingo usually accepts referrals from the Consular Section and has about 20 Infopass slots a week for Form I-407 submissions.

Question 19: For an I-407 appointment, should applicants make an InfoPass or can “public hours” also be used for I-407 appointments?

Response: Individuals should make an Infopass appointment.

Question 20: What are the general processing times for Forms I-407 filed via mail?

Response: USCIS Santo Domingo Field Office usually processes Forms I-407 the same day we receive them by mail.

Question 21: Can third-country nationals file Forms I-407 in Santo Domingo? If so, does the applicant have to be a resident of SD?

Response: USCIS Santo Domingo Field Office accepts Forms I-407 from anyone who can establish their identity regardless of nationality.

TRANSPORTATION LETTERS (TLs)

Question 22: AILA understands that where a USCIS IO office is located, the USCIS office usually processes the Form I-131A applications.

- a. Understanding that USCIS IO already processed TLs, has the change to using the Form I-131A increased or decreased USCIS SD's caseload at all?

Response: Prior to FY17, Customs and Border Protection (CBP) was tasked with transportation letter requests in Santo Domingo. Based on the data provided by CBP before transitioning this workload to the USCIS Santo Domingo Field Office, there has been a decrease in transportation letter requests. We refer you to HQ IO for more detailed statistical information Form I-131A requests.

Question 23: After paying the Form I-131A filing fee online, it appears per the website that USCIS SD prefers for applicants to make an InfoPass in order to submit the application. How would USCIS SD prefer to schedule an urgent appointment if the InfoPass appointment system does not have any immediate appointments available?

Response: In extreme circumstances and on a case-by-case basis, USCIS Santo Domingo Field Office will accept walk-ins for emergency letters.

Question 24: Can you advise on a general timeframe that it is taking to issue TLs?

Response: Transportation letters are generally ready one week after submission.

Question 25: Understanding that USCIS cannot speak for the State Department, if an applicant is near Punta Cana, would USCIS need the applicant to come to the USCIS office in Santo Domingo for adjudication, or could the consulate in Punta Cana assist with a TL?

Response: The Department of State in the Dominican Republic does not process Form I-131A requests. All individuals in the Dominican Republic requesting a transportation letter must come to the USCIS Field Office in Santo Domingo.

Question 26: Please advise how the transportation letter will be forwarded to the applicant upon processing.

Response: USCIS Santo Domingo Field Office will inform the applicant that the transportation letter has been issued and they need to come to the embassy to pick it up.

BIOMETRICS ABROAD

Question 27: Per the USCIS Santo Domingo website, fingerprinting services may be available for overseas applicants in "rare" circumstances.³ 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: The USCIS Santo Domingo Field Office follows the guidance provided on our website under "Office Services." Please select the tab labeled "Fingerprint Collection" to see in what circumstances and for what form types we may be able to collect fingerprints at our international field offices. Generally, the expense of traveling back to the United States would not, in itself, be considered a hardship but will be considered in the totality of the circumstances.

MILITARY NATURALIZATION

³ *Id.*

Question 28: AILA understands that USCIS SD holds jurisdiction over USCIS matters at U.S. Naval Station Guantanamo Bay, Cuba. Does USCIS SD assist with military naturalization cases on that naval station?

Response: Yes, USCIS Santo Domingo Field Office assists with military naturalization cases at U.S. Naval Station Guantanamo Bay, Cuba.

Question 29: Do USCIS SD officers travel to any other US military installations in order to interview and swear in individuals?

Response: Guantanamo Bay is the only military base under the jurisdiction of the USCIS Santo Domingo Field Office.

Question 30: In general, how often does USCIS SD travel to such locations?

Response: USCIS Santo Domingo Field Office travels to Guantanamo Bay once a year.