



Questions and Answers

USCIS International Operations – American Immigration Lawyers Association (AILA) Meeting November 9, 2016

Overview

On November 9, 2016, the USCIS International Operations Division hosted an engagement with AILA representatives. USCIS discussed issues related to operations and various services, including I-130s, Transportation Letters, Adoptions and Humanitarian or Significant Public Benefit Parole. The information below provides a review of the questions solicited by AILA and the responses provided by USCIS.

General Operations

1. USCIS International Operations (IO) has advised AILA on several occasions that workload and staffing developments are ongoing.
 - a. Does USCIS anticipate that any overseas offices will be opening or closing during the next 6 to 12 months?

Response: We will advise you and the public well in advance whenever any decisions are made to open or close an office abroad.

- b. We appreciate USCIS IO's invitation to provide input on locations for future USCIS overseas offices.¹ What factors does IO consider when evaluating prospective USCIS locations overseas? Is IO currently discussing any new office sites?

Response: We look at the USCIS workload in the location to determine whether the workload justifies a USCIS presence, and also whether the Department of State has indicated that it will approve a request for USCIS to establish presence in that location.

- c. Have there been any significant workload shifts, either between offices or from other USCIS offices, in the previous 6 months?

Response: No.

¹ USCIS International Operations Liaison Meeting Q&As (4/6/16), Q1b, AILA Doc. No. 16090235, available at <http://www.aila.org/infonet/aila-uscis-meeting-questions-answers-04-07-16>.

2. We understand that USCIS continues to work toward a paperless filing environment. During our meeting in April 2016, IO advised AILA that Form N-400 would be the next form that will be available for online filing, which will allow military members and their families to apply overseas as of summer 2016.²

- a. Does IO have any updates as to the timeline of this roll-out?

Response: USCIS has revised the schedule and now estimates that it will deploy online filing for naturalization for service members and their spouses in the coming months.

- b. Does USCIS anticipate rolling out any additional pilot or transformation-related programs in the next 6 to 12 months that will impact the filing of applications outside the U.S.?

Response: The next form scheduled for online filing that will impact the filing of applications outside the United States is the Form I-130. The current timeline for online filing of the Form I-130 is FY 2017/Quarter 3. We anticipate that, when USCIS moves to online filing of the Form I-130, the Department of State will no longer be authorized to accept I-130 filings.

- c. IO also stated that Form N-600K and Form N-600 were in the process of being made available for online filing. What is the status of this initiative?

Response: These forms are currently scheduled to be released at the same time as the military naturalization.

I-601 Waivers

3. The November 30, 2012 Policy Memorandum 602-0062.1, “Exceptions for Permitting the Filing of Form I-601, *Application for Waiver of Grounds of Inadmissibility*, and any associated Form I-212, *Application for Permission to Reapply for Admission into the United States After Deportation or Removal*, at International USCIS Offices”³ states that certain applicants living in countries that have a USCIS office may directly file Form I-601 or Form I-212 with that office when the field office director finds the existence of exceptional and compelling circumstances. The committee applauds these efforts to allow for quicker adjudication given the current six-month processing time at the Nebraska Service Center for overseas waivers. At our October 2015 meeting, IO explained that information on these cases is not tracked sufficiently to provide detailed statistical data broken down by office, however during our April 2016 meeting, IO kindly provided the following data:⁴

Total Number Received at USCIS International Offices

² USCIS International Operations Liaison Meeting Q&As (4/6/16), Q2, AILA Doc. No. 16090235, available at <http://www.aila.org/infonet/aila-uscis-meeting-questions-answers-04-07-16>.

³ Policy Memorandum 602-0062.1: *Exceptions for Permitting the Filing of Form I-601, Application for Waiver of Grounds of Inadmissibility, and any associated Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, at International USCIS Offices* (11/30/12), AILA Doc. No. 12120568, available at <http://www.aila.org/infonet/uscis-exceptions-permitting-form-i-601-i-212>.

⁴ USCIS International Operations Liaison Meeting Q&As (10/22/15), Q9, AILA Doc. No. 16011208, <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>; USCIS International Operations Liaison Meeting Q&As (4/6/16), Q7, AILA Doc. No. 16090235, available at <https://www.uscis.gov/outreach/aila-uscis-international-operations-io-division-liaison-meeting-agenda>.

	FY2014	FY2015	FY2016 (Q1&Q2)
I-601	161	75	34
I-212	7	7	2

- a. This data was provided as “Total Number *Received*.”⁵ By “received” can we assume that these applications were also processed, thereby meeting the requirement of “exceptional and compelling circumstances?”

Response: That is correct.

- b. Would IO provide AILA with the latest statistical information for FY2016 Q3 and Q4?

Response: Please see chart below.

	FY2014	FY2015	FY2016
I-601	161	75	69
I-212	7	7	5

4. With respect to the policy memos on Form I-601 and Form I-212 applications filed abroad:⁶

- a. Are the residence requirements and policies outlined under PM-602-0062.1 for a Form I-601 and associated Form I-212 applicant substantially the same as or similar to the requirements related to residence of the petitioner in the filing of a Form I-130 or I-360 at an international office? Should evidence of residence be provided?

Response: Yes. The requirements are the same. It would be helpful for applicants to provide evidence of residence in case there is any question about it.

- b. Is there a standard process across all international offices for submitting these requests or does it vary by international office?

Response: An applicant should check the web page of the international office where he or she seeks to file the application, as the process for receiving applications varies by international office.

⁵ USCIS International Operations Liaison Meeting Q&As (4/6/16), Q6, AILA Doc. No. 16090235, available at <https://www.uscis.gov/outreach/aila-uscis-international-operations-io-division-liaison-meeting-agenda>. Emphasis added.

⁶ PM-602-0038.1, *Requests to Expedite Adjudication of Form I-601, Application for Waiver of Grounds of Inadmissibility, Filed by Individuals Outside the United States; Update to Adjudicator’s Field Manual (AFM) Chapter 41.7 and Appendix 41-5 (AFM Update AD12-09)*, dated June 6, 2012, available at <http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2012/June%202012/Revised%20Expedited%20I-601%20PM.pdf>; and PM-602-0062.1, *Exceptions for Permitting the Filing of Form I-601, Application for Waiver of Grounds of Inadmissibility, and any associated Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal, at International USCIS Offices*, dated November 30, 2012, available at <http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2012/December/Revised%20I-601%20Centralization%20Exception%20PM%20.pdf>.

- c. If a case is not accepted by an international office, can an applicant or attorney ask for supervisory review by the field office director or district office? What are the proper procedures for requesting supervisory review?

Response: The decision on whether to accept or reject a Form I-601 filing is made by the field office director where the Form I-601 would be filed. If an applicant or representative of record believes that a field office director's decision is erroneous, the individual may raise his or her concerns with the deputy district director or district director with jurisdiction over that field office.

- d. What are the processing time goals for Form I-601 and associated Form I-212 applications handled abroad, and are USCIS IO field offices meeting those goals?⁷

Response: Before USCIS moved the Form I-601/Form I-212 adjudications to the service centers, IO aimed to process these forms within 6 months. Because IO now only 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. Of the 69 cases completed in fiscal year 2016, 94% were completed in 30 days or less.

International Adoptions

5. As a result of the Intercountry Adoption Universal Accreditation Act of 2012 (UAA),⁸ the petitioning prospective parent(s) who will be adopting a child must now, amongst other things, engage a Hague-accredited agency as the "primary adoption service provider" (PSP) to ensure that the six specified adoption services are properly provided. AILA members report that families who are handling the I-600 process *pro se* frequently do not understand what is meant by the term PSP and that the PSP agency is not the same as, and may be in addition to, the "adoption service provider" (ASP) that performs the home study. As a result, when asked to identify the PSP in the I-600, the parent often identifies the ASP (that conducted the home study) and not a PSP. Moreover, in the interim, the parent may not understand the need to engage another agency to serve as the PSP. When it is eventually determined that a PSP has not been involved in the case, adjudication of the I-600 is substantially delayed and the case potentially compromised.

- a. Will USCIS update the instructions for Forms I-600A and I-600 to clarify the term PSP and its role in the case as distinguished from the home study agency or other ASP providing adoption services?

Response: USCIS is committed to having clear and informative instructions for all our forms. We appreciate you bringing this concern to our attention, and we will consider it when we next revise these form instructions.

Since this raises the issue, we want to take the opportunity to reiterate information on the Department of State's and our UAA webpages on primary providers.

⁷ "USCIS Processing Time Information for International Operations Offices," available at <https://egov.uscis.gov/cris/ptIntlIntro.do>.

⁸ Intercountry Adoption Universal Accreditation Act of 2012 (UAA), Pub. L. 112-276.

State's accreditation regulations at 22 CFR 96.14(a) mean that an accredited or approved home study preparer acts as the primary provider if no other accredited agency or approved person is providing adoption services in the case.

If more than one accredited agency or approved person is providing adoption services, State's regulations provide that the agency or person with child placement responsibility must act as the primary provider.

Our USCIS UAA webpage gives examples of the kinds of evidence of a primary provider that officers look for when adjudicating Form I-600 petitions.

- b. At the April 2016 meeting, AILA suggested that USCIS provide a way for the parent to give consent to USCIS to notify the agency that has been identified as the PSP. USCIS advised that it could not contact the agency unless the parent provides a "Privacy Act Waiver."⁹ One of the forms used in the I-800 process, the "Supplement I, Consent to Disclose Information," appears to serve as a Privacy Act Waiver that allows the parent to give written consent to USCIS to contact the agency.¹⁰ Would USCIS consider incorporating a similar form into the I-600 process?

Response: Thank you for raising this. We have drafted a corollary Consent to Disclose Supplement for the Form I-600 process that we will implement at our next available opportunity. In the meantime, prospective adoptive parents can always give us a signed and dated privacy act waiver letter.

6. On June 30, 2014, USCIS released Interim PM-601-0103 regarding the implementation of the Intercountry Adoption Universal Accreditation Act of 2012 and the Consolidated Appropriations Act, 2014 in Intercountry Adoption Adjudications."¹¹ We understand from our previous meetings that USCIS IO is continuing to monitor the UAA cases to determine if additional guidance or revisions are needed before publishing the final memorandum. Are there any updates as to when the final memorandum or other guidance will be published?

Response: Due to competing priorities, we were not able to make more progress towards publishing a Final Memorandum in FY2016 as we had hoped. However, we continue to monitor cases and flag areas for improvement/clarification. We aim to finalize this in FY2017, if possible. Again, please do not hesitate to send us any feedback you have on the Interim Memo or the need for additional guidance.

7. AILA members have found the Country Information Sheets for individual countries that are published on the State Department website at adoption.state.gov to be invaluable. We understand that in adjudicating I-600 petitions, officers rely on the description of the foreign country's adoption laws and processes as described in the sheets. However, in some instances, the laws of the foreign country have changed but the change is not reflected in the sheet. As a result, if the law or process as described in the sheet appears not to have been followed, the adoption may be erroneously deemed invalid and a

⁹ USCIS International Operations Liaison Meeting Q&As (4/6/2016), Q10, AILA Doc. No. 16090235, *available at* <http://www.aila.org/infonet/uscis-international-operations-liaison-meeting>.

¹⁰ Form I-800, Supplement 1, Consent to Disclose Information, *available at* <https://www.uscis.gov/sites/default/files/files/form/i-800sup1.pdf>.

¹¹ USCIS Interim Policy Memo, PM -602-0103, regarding Guidance on the Implementation of the Intercountry Adoptions Universal Accreditation Act of 2012 and the Consolidated Appropriations Act, 2014 in Intercountry Adoption Adjudications (30 June 2014), published on AILA InfoNet at Doc. No. 14070360, *available at* https://www.uscis.gov/sites/default/files/USCIS/Outreach/Interim%20Guidance%20for%20Comment/PM-602-0103-Implementation_of_UAA.pdf.

“Not Readily Approvable” determination is made, or a Request for Evidence (RFE) or denial of the petition is issued. This results in unnecessary delays and uncertainty for the child and family.

- a. How does IO communicate and coordinate with State on the content of these sheets? What is the process to revise and update the sheets when adoption laws have changed? How often are the sheets reviewed?

Response: State is still in the process of overhauling and updating many of its country information sheets (CISs). Before State posts a CIS, they send it to USCIS for clearance. State tries to update their country information sheets as soon as they receive new information. When State is unable to quickly post information, they often remove the incorrect page while it is in clearance. USCIS adjudicators do not rely solely on the CIS pages when adjudicating, and make every attempt to adjudicate cases based on current law.

- b. Unfortunately, attempts by AILA members to inform adjudicating officers of a change in the law have been met with limited success. If a member becomes aware that a country’s adoption laws have changed, how should the change be communicated to USCIS and State? What would be considered to be acceptable proof of a change in law?

Response: If anyone identifies a change in a country’s laws or an error or oversight in an officer’s application of those laws, we definitely want to hear about it. You may always reach out to the USCIS field office director for the office adjudicating the Form I-600 or Form I-800 and/or State (adoption@state.gov) and provide the information, whether it is a copy of the country’s new law, a news article about the change, a post or communication from the country’s central or competent authority, etc. We rely on the USCIS office abroad and/or Embassy or consulate to confirm any changes with the appropriate authorities in country.

8. AILA members continue to report ongoing and frequent problems with orphan and Hague cases involving relative adoptions. The added complexity, requirements, and costs are making it extremely difficult, if not impossible, for many families to adopt a relative who has been orphaned abroad and are clearly in need of care. As a result, many families are not able to go forward with or complete the process, and the child continues to be left without proper care.
 - a. In the past, USCIS IO, the NBC, DOS and other offices have held telephone conferences regarding the handling of and problems involved in relative adoption cases for agencies, practitioners, and families. We have found these to be very productive. Is USCIS IO planning any future interagency stakeholder meetings to discuss relative adoptions?

Response: Thank you for the feedback regarding such calls. We have not discussed holding another relative adoptions call with State, but we are happy to consider it and/or post additional information on our websites. If you and your members can send us your top 5 to 10 general relative adoptions questions, that would be most helpful. In the meantime, State does have a relative adoptions webpage with additional information.

- b. Is IO able to provide statistics regarding the number of I-600 and I-800 cases filed in the U.S. or overseas that involve relative adoptions, including approval rates? Can USCIS also provide the most common reasons for denial?

Response: We are unable to provide that information because USCIS does not distinguish relative adoptions in our systems from other Form I-600s or Form I-800s, nor do we track denial reasons for relative adoptions.

- c. Generally, the Country Information Sheets on the State Department website are geared to the adoption of non-relatives. As many countries have very different laws for relative adoptions, are there any plans to create a separate heading on these sheets for relative adoptions?

Response: It is our understanding that State has no immediate plan to create a separate heading on their country information sheets for relative adoptions since there are not any special procedures under U.S. law for adopting a relative. Families are required to follow the same steps as non-relative intercountry adoptions. As we mentioned earlier, State does have a relative adoptions webpage.

9. AILA members report instances in which the family is told at the Embassy or USCIS office that a second filing fee for the I-600 petition is due when the fee was already paid when the I-600A was filed. Can USCIS IO remind offices that this fee is only paid once?

Response: We are sorry to hear that some families have experienced this. Please let families know to contact the USCIS office that approved the Form I-600A directly if they think they are being asked to pay an unwarranted fee before they pay it. We instruct USCIS officers about our fee rules in trainings. It would be helpful if any AILA members who experience this let us know at the time that it happens so that we can work with the individual office or embassy or consulate abroad that may need a reminder. Also, without that information, it is difficult for us to assess the extent to which this may be an issue.

10. Agencies and families have indicated to AILA lawyers that they would find it helpful if USCIS would set forth a more specific written procedure regarding the steps for the N-600K process for families who live abroad. Does USCIS anticipate issuing more specific guidance?

Response: We recently posted additional information on citizenship and the Form N-600/K process on our website and welcome your feedback on it. Go to www.uscis.gov/adoption, select “Bringing Your Internationally Adopted Child to the United States” on the left, then select “U.S. Citizenship for an Adopted Child” at the bottom.

Overseas I-130 Filings

11. Please provide an update on the number of I-130 petitions filed with USCIS offices overseas, including per country or per office totals, since April 1, 2016.

Response: This information is available online on the uscis.gov website: [I-130 Performance Data](#).

AILA follow-up question by email: We were surprised to see the numbers so high for denials at London and Rome. Recognizing that “denial” is defined as “denied, terminated, or withdrawn during the reporting period,” we were wondering if there is an explanation for these high numbers (64 and 51 respectively). London, for example, does not require bona fides to be submitted with the petitions filed there. Can we have some clarification?

Response: We note that for FY16, London’s approval rate (based on cases approved and denied only) was 99.5% compared to 99.2% for FY15. Rome’s approval rate for FY16 was 97% compared to 99.6% in FY15, so this is not a significant percentage change from one year to the next, and in London, the approval rate increased from FY15 to FY16. In addition, as you mentioned, the word “denial” on the data chart referenced includes cases that were denied, terminated or withdrawn during

the reporting period. In London's case, 62 of the 64 cases listed as denied were actually closed. Most case closures are due to rejection for fee-related issues. A small percentage of rejections done by the London office are for failure to provide proof of residence. In Rome, 47 of the 51 cases listed as denied were closed. Closures in these offices may be attributed to the petitioner already having an approved I-130 filed domestically or due to rejections for fee-related issues.

12. We thank IO for posting processing times on the USCIS website, as this assists AILA members immensely in managing client expectations.¹² We note that many posts are processing cases in less than two months.

a. Are there any planned operational changes that may affect this timing over the next 6 months?

Response: No

b. Is USCIS' processing time goal for all I-130 petitions filed abroad still 90 days?¹³

Response: In FY2016, our processing goal for Form I-130s filed abroad was to complete 90% within 90 days adjusted processing time (excluding delays based on third party action, such as awaiting a response to a Request for Evidence). We exceeded this target by processing 97.4% within 90 days adjusted processing time. We are in the process of establishing our processing time targets for FY2017 and will note that in the public processing times published on our website.

c. We note that Accra has a processing time of 5.2 months (previously 7.1 months) which is substantially higher than all other posts. What is the reason for this discrepancy?¹⁴

Response: We experience processing time variations in locations based on a number of factors, including competing workloads, staffing issues, the need to request additional evidence based on demographics and the types of documentation available in various countries. Also, in comparing processing times between international offices, it is important to understand that the information published on the website is based on average actual processing time, which does not take into account delays by third parties and can be significantly impacted by the number of applications completed. When there are a small number of applications completed, cases with unusual circumstances or anomalies that result in significant delays will disproportionately impact the averages. For example, last fiscal year, the office in Accra completed only 24 cases. Of those 93.75% were completed within 90 days adjusted processing time and the 4 cases pending at the end of the year were all still within 90 days adjusted processing time. 70% were completed in 90 days actual time (not taking into account the delays resulting from a need to request additional information). Given that publishing processing times by averages can be somewhat misleading, as illustrated by this response, we continue to explore ways to publish processing times in a manner that more accurately manages public expectations and welcome your input.

¹² USCIS Processing Time Information for International Operations Offices, *available at* <https://egov.uscis.gov/cris/ptIntlIntro.do>.

¹³ AILA/USCIS Meeting Questions and Answers, 04/07/2016, Q13(b), AILA Doc. No. 16041141, *available at* <http://www.aila.org/infonet/aila-uscis-meeting-questions-answers-04-07-16>.

¹⁴ USCIS Processing Time Information for International Operations Offices, *available at* <https://egov.uscis.gov/cris/ptIntlIntro.do>.

13. As a result of the limitation on direct filing of immigrant visas at posts where no USCIS office is located, USCIS permits DOS to request an exception for filing directly with post. Please provide statistics on the number of these requests received and granted by USCIS overseas offices since April 1, 2016.

Response: In FY16 Q3, we received 134 requests and granted 121. In FY16 Q4, we received 141 requests and granted 118.

14. At our April 2016 meeting, IO explained that it was still in discussions with the State regarding how to best message blanket authorizations for large-scale disrupting events.¹⁵

- a. Please provide AILA with an update on these discussions.

Response: Both USCIS and State agree that transparency on this topic is important for customers and program integrity. We are publishing in these notes the current authorizations and their expiration dates. We emphasize that these authorizations do not require State to accept a filing but instead allow State to use its discretion in deciding whether to accept an I-130 filing at Post in locations where USCIS is not present, without needing to first seek approval from USCIS to accept the case. However, in all circumstances, State must still determine that an exceptional circumstance exists in order to accept the filing. In exceptional circumstances, State may accept the filing of an I-130 by a petitioner who does not reside within the jurisdiction of the post. However, the intent of this exception is to facilitate filing by a petitioner who is living abroad and unable to file in the country in which he or she resides or from which he or she fled. U.S.-based petitioners can file an I-130 domestically, and thus it would be rare for an exceptional circumstance to be found to exist for such a petitioner to file overseas. The intent of this exception is not to enable U.S.-based petitioners to file overseas instead of in the United States in the hope of obtaining faster case processing.

- b. Please confirm that blanket authorization still remain for Syria, Libya and Yemen.

Response: Based on State's request, USCIS has authorized State to use its discretion in deciding whether to accept and approve Form I-130 filings at Post, based on exceptional circumstances, without seeking individual approval from USCIS to accept the case, for petitioners of the following nationalities:

- Syrians: Authorized August 1, 2016 through July 31, 2017.
- Libyans: Authorized August 1, 2016 through July 31, 2017.
- Yemenis: Authorized April 1, 2016 through April 1, 2017.
- Iraqis: Authorized October 1, 2016 through September 30, 2017.

- c. Please advise if any additional countries have been added.

Response: Please see response above to part b of this question.

¹⁵ AILA/USCIS Meeting Questions and Answers, 04/07/2016, Q16, AILA Doc. No. 16041141, available at <http://www.aila.org/infonet/aila-uscis-meeting-questions-answers-04-07-16>.

15. There is a lack of uniformity with respect to required documentation when submitting a Form I-130 at USCIS IO offices abroad. For example, in Frankfurt, photographs of the petitioner and beneficiary are required to establish bona fides, whereas in London, they are not. Please explain the process by which USCIS IO officers are trained on the procedures for adjudicating Form I-130. Does this training vary depending on the field office?

Response: The above is not the Frankfurt office's policy. Frankfurt only requires a passport-style photo of the petitioner and beneficiary, which follows the Form I-130 Instructions. The Frankfurt office provides a checklist to customers that suggests submitting bona fides when filing Form I-130 in order to reduce the possibility that it will need to issue a Request for Evidence for bona fides or additional bona fides. However, there is no office policy requiring certain bona fides in order to make a decision on the case.

16. AILA has received reports that Form I-130 filings with requests for exceptional circumstances are not being forwarded from the State Department to USCIS IO in a timely fashion or even at all. When this arises, petitioners often must file the I-130 at the Lockbox in the US where lengthy processing times result in families living separately for a minimum of 9 months. Members are concerned about (1) acceptance of the filings; (2) long delays in responding to the requests; and (3) the mechanics for making a request. What steps, if any, are being taken to discuss these interagency issues with the State Department?

Response: State and USCIS will work together to update the USCIS Policy Memo on exceptional circumstances to ensure the public has full understanding of the process and procedures. Please reach out to USCIS and State when these cases arise so we can work together to ensure our processes are more efficient and transparent as possible.

17. Appreciating that it is the State Department adjudicating the I-130 in exceptional circumstances cases, some consular officers do not appear to be fully versed in the exceptional circumstances provisions. Please advise if USCIS IO provides training to consular staff in this regard.

Response: The U.S. Department of State provides guidance and training to their consular officers on Form I-130 acceptance and adjudications, which includes the exceptional circumstances. The State Foreign Affairs Manual (FAM) and guidance cables issued to All Diplomatic and Consular posts (ALDACs) are cleared with USCIS to ensure both agencies are aware and agree on the requirements and procedures. In the field, IO field office staff often provide outreach and training to the various consular districts in their jurisdictions on Form I-130s and other topics as requested by the State Department. Any specific questions regarding consular staff training should be directed to the State Department. We welcome AILA to raise any specific examples of concern, which we can then discuss with State.

18. With interagency issues in mind, AILA proposes that IO consider allowing local USCIS offices to accept jurisdiction over exceptional circumstances filings in emergency situations if the State Department is unable to adjudicate the case. We appreciate IO's already significant workload and would propose that this process be limited to extreme emergencies.

Response: In situations where there is an extreme emergency and the Department of State declines to accept an application, the individual may bring forward the basis for the extreme emergency to the USCIS field office that has jurisdiction or to International Operations headquarters, and we can determine if there is a way to expedite the processing that will address the emergency or if there is

another way that we can assist. In the coming year, USCIS expects to begin accepting I-130s that are filed online in ELIS. Once that process begins, we will provide further guidance about online filing and any revised expedite process.

Humanitarian Parole

19. At our meetings on April 15, 2015, October 22, 2015 and April 6, 2016, IO confirmed that the Humanitarian Affairs Branch (HAB) is currently working to improve public access to information about the parole process and case status information. In April, HAB informed AILA that individuals with questions regarding a case should submit written inquiries.¹⁶ Have there been any further discussions about creating a dedicated email address to streamline inquiries?

Response: We continue to engage with the USCIS Customer Service and Public Engagement Directorate to determine the best way to address two public access issues while still taking into account our limited resources. The first is how to establish an electronic public access process to request expedited handling of Form I-131 submitted for parole. The second is how to establish an electronic communication system that allows the public to both submit case-related inquiries to the Humanitarian Affairs Branch and to receive requests for evidence and notices of intent to deny. We are still working within USCIS to determine the best options that will hopefully provide answers to these two questions.

Currently, we do have a public facsimile line that can accommodate inquiries, and the transmittal of requests and copies of documents. That number is 202-272-8328. The fax machine is checked for receipts during working hours, Monday through Friday, excluding days when the office is closed, such as holidays.

20. At our meetings on April 15, 2015, October 22, 2015 and April 6, 2016, IO confirmed that it is still in the process of finalizing the Humanitarian Parole (HP) protocols and standard operating procedures (SOPs).¹⁷ We understand from our April 2016 meeting that IO does not plan to publish this manual but is instead revising its website content which was under final review for clearance. Although the HP homepage appears to be updated, other pages on the USCIS website regarding HP appear to be outdated. Does IO have any updates on the timeline for launching these pages?

Response: Our new, comprehensive parole web information has been posted as of November 25, 2016. The general information (about eligibility and process) is at [Parole Information](#). Guidance on evidence to submit in support of a request is here: [Guidance on Evidence for Certain Types of Parole Requests](#).

21. Please provide information on the number of HP applications filed, granted, and denied since April 1, 2016.

Response: Please see the chart below.

¹⁶ USCIS International Operations Liaison Meeting Q&As (4/15/15), Q15, AILA Doc. No. 15072740, available at <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>; USCIS International Operations Liaison Meeting Q&As (10/22/15), Q23, AILA Doc. No. 16011208, available at <http://www.aila.org/infonet/uscis-q-and-a-international-operations-10-22-15>.

¹⁷ Humanitarian Parole, available at <https://www.uscis.gov/humanitarian/humanitarian-parole>.

Parole Applications Adjudicated by IO				
Start	End	Received	Approved	Denied
4/1/2016	4/30/2016	143	93	134
5/1/2016	5/31/2016	161	70	141
6/1/2016	6/31/2016	145	105	97
7/1/2016	7/31/2016	172	102	82
8/1/2016	8/31/2016	195	79	120
9/1/2016	9/30/2016	269	82	149
	Total	1085	531	723

22. Current HP processing times are listed online as 4.9 months.¹⁸ Please confirm the processing times for expedite requests and the best manner in which an expedite request can be submitted.

Response: As noted in prior AILA meeting responses, we do not track processing times for expedited requests. Processing times are very case-specific and can vary. In the most urgent cases where all necessary information is provided with the request, the processing time may be one week or less from receipt at IO. In other cases where USCIS has not received sufficient information and needs to request additional information from the applicant, the processing time may be several months. IO aims to review all requests within two or three business days of receipt from the Lockbox to identify the most urgent cases and other time-sensitive cases, regardless of whether expedited processing has been requested. To submit an expedite request, please include in your filing all evidence supporting the request to expedite. If an urgent situation arises while a request is already pending, you may submit a request to expedite with all evidence supporting the request. Though we are unable to respond to individual expedite requests, we do consider all evidence submitted in making a determination to expedite the case.

23. At our meeting on April 6, 2016, IO mentioned that it will be updating its website to include guidance regarding HP for spouses or permanent partners of asylees coming from LGBT hostile countries or countries which do not recognize marriage equality.¹⁹ Does IO have any updates on the timeline for launching the webpages and will the pages still include this guidance?

Response: Please see our response to question 20. IO's guidance to officers continues to provide that, for purposes of the parole determination, an officer has discretion to consider a same-sex partner or children of a same-sex partner in the same light as a family member, particularly if the individual seeking parole is from a country where same-sex marriage is not legal. Officers are also trained to take into account the basis for an LGBT-based asylum claim when assessing whether an asylee's same-sex partner remaining behind in a LGBT hostile country may be at imminent risk of harm. Each request is considered on a case-by-case basis, taking into account the totality of the circumstances.

Overseas Biometrics

¹⁸ USCIS Processing Time Information for the Humanitarian Affairs Branch Office, available at <https://egov.uscis.gov/cris/processingTimesIntlDisplay.do>.

¹⁹ AILA/USCIS Meeting Questions and Answers, 04/07/2016, Q16, AILA Doc. No. 16041141, available at <http://www.aila.org/infonet/aila-uscis-meeting-questions-answers-04-07-16>.

24. In April 2016, IO advised that USCIS does not keep track of biometric collections overseas. Since April, have there been any developments to track biometric collection overseas? If so, please provide fiscal year-to-date information on the number of requests submitted, granted, and denied, and if possible, examples of the “compelling circumstances” that have warranted the collection. If not, does USCIS anticipate tracking this information in the future?

Response: No, there have been no changes since April 2016. We do track the amount of time international staff spends on collecting biometrics in the aggregate, but we do not track the number of requests submitted, granted and denied. We have no current plans to track this information in the near future. The time it would take to create a data capture system and enter the data of each incidence of biometric collection for purposes of tracking would divert limited resources from other business needs. In FY2016, international offices reported that they collectively spent approximately 2,000 hours collecting fingerprints.

I-407, Abandonment of Residence

25. How many Form I-407 applications did each IO field office receive as of April 1, 2016?

Response: Please see the chart below:

Office	I-407 Cases Received at USCIS International Offices from 4/1/16-9/30/16
Accra	9
Amman	13
Athens	41
Bangkok	283
Beijing	250
Ciudad Juarez	11
Frankfurt	612
Guangzhou	477
Guatemala City	47
Havana	3
Johannesburg	42
Lima	296
London	1046
Manila	479
Mexico City	184
Monterrey	22
Moscow	61
Nairobi	8
New Delhi	704
Port-Au-Prince	15
Rome	163
San Salvador	66

Santo Domingo	342
Seoul	1173
Grand Total	6347

Transportation Letters

26. At the AILA meeting with USCIS Athens in May, AILA was advised that as of May 2, 2016, USCIS and the State Department will process all future Transportation Letters or Boarding Foils, rather than ICE or CBP. AILA appreciates this announcement, as the process can be quite confusing from country to country.

- a. Can USCIS provide the agreement which lists the basis for this change?

Response: There is no specific agreement that articulates the basis for this change. The bases for the change were to create a process by which DHS had a formal, OMB-approved information collection mechanism and ability to collect a fee for this service, to create greater transparency, and to standardize the process. Information about the new process can be found in the instructions to the Form I-131A, the FAM, and the USCIS website. This change took effect on September 30, 2016, in all posts around the world, except for Kingston, Jamaica. Because the Consular Affairs section there does not yet have sufficient resources to assume responsibility for this new workload, U.S. Immigration and Customs Enforcement (ICE), which previously has been handling this workload in Kingston, will continue to do so until the State Department can take it over. Each year, USCIS enters into an agreement to pay the Department of State to provide certain services on behalf of USCIS.

- b. AILA understands that in some locations, ICE or CBP continue to issue Transportation Letters. What is the expected date where USCIS and the State Department will issue all Transportation Letters and Boarding Foils?

Response: USCIS implemented the new Form I-131A, Application for Travel Document (Carrier Documentation) on September 30, 2016. As of this date, the responsibility of issuing travel documents for lost, stolen, expired and/or destroyed green cards and/or re-entry permits is now with USCIS. In locations where USCIS is not present, the State Department will accept these requests, except for Kingston, Jamaica, where ICE will continue to handle these requests.

- c. Application requirements are different from country to country, which can be confusing for applicants. As a result of this change, will USCIS IO provide a formalized process with supporting documentation that will cover all USCIS IO offices?

Response: Information on what kind of supporting documentation is required to request a travel document for LPRs with lost, stolen, expired and/or destroyed green cards and/or re-entry permits has been standardized with the issuance of Form I-131A and is available on the Form I-131A Instructions and the USCIS website at www.uscis.gov/I-131A and on our international field office websites at www.uscis.gov/international.

Military Naturalization, N-400s

27. Please provide the number of N-400 applications that have been adjudicated abroad since the beginning of FY16 Q3?

Response: This information, beginning with FY16 Q4, will be available on the [Immigration Forms Data](#) page at a future date.

28. How many U.S. military posts abroad are located in countries without an USCIS IO office? How often does USCIS IO personnel travel to military posts? For instance, does USCIS determine travel based on the number of applications that are currently pending at that military installation?

Response: We do not keep track of the number of military posts in countries where USCIS does not have a presence. USCIS determines outreach and adjudication travel related to military naturalization as needed and according to local processes established with the military posts.