



# Questions and Answers

## USCIS International Operations (IO) Division and American Immigration Lawyers Association (AILA) Meeting October 22, 2015

### Overview

On October 22, 2015, the American Immigration Lawyers Association (AILA) met with USCIS's International Operations (IO) Division to discuss issues related to waivers of inadmissibility, international adoptions, international filing of I-130 petitions, parole, biometrics, I-407s and IO's operations. The questions and answers are provided below for the benefits of interested stakeholders.

### Questions and Answers

#### General Operations

##### 1. Question

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 closed during the next 6 to 12 months?

**Response:** We will be closing our office in Vienna on December 31, 2015 following a workload analysis that indicated such realignment is appropriate. You can see the public announcement of this closing on our website, including details on where customers in Vienna's jurisdiction can receive immigration services previously provided by USCIS Vienna.

- b) Are there any sites for new offices being discussed?

**Response:** USCIS continues to evaluate its international presence to ensure that workloads and resources are properly aligned. USCIS will provide public notice in advance of any significant changes to its international footprint.

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

**Response:** No.

## 2. Question

We understand that USCIS continues to work toward a paperless filing environment. Does USCIS anticipate rolling out any pilots 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 type intended for online filing is Form N-400, Application for Naturalization. An online option will allow for easy overseas filing, including by military members, their dependents and 319(b) applicants.

## 3. Question

At our [April 2015 liaison meeting](#), IO indicated that it would explore the possibility of conducting new follow-to-join circuit rides to countries without USCIS Field Offices in 2016. Are there any updates to share on the circuit ride program?<sup>1</sup>

**Response:** There are no plans to conduct additional follow-to-join circuit rides in 2016. USCIS will be prioritizing refugee processing interviews in light of the increased refugee admissions cap for FY 2016 and FY 2017.

## 4. Question

Is the information on the number of staff employed by each international field office [that is posted on the USCIS website](#) still current? If not, could IO please provide an update on staffing (both locally hired and USCIS IO direct employees) at each field office?

**Response:** The information in the IO Overview is not updated as frequently as our organizational charts. You can access organizational charts with the current staffing and composition of IO's headquarters office by following these steps:

- Go to [uscis.gov/international](http://uscis.gov/international);
- Select "Directorates and Program Offices" in the column on the left to expand that tab;
- Select "Refugee, Asylum and International Operations Directorate" (RAIO);
- Once the RAIO information appears, navigate down to "Organization" and then click on "The International Operations Division";
- Once the IO page appears, you can see the IO Headquarters chart by clicking on the link under "IO Headquarters." Links for staffing charts for the overseas offices are located further down on the same page, under "International Offices."

You can also access the staffing charts through [IO Headquarters Organizational Chart](#).

---

<sup>1</sup> USCIS International Operations Liaison Meeting Q&As (4/15/15), Q2, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>

Additionally, you can access organizational charts for each of the three IO districts<sup>1</sup> through the following links:

- [Asia/Pacific \(APAC\) District Organizational Chart](#)
- [Latin America, Canada and the Caribbean \(LACC\) District Organizational Chart](#)
- [Europe, Middle East, and Africa \(EMEA\) District Organizational Chart](#)

## 5. Question

We are pleased to see the recent improvements to the [field office websites](#) which provide valuable information to the public.<sup>2</sup> However, there are a few issues that we would like to bring to your attention:

- a) The instructions for scheduling an appointment on the [London Field Office](#) page are incomplete.<sup>3</sup> There appears to be an unfinished section “(Refer to PDF)” after each category of inquiry and there is no general information on how to make an appointment, whether directly or via InfoPass.
- b) The [Nairobi Field Office](#) page instructs applicants to make an appointment, but does not provide instructions for doing so.<sup>4</sup>
- c) On the [Havana Field Office](#) page, instructions for appointments for refugee interviews and lost permanent residence cards are provided, but the procedures for all other services are not clear.<sup>5</sup>

**Response to a, b and c:** On September 28, IO published new Web pages for all of our field offices to improve functionality, navigation and customer focus. The changes include direct links to the Forms pages, where customers can find information on fees and the supporting documentation required when submitting applications or petitions. The refresh also includes office-specific information on making appointments and filing locally.

## 6. Question

AILA members have noticed that the availability of InfoPass for scheduling appointments at USCIS international field offices is on the rise. Does IO plan to have InfoPass available for all USCIS international offices? If so, can you provide us with a timeline? If not, why might InfoPass be available at some offices and not others?

**Response:** Customers can use InfoPass to schedule in-person appointments with certain USCIS international offices. All international offices may use InfoPass in the future, but that is still under consideration. Each office must take into account IT-constraints, any post-specific restrictions, and the needs and capabilities of its particular customer base. We welcome your

---

<sup>2</sup> *International Immigration Offices*, <http://www.uscis.gov/about-us/find-uscis-office/international-immigration-offices>

<sup>3</sup> *United Kingdom – London Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/united-kingdom-london-field-office>

<sup>4</sup> *Kenya – Nairobi Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/kenya-nairobi-field-office>

<sup>5</sup> *Cuba – Havana Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/cuba-havana-field-office>

input on whether you think it would provide better customer service to have InfoPass available at particular offices.

### 7. Question

With the recent opening of diplomatic relations with Cuba, are any changes in staffing, scope or accessibility planned for the [Havana Field Office](#)?

**Response:** At this time, USCIS does not expect any changes in our workload or footprint in Havana. USCIS Havana continues to be open to the public. For information on the office's public hours, appointments, and services, please see the [USCIS Havana Field Office page](#).

## I-601 Waiver Issues

### 8. Question

IO advised us during the last liaison meeting that only one Form I-601 case was pending in the Athens Field Office.<sup>6</sup> Has this waiver case been resolved?

**Response:** There were three Form I-601 cases pending at the end of FY 2015. We do not provide information on individual cases.

### 9. Question

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"<sup>7</sup> states that certain applicants living in countries that have a USCIS international office may directly file Form I-601 or Form I-212 with that office when the FOD finds the existence of exceptional and compelling circumstances. Have any USCIS international offices accepted any Form I-601 or Form I-212 direct filings since this policy change? If so, please provide:

- a) The number of each type of application that were filed, accepted, approved, and denied since 2012, broken down by the USCIS office where the application was filed.

**Response:** Yes. USCIS international offices have accepted such direct filings. We do not have sufficiently reliable data to provide the numbers and locations at this time going all the way back to that date. However, we will continue to analyze the data to see if we can provide it.

- b) The processing time goals for Form I-601 and Form I-212 applications handled abroad and whether USCIS IO field offices are meeting those goals; and

---

<sup>6</sup> See Minutes from April 15, 2015 Meeting, supra note 1 at Q3.

<sup>7</sup> *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, <http://www.aila.org/infonet/uscis-exceptions-permitting-form-i-601-i-212>

**Response:** IO encounters so few of these adjudications that there is no set processing time goal. Additionally, as exceptional and compelling circumstances must exist for us to accept these filings abroad, these cases are always expeditiously processed.

- c) An overview of the most common compelling and exceptional reasons why these particular cases have been accepted for processing.

**Response:** We cannot provide an overview of the most common compelling and exceptional reasons as we do not track the basis for finding an exception.

## International Adoptions

### 10. Question

During a [recent AILA meeting with USCIS IO and the U.S. Embassy in Lima, Peru](#), IO informed AILA that the processing time goal for Forms I-600 received by USCIS international offices is 45 days.<sup>8</sup> Are there any IO offices that are not meeting this processing time goal?

**Response:** This is the adjusted processing times goal. Adjusted processing time is the actual processing time from the date the application arrives at IO, minus any delays caused by third-party action. Our goal is to have 90 percent of cases processed within 45 days. Globally, for FY 2015, we have processed 94.4 percent of cases within 45 days (adjusted processing time).

### 11. Question

The December 23, 2013, [Policy Memorandum 602-0095](#), “Criteria for Determining Habitual Residence in the United States for Children from Hague Convention Countries,”<sup>9</sup> added a new section to the Adjudicator’s Field Manual (AFM) that refers to “cases where USCIS has confirmed that the child’s country of origin (COO) has a ‘policy’ of not issuing statements of habitual residence ...” Chapter 21.4(d)(5)(G). During our past two liaison meetings, AILA and USCIS discussed the possible publication of a list of countries which have a policy of not issuing statements of habitual residence.<sup>10</sup> AILA proposes that the information be made available by adding it to the USCIS and DOS websites as it does for other matters involving the Convention, for example: <http://travel.state.gov/content/adoptionsabroad/en.html>.

- a) Have there been further developments to discussions with DOS regarding the compilation and publication of this list? Is there an estimated date when this information will be made available?

---

<sup>8</sup> USCIS Q&As from Meeting Between AILA and International Operations and U.S. Embassy in Lima, Peru (5/19/15), Q18, AILA Doc No. 15080471, <http://www.aila.org/infonet/uscis-qas-05-19-15>

<sup>9</sup> USCIS Policy Memo on Determining Habitual Residence in the U.S. for Children from Hague Convention Countries, AILA Doc. No. 14010341, <http://www.aila.org/content/default.aspx?docid=46922>

<sup>10</sup> USCIS International Operations Liaison Meeting Q&As (4/15/15), Q5-6, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>; USCIS International Operations Liaison Meeting Q&As (12/11/2014), AILA Doc. No. 15020563, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minnutes-12-11-14>

**Response:** Yes, State has agreed to incorporate this information into the country fliers, with a priority on Mexico. State is currently working on a new country flier template which will include, if known, whether a country has a policy of not issuing statements of habitual residence. State has informed us that it plans to post information on Mexico soon.

b) In the interim, please provide a list of specific countries that have been identified thus far.

**Response:** USCIS has only been informed that Mexico will not issue such statements on a child's habitual residence.

c) If a country is "confirmed" by USCIS to have such a policy, what evidence of the confirmation should be included in the adoption order? For example, should the family obtain a "statement of no-issuance" from the country's U.S.-based consulate and integrate this into the order?

**Response:** If a country is "confirmed" to have a policy of not issuing statements of habitual residence, the adoption order should reflect that the central authority of the child's country of origin was notified of the adoption proceeding and did not object to the proceeding with the court within 120 days after receiving notice or within a longer period as determined by the court. It should not be necessary for petitioners to obtain a "statement of no-issuance" because the country's failure to object as reflected in the order should generally be sufficient. Once this information is posted on the State Department website, a copy of the relevant country flier will also be sufficient.

A consular officer in the United States is *not* a central authority, so a "statement of no-issuance" from a consulate would not be sufficient.

## 12. Question

A family habitually resident in the U.S. wants to adopt a child in the U.S. who is a habitual resident of a Hague Convention partner country. Although the country is referenced in the Hague Conference on Private International Law (HCCH) status chart as one in which the Convention has "[Entered Into Force](#)" (EIF), the U.S. has determined that the country is not in compliance with the Convention and therefore, will not process adoptions from that country.<sup>11</sup> At present, there are [10 countries that fall into this category](#).<sup>12</sup> In this scenario, does 8 CFR §204.2(d)(2)(vii)(D) preclude the approval of a Form I-130? If so, would USCIS consider an administrative solution to allow these cases to proceed?

**Response:** The fact that another Hague Convention country has not yet developed Hague Convention processes does not mean that the convention is not in force between the United States and that country.

Section 204(d)(2) bars approval of a visa petition filed by a U.S. citizen habitually resident in the U.S. on behalf of a child from a Hague Convention country, unless the Secretary of State has

---

<sup>11</sup> HCCH Status table, [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=69](http://www.hcch.net/index_en.php?act=conventions.status&cid=69)

<sup>12</sup> Convention Countries, <http://travel.state.gov/content/adoptionsabroad/en/hague-convention/convention-countries.html>

certified compliance with the Hague requirements. Thus, there is no possibility of an “administrative” solution.

If the child is present in the United States, see the following guidance on when USCIS may determine that the child is habitually resident in the United States for purposes of Form I-130 processing:

- Intercountry adoption under the Hague Adoption Convention and the USCIS Hague Adoption Convention rule at 8 CFR 204, 213a, and 322, USCIS Memorandum of October 31, 2008, at [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/Archives%201998-2008/2008/Hague\\_AFM\\_memo31oct08.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/Archives%201998-2008/2008/Hague_AFM_memo31oct08.pdf), and
- Criteria for Determining Habitual Residence in the United States for Children from Hague Convention Countries, USCIS Interim Policy Memorandum of December 13, 2013, at <http://www.uscis.gov/sites/default/files/USCIS/Outreach/Interim%20Guidance%20for%20Comment/Habitual-Residence-PM-Interim.pdf>

USCIS can approve a Form I-130 for a child habitually resident in another Hague Convention country if the adoptive parents can establish that they were not habitually resident in the United States at the time of the adoption. USCIS will deem a U.S. citizen adoptive parent to have been outside of the U.S. at the time of the adoption if the citizen satisfies the two-year custody and joint residence requirements by living with the child outside the United States. 8 CFR 204.2(d)(2)(vii)(E). The October 31, 2008, memo indicates that there may be other circumstances whereby an adoptive parent may be able to establish that he or she was not habitually resident in the United States at the time of the adoption. While noting that the presumption is that the Hague Convention does apply if the U.S. citizen adoptive parents are living in the U.S. and the child is habitually resident in the other Hague Convention country, petitioners with a Form I-130 can present any evidence that they believe supports a finding that they were not habitually resident in the United States at the time of the adoption.

### 13. Question

On June 30, 2014, USCIS released PM-601-0103 entitled “Guidance on the Implementation of the Intercountry Adoption Universal Accreditation Act of 2012 and the Consolidated Appropriations Act, 2014 in Intercountry Adoption Adjudications” (UAA). On August 12, 2014, AILA submitted comments in response to this policy memorandum.<sup>13</sup>

- a) During the [December 11, 2014 meeting](#), and the April 2015 meeting, USCIS stated that it was continuing to monitor UAA case progression to determine if additional guidance or revisions are needed before publishing the final

---

<sup>13</sup> AILA Comments on USCIS Interim Memo on Adoption, AILA Doc. No. 14081362, <http://www.aila.org/infonet/comments-on-uscis-interim-memo-on-adoption>

memorandum.<sup>14</sup> Are there any updates as to when the Final Memorandum will be published?

**Response:** We hope to publish or make significant progress on publishing the final memorandum in FY 2016. We have benefited considerably from monitoring and assessing case progression in light of the interim memo and have identified numerous areas for improvement, namely those that address identifying a primary adoption service provider and what kinds of evidence could constitute sufficient proof. We are very grateful for all the public comments that we received before the interim memo's comment period closed on August 13, 2014. We do not want to deter anyone from still providing us with additional feedback that will help us in preparing the final memo. We continue to monitor and assess how the Intercountry Adoption Universal Accreditation Act of 2012 (UAA) cases are progressing through the process before we publish a final memo or determine if additional guidance or revisions are needed.

- b) As discussed during our last two meetings, it continues to be very difficult and costly for families to find U.S. agencies that will serve as primary providers, particularly in countries that do not permit U.S. agencies to operate in-country or severely limit their role. To date, "UAA Country Specific Guidance" has been published for adoptions from [Jamaica](#) and [Ukraine](#).<sup>15</sup> Please provide an update on the status of USCIS's discussions with the Department of State regarding the publication of similar guidance for adoptions from other countries, such as Pakistan, Bangladesh, Guyana, Ghana, Sierra Leone, Nigeria, Uganda, Ethiopia, Rwanda, and the Bahamas.

**Response:** We have heard that some families have faced challenges in finding an accredited agency or approved person to act as their primary provider. We encourage families and agencies to continue to share their experiences. Since the UAA went into effect, we have noted that much of the early uncertainty following the UAA effective date has diminished. Some adoption service providers (ASPs) have found a way to take on the primary provider role in countries where few U.S. ASPs have adoption programs, mostly by collaborating with those ASPs that do have experience and by developing supervised provider relationships with foreign providers. Developing such relationships through written supervisory agreements may remove much of the uncertainty of working in such countries and enhance the confidence of families adopting there.

---

<sup>14</sup> USCIS International Operations Liaison Meeting Q&As (12/11/2014), Q9, AILA Doc. No. 15020563, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minutes-12-11-14>

<sup>15</sup> *Jamaica: UAA Country Specific Guidance, Rev. 7-14-14*, [http://travel.state.gov/content/dam/aa/pdfs/JAMAICA\\_UAA\\_Country\\_Specific\\_Guidance.pdf](http://travel.state.gov/content/dam/aa/pdfs/JAMAICA_UAA_Country_Specific_Guidance.pdf) & <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notices/jamaica14-14-07.html> and *Ukraine: UAA Country Specific Guidance, Rev. 7-14-14*, [http://travel.state.gov/content/dam/aa/pdfs/UKRAINE\\_UAA\\_Country\\_Specific\\_Guidance.pdf](http://travel.state.gov/content/dam/aa/pdfs/UKRAINE_UAA_Country_Specific_Guidance.pdf) & <http://travel.state.gov/content/adoptionsabroad/en/country-information/alerts-and-notices/ukraine14-14-7.html>

With regard to UAA country-specific guidance, the Department of State has informed USCIS that it is in the process of updating its adoption country information sheets to reflect changes for all non-Convention countries brought about by the UAA and to update information on country requirements for intercountry adoption. State informed USCIS that it will incorporate UAA country-specific guidance for a few countries into the updated information sheets. The Adoption Division of the Office of Children's Issues at State indicates that it will provide country-specific guidance for 14 countries. The focus of the country-specific guidance is on who provides the core adoption services in an intercountry adoption case in the country. The 14 countries are Bahamas, Bangladesh, Ghana, Guyana, Indonesia, Jamaica, Lebanon, Morocco, Nigeria, Pakistan, Rwanda, Sierra Leone, Uganda and Ukraine.

#### 14. Question

The [Consolidated Appropriations Act, 2014](#) (CAA), Pub. L. 113-76, signed into law on January 17, 2014, includes an amendment to the definition of "orphan" found at INA §101(b)(1)(F)(i). This section of the INA states that only one parent of a married couple must see and observe the child before or during the adoption proceedings abroad for the adoption to be considered final under the INA.<sup>16</sup> This has resulted in tremendous costs savings as well as convenience to adoptive parents. Please advise how this will affect cases that were in process on or before January 17, 2014, and whether any grandfather provisions are applicable.

**Response:** We believe the IR-3 visa could only be issued after the new law took effect on January 17, 2014; therefore, grandfathering is not available. If an IR-4 visa was issued in error after the effective date and an IR-3 visa should have been issued, please contact USCIS.

#### 15. Question

AILA members report receiving denials of N-600 applications where the child is no longer residing in the U.S. and report being erroneously advised to instead file Form N-600K. Please confirm that the N-600 Application for Certificate of Citizenship, and not the N-600K for Citizenship under INA §322, is the correct form to be filed on behalf of a child who enters the U.S. on an IR-4 or IH-4 visa and finalizes the adoption in the U.S. but then resides outside of the U.S. with his or her family.

**Response:** Mere admission of a child as a lawful permanent resident does not necessarily establish eligibility for citizenship under INA section 320. The statute requires that a child, after admission, must be "residing" in the United States in the legal and physical custody of the U.S. citizen parent. "Residence" is defined as an individual's principal actual dwelling place. The adjudication of N-600s and N-600Ks falls within the jurisdiction of RAIO's counterparts in the USCIS Field Operations Directorate. Field Operations notes that, unless it can be shown that the child and parent actually resided together in the United States after the child's LPR admission, Form N-600K, not Form N-

---

<sup>16</sup> *Consolidated Appropriations Act, 2014*, <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3547enr/pdf/BILLS-113hr3547enr.pdf>

600, would be the correct application to pursue a certificate of citizenship while the child is residing with the parents overseas.

Additional questions were raised at the Oct 22, 2015, meeting regarding the Form N-600 requirements when an applicant moves from the United States and takes up residence abroad while the N-600 is still pending. We are discussing this with Field Operations and either Field Operations or International Operations will address these questions with AILA more directly.

## Overseas I-130 Filings

### 16. Question

Please provide an update on the number of Form I-130 petitions filed with USCIS offices overseas, including per country or per office totals, since April 1, 2015.

**Response:** See table.

Office	Number of I-130 Petitions Filed with USCIS Offices Between 4/1/2015 - 9/30/2015
Bangkok	107
Beijing	143
Guangzhou	140
Manila	214
New Delhi	114
Seoul	615
Accra	23
Amman	247
Athens	121
Frankfurt	557
Johannesburg	79
London	759
Moscow	70
Nairobi	12
Rome	305
Vienna	21
Ciudad Juarez	65
Guatemala City	70
Havana	3
Lima	72
Mexico City	166
Monterrey	41
Port-Au-Prince	15
San Salvador	52
Santo Domingo	187
<b>Total</b>	<b>4,198</b>

### 17. Question

We thank IO for [posting processing times](#) on the USCIS website as this assists AILA members immensely in managing client expectations.<sup>17</sup> While we note that many posts are processing cases in less than two months, a couple of offices, such as Ghana, are taking nearly three months to process I-130 filings. What is USCIS's processing time goal for all I-130 petitions filed abroad?

**Response:** We aim to process 90 percent of I-130s within 60 days adjusted processing time. We publish the actual average processing time. In FY 2015, 92.7 percent of completed cases were completed within 60 days adjusted processing time in the Ghana Field Office.

### 18. Question

During our [April 15, 2015 meeting](#), IO advised that guidance was forthcoming which would clarify various points, such as the [length of time a U.S. citizen must reside locally](#) before an I-130 can be filed abroad.<sup>18</sup> What is the status of this guidance and can IO share the length of time it has determined to be appropriate?

**Response:** There is no longer a six-month time requirement for residency, but the petitioner must be able to establish residency in the country in which he or she is filing. We have clarified the filing requirements on our field office pages, and all guidance is consistent across IO field offices.

### 19. 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. Please provide statistics on the number of these requests received and granted by USCIS international Field Offices since December 1, 2014.

**Response:** From Q2 to Q4 of FY 2015, IO received 411 Form I-130 exceptional filing requests. IO accepted for processing 349 of those requests.

### 20. Question

According to the USCIS Policy Memo on locally filed I-130s, the Foreign Affairs Manual (FAM) was amended "to provide that a petitioner's residency within the consular district is no longer a consideration when determining whether a Form I-130 can be processed with the Consular Section."<sup>19</sup> However, the FAM states that the petitioner "must be a [resident of the consular district](#)," though the beneficiary "need not be a resident of the consular district."<sup>20</sup>

d) Please clarify whether the petitioner needs to reside within the consular district when requesting a filing exception for an I-130 petition.<sup>21</sup>

---

<sup>17</sup> USCIS Processing Time Information for International Operations Offices, <https://egov.uscis.gov/cris/ptIntlIntro.do>

<sup>18</sup> USCIS International Operations Liaison Meeting Q&As (4/15/15), Q13, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>

<sup>19</sup> USCIS PM-602-0043.1 "Process for Responding to Requests by the Department of State (DOS) to Accept a Locally Filed Form I-130, Petition for Alien Relative," AILA Doc. No. 12052941, <http://www.aila.org/infonet/uscis-policy-memo-on-locally-filed-i-130-forms>

<sup>20</sup> 9 FAM 42.41 N4.2-4(c)(1)(b), <http://www.state.gov/documents/organization/87842.pdf>

<sup>21</sup> 9 FAM 42.41 N4.2-4(e), <http://www.state.gov/documents/organization/87842.pdf>

**Response:** The petitioner's residency determines where the I-130 can be filed.

- e) If both the petitioner and the beneficiary live abroad but in separate locations (for example, a U.S. citizen contractor working in Afghanistan whose spouse lives in Pakistan), should the I-130 exception request and I-130 petition be filed in the country of residence of the petitioner or the beneficiary? Would the answer change if the beneficiary spouse lives in a country where a USCIS IO office is co-located (for example, Jordan?)

**Response:** The petitioner's residency determines where the I-130 can be filed.

## 21. Question

We were pleased to see the [updates to the FAM](#) regarding U.S. military service members stationed overseas.<sup>22</sup> When does USCIS anticipate issuing guidance on the filing process for these petitions? In the meantime, should petitioners continue to follow local procedures for exceptional circumstance I-130 filings?

**Response:** USCIS has given DOS a blanket waiver to accept I-130s of U.S. military personnel stationed abroad. The process for filing an I-130 with DOS is post specific.

## 22. Question

With respect to direct I-130 filings pursuant to 9 FAM 42.41 N4.2-4(e) ([Large-scale disrupting event](#)).<sup>23</sup>

- a) Where can petitioners find information as to which countries or regions have been designated with blanket authorization?

**Response:** We are discussing with our State Department colleagues how best to communicate this information so it reaches those whose lives have been disrupted by a large-scale event, to provide the opportunity to file a Form I-130 locally.

- b) Is the authorization based on the residence of the petitioner, the nationality of the beneficiary, the residence of the beneficiary, or all of the above?

**Response:** The blanket authorization is based on the residency of the beneficiary. The intent of the blanket authorization is to allow U.S. citizens to quickly return to the U.S. with their families when there has been a large-scale event. It is not the intent to speed up the processing of people not directly affected by the event.

- c) Can eligible petitioners and beneficiaries file at a post in a location not designated as a region of unrest? For example, can a petitioner who flees Sudan for France with her Sudanese husband file the I-130 under blanket authorization in Paris? What if the husband is French

---

<sup>22</sup> 9 FAM 42.41 N4.27(e), <http://www.state.gov/documents/organization/87842.pdf>

<sup>23</sup> 9 FAM 42.41 N4.2-7(d), <http://www.state.gov/documents/organization/87842.pdf>

but the couple is still fleeing Sudan? Additionally, can a Sudanese national residing in Sudan but visiting a third-country, such as Italy, file locally due to safety concerns in Sudan?

**Response:** The blanket authorization is based on the residency of the beneficiary, so the post does not need to be located in the region of unrest. With regard to the example, if the country of the beneficiary's nationality has a blanket filing exception, the State Department would make a case-by-case determination of whether there are exceptional circumstances. Visiting is unlikely to meet the definition of exceptional circumstances.

## Humanitarian Parole

### 23. Question

At the AILA/IO [meeting](#) on April 15, 2015, 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. At that time, HAB informed AILA that individuals with inquiries regarding a case should submit written inquiries.<sup>24</sup> Have there has been any further discussions about creating a dedicated e-mail address to streamline inquiries?

**Response:** HAB continues to determine the feasibility of creating a dedicated public inquiry mailbox. In the meantime, you may continue to forward correspondence to the below address or fax number:

DHS/USCIS/IO  
ATTN: HAB  
20 Massachusetts Ave NW, 3<sup>rd</sup> Floor  
Mail Stop 2100  
Washington, DC 20529-2100  
Fax: 202-272-8328

### 24. Question

How long does it take to generate and issue a receipt number for cases filed with the HAB? Is the applicant able to locate the receipt number on the back of the cancelled fee check?

**Response:** An initial receipt notice is generally mailed within 48 hours of a USCIS Lockbox facility receiving the application. The Humanitarian Affairs Branch then generates a notice once it receives the file, acknowledging receipt along with an estimated processing time. Currently, the back of the check has an audit trail with internal tracking information, but does not include the receipt number. Filers can request e-notification using [Form G-1145](#), to receive a text message or email within 24 hour of acceptance, while waiting for the receipt notice to arrive in the mail.

### 25. Question

---

<sup>24</sup> USCIS International Operations Liaison Meeting Q&As (4/15/15), Q15, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>

At the AILA/IO [meeting](#) on April 15, 2015, IO confirmed that it is still in the process of finalizing [HP protocols and standard operating procedures](#) (SOPs).<sup>25</sup> Does IO have any updates on the timeline for publishing the manual?

**Response:** IO continues to make progress on finalizing the guidance, which is still in draft form. At this time, there is no plan to publish the manual,. Rather, our efforts have been focused on providing information to the public that updates the Web content and is tailored toward petitioners rather than adjudicators. The revised Web content is currently being circulated throughout the agency for review and comment.

## 26. Question

AILA thanks IO for updating the [Humanitarian Parole \(HP\) web page](#).<sup>26</sup> At the AILA/IO meeting in April 2015, IO confirmed that the [HP Guidelines were being revisited](#) in order to include information about the process and the kind of evidence that should be submitted in support of a parole application.<sup>27</sup> Please provide an update on this initiative.

**Response:** The information on the parole process and the kinds of relevant evidence to submit with parole applications is currently under internal review.

## 27. Question

We appreciate the posting of the [Memorandum of Agreement on parole authority between USCIS, CBP and ICE](#) on the ICE website.<sup>28</sup> While we understand that there are a variety of informational tools on HP available to the public (for example, the [Guidelines](#) and [Q&As](#)), it can be confusing for members of the public to determine whether a parole request should be directed toward USCIS, CBP or ICE.<sup>29</sup> Would USCIS be willing to work with CBP and ICE to create a more comprehensive resource explaining the role each DHS component plays in the HP process so that the public can make better, more informed decisions when filing HP?

**Response:** We are willing to reach out to discuss this with CBP and ICE. We have shared our draft Web information on parole with them. We also note that the Humanitarian Parole page at [uscis.gov/humanitarian/humanitarian-parole](#) and the Q&A also both include information stating that individuals currently in removal proceedings or who have been previously removed from the United States must submit their humanitarian parole request to ICE. Both the page and the Q&A provide the ICE address. We also provide a link to the memorandum of agreement between CBP, ICE and USCIS on parole authority.

## 28. Question

---

<sup>25</sup> *Id* at Q24.

<sup>26</sup> *Humanitarian Parole*, <http://www.uscis.gov/humanitarian/humanitarian-parole>

<sup>27</sup> *USCIS International Operations Liaison Meeting Q&As (4/15/15)*, Q23, AILA Doc. No. 15072740, <http://www.aila.org/infonet/uscis-international-operations-liaison-qa-4-15-15>

<sup>28</sup> *Memorandum of Agreement between CBP, ICE and USCIS regarding Parole Authority*, <http://www.ice.gov/doclib/foia/reports/parole-authority-moa-9-08.pdf>

<sup>29</sup> *Humanitarian Parole Guidelines*, <http://www.uscis.gov/humanitarian/humanitarian-parole/humanitarian-parole-guidelines>; *Questions & Answers: Humanitarian Parole*, <http://www.uscis.gov/humanitarian/humanitarian-parole/questions-answers-humanitarian-parole>

Please provide fiscal year-to-date information on the number of HP applications filed, granted, and denied.

**Response:** Please see the chart below.

FY 2015	Receipts	Granted	Denied
Parole I-131 (Humanitarian Parole)	1,836	612	756

### 29. Question

Current [HP processing times](#) are listed online as 3.5 months.<sup>30</sup> Please confirm processing times for expedited requests.

**Response:** We are not publishing processing times for expedited requests. Processing time is very case-specific and variable, from one week or less in the most urgent cases to several months if USCIS has not received sufficient information and needs to request additional information from the petitioner.

### 30. Question

DOS pursuant to [9 FAM 42.1 PN3](#) is able to recommend HP to IO when they believe that exceptional circumstances or grave humanitarian concerns exist.<sup>31</sup> Can IO comment on the number and types of HP recommended to IO through this process and how it would communicate acceptance to the applicant?

**Response:** IO receives a small number of cases referred by the Department of State for the reasons noted above. These cases generally involve very sensitive humanitarian and diplomatic issues, such as those related to the release of political prisoners. The Humanitarian Affairs Branch will notify the applicant of the decision. If approved, a parole authorization memorandum will be sent to the nearest U.S. embassy or consulate and State will issue a boarding foil.

### 31. Question

In light of the recent DOS technical issues which led to a “visa freeze” for an extended time period, has IO developed criteria or guidance for issuing HP to individuals who cannot obtain a visa due to DOS technical failures?

**Response:** There is no specific technical guidance. IO handles this on a case-by-case basis.

### 32. Question

The procedures for issuing boarding foils for individuals granted HP seem to vary from post. Is there a way to create a single streamlined process for issuing border foils that is consistent across all overseas posts and DHS offices? If not, what are the barriers to a unified process?

---

<sup>30</sup> USCIS Processing Time Information for the Humanitarian Affairs Branch Office, <https://egov.uscis.gov/cris/processingTimesIntlDisplay.do>

<sup>31</sup> 9 FAM 42.1 Procedural Notes, <http://www.state.gov/documents/organization/87520.pdf>

**Response:** The Department of State manages the issuance of boarding foils for individuals granted parole by HAB. IO will refer this question to State if AILA could provide specific examples concerning how the variation of procedures impacts applicants.

## Overseas Biometrics

### 33. Question

In [April 2014](#), it was mentioned that IO “will consider developing guidance to allow individuals to have their biometrics collected at an international office for reentry permit applicants on an emergency basis if there are compelling circumstances, at the discretion of the Field Office Director.”<sup>32</sup> When is this guidance expected to be issued?

**Response:** We are working to update our Web content to provide information consistent with guidance that IO published in its SOP and released to the field on September 28, 2015.

## I-407

### 34. Question

After an I-407 applicant has formally abandoned status, does USCIS send the information to the Internal Revenue Service (IRS)?

**Response:** Internal Revenue Code section 6039G(d)(3) requires the Department of Homeland Security to provide the Internal Revenue Service with the names of lawful permanent residents who elect to abandon their status. Under the statute, USCIS provides quarterly reports with the names of those who abandoned their LPR status during that quarter.

### 35. Question

Is there field guidance for I-407 adjudications that is publicly available?

**Response:** Processing a Form I-407 is not an “adjudication.” An individual submitting Form I-407 is not applying for a benefit. Rather, the individual is declaring his or her intent to give up lawful permanent resident status. Currently, there is no publicly available guidance on processing Form I-407, but we are looking into it.

### 36. Question

How many Form I-407 applications does each IO Field Office receive per year?

**Response:** Please see chart below.

---

<sup>32</sup> *USCIS International Operations Liaison Meeting Q&As (4/9/14)*, Q5, AILA Doc. No. 14050642, <http://www.aila.org/infonet/uscis-intl-ops-liaison-minutes-04-09-14>

<b>Office</b>	<b>Number of I-407 Cases Filed with USCIS Offices in FY 2015</b>
Bangkok	370
Beijing	427
Guangzhou	755
Manila	859
New Delhi	714
Seoul	2,475
Accra	12
Amman	71
Athens	91
Frankfurt	1,037
Johannesburg	61
London	2,067
Moscow	117
Nairobi	42
Rome	198
Vienna	146
Ciudad Juarez	15
Guatemala City	107
Havana	0
Lima	497
Mexico City	402
Monterrey	72
Port-Au-Prince	28
San Salvador	181
Santo Domingo	554
<b>Total</b>	<b>11,298</b>