

**AILA-USCIS International Operations
Liaison Meeting Agenda
December 11, 2014**

GENERAL OPERATIONS

1. As USCIS International Operations (IO) has made us aware on several occasions previously, plans for 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: USCIS regularly evaluates its international presence and will notify the public when any decisions are made to close any international office.

b. Are there any sites for new offices being discussed?

Response: USCIS regularly evaluates its international presence and will notify the public when any decisions are made to open a new office.

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

Response: No, there have not been any significant workload shifts, either between offices or from other USCIS offices, in the previous six months.

2. We understand that USCIS continues to work toward a paperless filing environment. Does USCIS anticipate any rollouts or pilots of any transformation-related programs in the next 6 to 12 months impacting applications filed outside of the U.S.?

Response: International Operations continues to work closely with the USCIS Office of Transformation to assess potential impacts of transformation-related changes on applicants who file USCIS applications with international offices or the Department of State. We will timely let stakeholders know of the rollouts of any program changes that impact applications filed outside of the United States.

3. At our [liaison meeting on April 9, 2014](#), we were advised that IO had completed a following-to-join circuit ride in Nepal and would be conducting other pilot programs throughout this

past fiscal year (AILA Doc. No. 14050642).¹ Please provide an update on the results of these programs and if we can expect to see any notable changes at USCIS overseas offices.

Response: IO is still exploring the feasibility of conducting following-to-join circuit rides to countries without USCIS international field offices. IO successfully completed a second circuit ride pilot to Nepal in September 2014 and conducted exploratory site visits to Ethiopia and Malaysia. IO has tentative plans to conduct additional circuit rides to select high volume posts next year. Prior to making a decision to assume the following-to-join workload at a location currently serviced by Department of State, IO will ensure that we have allocated sufficient resources to do so and have the appropriate infrastructure support in country. IO does not envision that future following-to-join circuit rides would cause notable changes in the operations of USCIS international field offices for customers.

I-601 WAIVER ISSUES

4. Please advise on the number of I-601 waiver cases that remain pending with IO.

Response: As of November 30, 2014, there were three I-601 waiver cases pending with IO.

5. Please provide updated statistics on the number of I-601 waiver applications that have been filed with IO under the exception to lockbox filing for emergent circumstances since March 24, 2014. Please differentiate between Ciudad Juarez (CDJ) and non-CDJ cases.

Response: Between April 1, 2014 and November 30, 2014, a total of 87 Forms I-601 were filed with IO. Of those receipts, 85 cases were filed with the Ciudad Juarez Field Office. The remaining two cases were filed in the Frankfurt and Guangzhou Filed Offices.

6. Please provide statistics on cases refused after a request for lockbox filing due to emergent circumstances in fiscal year 2014.

Response: We believe that this request refers to a request for filing with an international office (not lockbox). Between April 1, 2014, and November 30, 2014, the International Operations Division had recorded the denial of 9 requests to file a Form I-601 with an international office. The locations were as follows: Ciudad Juarez: 6; Guatemala: 1; Frankfurt: 1; Rome: 1.

7. AILA members continue to express concern over the lag time between the approval of an I-601 application and issuance of the visa by the post. This concern is especially evident in El Salvador. Understanding that issuance is handled by the Department of State (DOS), is

¹ *USCIS International Operations Liaison Meeting Q&As (4/9/14)*, AILA Doc. No. 14050642, <http://www.aila.org/content/default.aspx?docid=48477>

there anything a client can do during their USCIS process to assist with more expedient visa issuance?

Response: Where an applicant has received an I-601 approval, but there has been a delay in visa issuance by the Department of State (DOS), the applicant should first contact the consular post and inquire into the matter. If the consular post indicates that DOS has not yet received notification of the I-601 approval, USCIS encourages applicants to then contact the USCIS customer service desk and request that the I-601 approval notification be re-sent; USCIS will then re-send the I-601 approval notification to the post.

INTERNATIONAL ADOPTIONS

8. On December 23, 2013, USCIS published [Policy Memorandum 602-0095](#), entitled “Criteria for Determining Habitual Residence in the United States for Children from Hague Convention Countries” (AILA Doc. No. 14010341).² The interim policy memorandum clarifies the criteria for determining whether the Hague Adoption Convention applies to the US-based adoption of a child from a Hague Adoption Convention country other than the United States, as well as the subsequent I-130 filing. AILA submitted comments on the policy memorandum, and USCIS confirmed review and consideration of those comments in the [April 9, 2014 liaison meeting](#) (AILA Doc. No. 14050642).³
 - a. Please confirm that this memorandum applies to all manners of entry to the U.S., and that the issue of admission and inspection would be relevant to the next phase after I-130 approval— whether via consular processing or as an adjustment of status.

Response: The Dec 23, 2013 memo specifically limits its application to children who were not paroled into the United States. We received AILA’s recommendation for the inclusion of paroled children in the final memo and are considering them as part of the public comments on the Policy Memo before issuing a final version.

The memo also states that a “child who entered the United States without inspection or was admitted in certain visa categories may need to depart the United States to obtain an immigrant visa that would allow him or her to seek admission to the United States as a lawful permanent resident.” So it is possible that some children may adjust in the U.S., and others would need to depart the U.S. and complete visa processing abroad.

² 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>, USCIS Policy Memorandum: Criteria for Determining Habitual Residence in the United States for Children from Hague Convention Countries, Dec 23, 2013

<http://www.uscis.gov/sites/default/files/USCIS/Outreach/Interim%20Guidance%20for%20Comment/Habitual-Residence-PM-Interim.pdf>

³ USCIS International Operations Liaison Meeting Q&As (4/9/14), Q180, AILA Doc. No. 14050642, <http://www.aila.org/content/default.aspx?docid=48477>

- b. Understanding that the Interim Memorandum went into effect when published, please advise as to when the Final Memorandum will be published.

Response: As noted at the April 2014 meeting, practitioners may rely on the Interim Memo, which is currently in effect. We received AILA's comments/questions and are considering them as part of the public comments on the Policy Memo. Final revisions to the memo are currently underway. We do not have a target date for the Final Memorandum.

The opening paragraph of the Interim Memorandum states that in order to qualify for this pathway, one of two things has to occur: (1) either the country must have a policy of not issuing statements of habitual residence; or (2) there must have been a six-month attempt to obtain a statement of habitual residence without a response. In the latter case, there is then a criterion of the Central Authority being notified without a response for 120 days.

- c. In this regard, does that mean that there needs to be two attempts to notify the Central Authority, one for six-months and then another for four-months (120 days)?

Response: The Interim Memorandum states that in order to qualify for this pathway, one of two things has to occur: (1) either the country must have a policy of not issuing statements of habitual residence; or (2) there must have been a six-month attempt to obtain a statement of habitual residence without a response.

- If a country has confirmed that it will not issue a statement, then the family does not need to keep trying to obtain the letter for six months before proceeding to court.
- For a family that does try to obtain a statement for six months and is unsuccessful, the court could determine in its discretion that that preceding six-month attempt was sufficient notification to the Central Authority (CA), or the court may require the additional four-month notice to the CA of the pending adoption.
- We recognize that reference to two separate periods may be confusing, and have tried to simplify this in the final version.

- d. Will USCIS publish the list of countries which have a policy of not issuing statements of habitual residence?

Response: We are discussing with the Department of State the best way to make such information available to the public and will certainly provide updates as they are available.

9. On July 30, 2014, USCIS released [PM-601-0103](#), entitled "Guidance on Implementation of the Intercountry Adoption Universal Accreditation Act of 2012 and the Consolidated

Appropriations Act, 2014 in Intercountry Adoption Adjudications” (AILA Doc. No. 14070360).⁴ AILA submitted comments in response to this policy memorandum and awaits further guidance on the raised issues (AILA Doc. No. 14081362).⁵

- a. Understanding that the Interim Memorandum went into effect when published, please advise as to when the Final Memorandum will be published.

Response: We intend to monitor how Intercountry Adoption Universal Accreditation Act of 2012 (UAA) cases progress through the process before publishing a final memo in order to determine if additional guidance or revisions are needed. We do not have a target date for the Final Memorandum.

10. The “primary provider” requirement should not apply to interfamily adoptions due to the inherent lack of fraud and child trafficking in interfamily adoption cases. These families should be able to act on their own behalf, with the accredited home study agency acting to provide the pre-adoption home study and any required post-placements. The primary provider requirement in interfamily adoptions often creates an insurmountable financial barrier and may leave the child without appropriate caregivers. Please explain the policy position of USCIS as it pertains to the primary provider requirement in interfamily adoptions.

Response: The applicability of the primary provider requirement to intrafamily adoptions is not a policy position of USCIS, but rather is required by the Intercountry Adoption Universal Accreditation Act of 2012 (UAA). The Department of State accreditation regulations, as applied in orphan cases by the UAA, require that an accredited agency or approved person be identified and act as the primary provider in each intercountry adoption case. The primary provider requirement does not apply to cases that are UAA grandfathered, and to certain transition scenarios. However, neither the UAA nor the applicable regulations provide for an exception to the primary provider requirement for intrafamily adoptions. The primary provider requirement does not prohibit families from being able to act on their own behalf where families are permitted to do so by law, but an accredited agency or approved person must still be identified to act as the primary provider.

11. We appreciate the information that USCIS IO provided during our April 2014 meeting on communications between IO, the National Benefits Center, and DOS in complicated adoption cases. However, clarification on a few related issues would be helpful.

- a. When a case is transferred back to the United States for additional processing, is a physical file transferred or is the transfer electronic?

⁴ USCIS *Interim Memo on Implementing Statutory Changes on Intercountry Adoptions* (30 June 2014), published on AILA InfoNet at Doc. No. 14070360, available at <http://www.aila.org/content/default.aspx?docid=49109>

⁵ , AILA *Comments on USCIS Interim Memo on Adoption*, AILA Doc. No. 14081362, <http://www.aila.org/content/default.aspx?bc=8921|49756>

Response: When a case is returned to the NBC for consular return processing, Post will refer the case back to the NVC and the NVC will send the physical contents of the file back to the NBC with the Consular Return Memo and any additional information received from Post. In some cases, we are able to work through issues without having a case returned to the NBC and work to get needed information to and from Post in electronic format.

- b. Is the file transferred to the National Visa Center before it goes to the USCIS National Benefits Center or does it go straight to the NBC?

Response: Cases almost always are routed to the NBC via the NVC. In those rare instances where the NBC receives a case or documentation directly from a post, the NVC will go back and pull any original documentation and forward to the NBC upon request.

- c. What is the standard timeframe for file return?

Response: There is no standard timeframe for file return, as cases make their way back to the United States via different mailing methods (pouch, USPS, etc.).

OVERSEAS I-130 FILINGS

12. Please provide an update on the number of I-130 petitions filed with USCIS offices overseas, including per country or per office totals, over the past 12 months.

Response: Forms I-130 filed with International Operations offices from December 1, 2013 to November 30, 2014:

International Operations Office	Receipts
Bangkok Field Office	218
Beijing Field Office	344
Guangzhou Field Office	276
Manila Field Office	521
New Delhi Field Office	171
Seoul Field Office	1,075
Accra Field Office	29
Amman Field Office	321
Athens Field Office	156
Frankfurt Field Office	1,217
Johannesburg Field Office	117
London Field Office	1,636
Moscow Field Office	134

Nairobi Field Office	33
Rome Field Office	468
Vienna Field Office	49
Ciudad Juarez Field Office	111
Guatemala City Field Office	132
Havana Field Office	11
Lima Field Office	117
Mexico City Field Office	403
Monterrey Field Office	95
Port-Au-Prince Field Office	30
San Salvador Field Office	55
Santo Domingo Field Office	358
Grand Totals	8,082

13. Are overseas offices reporting any recurring issues or problems with such cases, including issues relating to habitual residence of the petitioner overseas, military, or medical-based requests?

Response: Overall, our overseas offices do not report any recurring issues or problems with I-130 petitions filed overseas, other than some individuals seeking to file with an international office without meeting residency requirements. However, we have identified a need to issue clearer guidance regarding the residency of petitioners and who is eligible to file an I-130 with an international office. Our aim is to issue such guidance this year.

14. Please provide statistics from the past 12 months on the number of requests for local processing of I-130s due to exceptional circumstances made by DOS that USCIS Field Office directors have received. Please provide examples of the kinds of circumstances which did not result in approval.

Response: From December 1, 2013 to November 30, 2014, International Operations offices recorded receipt from the Department of State of 481 requests for Department of State processing of I-130s due to exceptional circumstances. Of those requests, USCIS permitted the Department of State to accept filing and adjudicate 80.7% (388). In general, those applicants that are not approved have failed to provide evidence that they face compelling circumstances requiring them to return to the United States before the case could be processed through the regular domestic procedures.

15. The procedures for filing an I-130 abroad due to exceptional circumstances can be quite difficult to ascertain, as each post has a different process. For instance, many posts require an applicant to send the exception request via e-mail to the respective consulate/embassy, which in turn forwards the request to the appropriate USCIS office for a decision. Other offices require the U.S. citizen to make an appointment with the local American Citizen

Services (ACS) office abroad in order to submit the I-130 with the exception request simultaneously. The various processes can be quite confusing for applicants and their attorneys. Additionally, when an expedite request is not responded to timely, it is difficult to know where to inquire and where the delay is originating.

- a. Per protocol, attorneys contact the embassy or consulate directly in the first instance, as this is where the expedite request was submitted; however, please advise as to USCIS's preference when follow-ups with the local consular post seem futile.

Response: Please continue to contact the embassy or consulate in the first instance and follow up directly with them if you do not receive a response in a few days. If there is still no response, please contact the USCIS office with jurisdiction over that location.

- b. In our experience, USCIS makes these determinations usually within a couple of days. Please advise on the general processing time of the expedite requests, so that attorneys can set client expectations appropriately. Please note that we understand these times are fluid and may change due to current caseload or office capacity.

Response: Generally, USCIS offices should be able to make a decision on these requests within a few days. If you do not receive a response and a follow up call to the embassy or consulate does not resolve the issue, please contact the USCIS office with jurisdiction over that location.

- c. Sometimes it appears that the embassy or consulate is unaware of the exceptions process. Please explain how USCIS IO coordinates and communicates with the State Department on these cases and on the process in general.

Response: The Foreign Affairs Manual, accessible for all consular officers, contains information about this process. USCIS also communicates regularly with Bureau of Consular Affairs at the Department of State on a variety of immigration benefits processing issues. If there are specific locations where you find that the embassy or consulate is unaware of the procedures, please provide USCIS with the names of those locations so that we can address any inconsistencies through our colleagues at the Department of State.

16. AILA members report experiencing problems at USCIS international offices, as the various local offices, even those within the same district, may have different processes and procedures. For example, USCIS CDJ states that I-130 filing fee checks/money orders should be made payable to the U.S. Department of the Treasury, while USCIS Mexico City requires the payee to be DHS/USCIS (see below). The [USCIS website](http://www.uscis.gov) states that fees should be made payable to the U.S. Department of Homeland Security, and not to DHS.⁶ These

⁶ *Paying Immigration Fees*, <http://www.uscis.gov/forms/paying-immigration-fees>

discrepancies cause confusion to applicants and attorneys and can result in cases being rejected.

Dear Ms. XXXX,

We will try to deposit the money orders as is; hopefully there will be no issues.

For future I-130s, the Mexico City Field Office:

The filing fee of \$420 USD must be in the form of a cashier's check, or money order, payable to DHS/USCIS. Please note, we cannot accept checks/money orders from HSBC bank.

Sincerely,
USCIS

U.S. Department Of Homeland Security | U.S. Citizenship and Immigration Services
American Embassy Mexico City

- a. Please confirm the appropriate fee payment instructions for all international offices, and that minor local differences aside, the general process for filing a case should be consistent worldwide.

Response: The Department of State provides cashiering services to USCIS for all immigration benefits processed overseas, even those where USCIS is present. The Department of State deposits the funds, which are then transferred to USCIS. All procedures regarding payment at each overseas location are determined by the Department of State. Please refer to each individual website for the payment procedures for each location. We will also conduct a review of the information provided by USCIS to ensure we are providing accurate information, consistent with the Department of State requirements.

- b. Please advise as to how we can bring these discrepancies to the IO's attention in the future in an effort to streamline the process.

Response: Please feel free to raise any concerns regarding payment with the local USCIS Field Office Director, via the field office public email address. The Field Office Director will ensure that the information USCIS is providing is consistent with the Department of State cashiering requirements at that post.

17. For attorneys working outside the United States and/or representing clients abroad, the requirement for filing fees to be paid with a U.S. money order or cashier's check can complicate matters significantly. Although some offices provide options for paying locally, this is not always workable. For instance, a U.S. attorney living in Brazil and representing a client in Mexico is not able to pay the filing fee locally and also may not be able to obtain a

U.S. money order or cashier's check. Would USCIS consider some other options for attorneys living abroad who have a significantly difficult time in meeting current USCIS fee payment requirements, such as accepting law firm checks?

Response: Please see the response to 16a.

18. Attorneys report that USCIS offices abroad will often reach out to the applicant/petitioner directly, rather than the attorney of record, when additional information is needed. This creates unnecessary confusion and anxiety for represented individuals. Please confirm that if a properly executed G-28 is on file, USCIS will contact the attorney in order to request additional information or clarify an issue on a case.

Response: We will issue a reminder to USCIS staff that if there is a properly executed G-28 on file, the representative of record must be copied on any request for additional information.

19. Form G-1145, e-Notification of Application/Petition Acceptance is helpful for alerting applicants and attorneys once a mailed-in application has been received and is in process. Can a G-1145 be used to receive electronic notification on applications and petitions filed with USCIS overseas offices?

Response: The G-1145 can only be filed with applications and petitions that are processed through the USCIS domestic lockbox facilities. USCIS Overseas locations currently do not have access to the system that generates the automated text message or email to provide notification of receipt.

20. Since our last meeting, there have been improvements and clarifications on the USCIS website with respect to the page "International Operations: [International Immigration Offices](#)."⁷ Thank you for these modifications. Please note, however, that some inconsistencies remain. For example, the [Amman Field Office page](#) states that "U.S. citizens who reside for one year in Jordan may request an appointment for filing a Form I-130 by e-mail."⁸ Other offices require a six-month residence for permission to file locally. Could USCIS provide more uniform guidance on individual field office pages?

Response: Yes. USCIS is currently reviewing all of the international filing procedures for Form I-130s to determine where those procedures could be improved or clarified and to ensure consistency, particularly with respect to the issue of establishing residency for purposes of filing the Form I-130. We also are working to improve the webpages for all international offices in FY2015 and will continue to make updates to our websites as we

⁷ *International Immigration Offices*, <http://www.uscis.gov/about-us/find-uscis-office/international-immigration-offices>

⁸ *Jordan – Amman Field Office*, <http://www.uscis.gov/about-us/find-uscis-office/international-offices/jordan-amman-field-office>

identify inconsistencies or areas where we can provide more streamlined options.

FORM I-407, ABANDONEMENT OF LAWFUL PERMANENT RESIDENT STATUS

21. Is a lawful permanent residents who has remained outside of the U.S. for more than one year, usually due to the transfer of his or her U.S. citizen spouse abroad for work, and who have not secured a re-entry permit, required to file a Form I-407, Abandonment of Lawful Permanent Residence, before filing and being approved for a new I-130, when the family is transferred back the U.S.?

Response: The question presupposes that the circumstances of the absence are enough to establish that the individual intended to abandon LPR status. A lengthy absence, by itself, might not be enough to show an intent to do so if, for example, the individual remained abroad due to reasons beyond his or her control. Cf. Matter of Huang, 19 I&N Dec. 749 (BIA 1988). However, assuming that individual did intend to abandon LPR status, the filing of a Form I-407 is not essential to establish that fact. The Form I-407 is not an application for a “benefit,” and is not “adjudicated.” Rather, it is a means through which an individual may inform DHS of the individual’s abandonment of LPR status. The individual does not need to file a Form I-407 before the citizen spouse may file, and obtain approval of, a new Form I-130. The only issue in a Form I-130 case is whether the requisite legal relationship exists. However, it is advisable for that individual to record the abandonment of status, using Form I-407, in order to create a clear record. There may be benefits for creating such a record, to avoid confusion with processing a second request for LRP status for anyone who has abandoned a prior grant of LPR status and is once again attempting to obtain permanent resident status through admission with a new immigrant visa.

HUMANITARIAN PAROLE

22. Please provide information for the past 12 months on the number of humanitarian parole applications filed, granted, and denied.

Response: Parole I-131 data from December 1, 2013 to November 30, 2014:

Receipts	Granted	Denied
1,373	417	736

23. Please provide current statistics on the percentage of cases filed in the past six-months, which have been processed within the 90-day processing time goal.

Response: From June 1, 2014 to November 30, 2014, International Operations received a total of 753 requests for Parole I-131. Of those requests, 343 requests were completed. Of the completed requests, 84.3% (289) were completed within 90 days. Of the remaining 410

requests that remained pending, 79.8% (327) were pending less than 90 days.

24. During our spring 2014 meeting, IO indicated that it was aiming to publish [parole processing times](#) on the USCIS public website, beginning in the third quarter of FY2014 (AILA Doc. No. 14050642).⁹ Is IO presently on target to provide these processing times?

Response: Unfortunately, we did not meet our target to publish the processing times in FY2014 due to complications on running and displaying the data. However, we continue to work on finalizing the model to use on the USCIS public Website to post processing times for certain case types processed by international offices.

25. During the spring meeting, IO stated that the [Parole Procedures Manual](#), consisting of humanitarian parole protocols and standard operating procedures (SOPs) which have been in draft form for some time, were undergoing internal review and would be submitted to the Office of Chief Counsel (OCC) in 3Q of FY2014 (AILA Doc. No. 14050642).¹⁰ Please provide an update on the current status of the Parole Procedures Manual and whether and when it will be made available to the public.

Response: The Parole Procedures Manual remains in draft form and is under review for clearance before it may be finalized. We appreciate stakeholder's desire to have greater transparency in parole procedures and policy and, once the guidance is finalized, will make a determination on the information to be posted on the USCIS website.

26. We understand that humanitarian parole is an option for a child in an emergency situation who has a preexisting relationship with a U.S. citizen, such as a relative, or an individual with an adoptive or custodial relationship. During the [AILA/IO meeting in September 2012](#), we were informed that as of October 2012, all parole cases would be entered into the International Operations Division case management system, CAMINO (AILA Doc. No. 12121950).¹¹ In that regard, please provide an update on the following:

- a. The number of humanitarian parole cases which involve children in these types of emergency situations.

Response: USCIS receives a wide-variety of requests that involve adopted children and does not record in CAMINO the degree of detail described in the question. However, USCIS does identify in CAMINO whether a parole request is related to the adoption of a child. Between October 1, 2012 and November 30, 2014, International Operations received 138 Parole I-131 requests that were related to the adoption of a child.

⁹ USCIS International Operations Liaison Meeting Q&As (4/9/14), Q27, AILA Doc. No. 14050642, <http://www.aila.org/content/default.aspx?docid=48477>

¹⁰ *Id* at Q31.

¹¹ AILA USCIS International Operations Liaison Teleconference Q&As (9/11/2012), Q 20, AILA Doc. No. 12121950, <http://www.aila.org/content/default.aspx?docid=42550>

- b. The approval rate for these cases.

Response: The approval rate for Forms I-131 relating to an adopted child completed between October 1, 2012 and November 30, 2014 was 39.2%.

- c. The average processing time for these cases.

Response: These cases almost always require issuance of requests for evidence and consultation with the international operations adoption team and counsel. Out of the requests that were completed between October 1, 2012 and November 30, 2014, 46% (63) were completed within 90 processing days. The average processing time for completed requests was 145 days.

OVERSEAS BIOMETRICS

27. We understand that biometrics are generally not collected outside of the US for USCIS purposes. Please advise under what circumstances each USCIS district and local international office would permit biometric capture abroad.

Response: USCIS generally collects biometrics overseas only for form types that are adjudicated overseas. However, we understand that sometimes applicants face circumstances beyond their control where it would be much less burdensome to schedule a biometrics appointment at an overseas office. USCIS is working on guidance to allow for biometrics to be collected by USCIS international offices in emergency circumstances for reentry permit applicants and I-90 applicants. This guidance is still being reviewed and cleared internally, but we will share it publicly as soon as it is ready.