



Questions and Answers

January 24, 2011

Q&A from IGA Stakeholder Teleconference

Background

On August 25, 2010, the Office of Public Engagement hosted a national stakeholder engagement for state, local, tribal, and territorial government partners. The Office of Public Engagement, along with the Office of Citizenship and the Verification Division, provided updates on USCIS programs and initiatives that impact state and local government stakeholders.

Below is a summary of questions and answers from this engagement.

Questions and Answers

Q: When submitting a SAVE query, it is typical that the information presented by the applicant varies slightly from the information that is received from the query. For example, we have an applicant that identified himself as having two sponsors; however, when we queried the system, it only displayed the applicant as having one sponsor. Why is this?

A: In general, the information presented by the applicant should mirror the information received when an agency submits a SAVE query. The SAVE system pulls its information from various DHS databases. Therefore, the information that is stored within these databases will determine what information you receive when requesting information. SAVE has the capability to provide information on multiple sponsors. In this case, it likely means that the database only included a record of the one sponsor.

Q: State departments of motor vehicles (DMV) have encountered issues with using the SAVE system that stem from the electronic submission of Forms I-94W. Individuals that submit the Form I-94W electronically are not recording the I-94W numbers. Therefore, when they visit the DMV for a service, the DMV is unable to query SAVE, as the I-94W number is a mandatory entry field to submit a query. How can we address this problem?

A: There have been recent enhancements made to the SAVE system and one enhancement in particular applies to this question. SAVE recently made an update that enables verification of immigration status for visa waiver travelers without an I-94W. SAVE added a new document type to the Web 3 and Web Services access methods to verify these travelers' immigration status using their foreign passport. To do so, an agency would select the document type entitled "WT/WB Admission Stamp in Unexpired Foreign Passport" and enter the person's information as prompted. This update should alleviate the problem that DMVs are experiencing.

Q: When trying to query an individual using the information from an I-551 (green card), it appears that the SAVE system is not updated to reflect the most current information from this document. Therefore, the query comes back as a mismatch, causing our staff to take additional steps in the verification process. Why is this?

A: SAVE can only verify the information that has been updated in the DHS databases. We recommend that applicants wait about two weeks after receiving their new document to ensure that the information has been updated in the system. Otherwise, this issue may stem from the common error of mistyping information (Name, DOB, etc.). If this is not the case, please contact the SAVE help desk at SAVE.help@dhs.gov or 1-888-464-4218. If your concerns cannot be resolved through the SAVE help desk, please contact your agency's SAVE case manager or the IGA mailbox at USCIS-IGAO outreach@dhs.gov.

Q: What is the verification process for an individual that has misplaced his or her I-94 and A numbers?

A: The SAVE Program requires that an agency submit information from the immigration document to run a query. If an applicant does not have a valid immigration document available, then SAVE recommends the applicant make an appointment with a local USCIS field office to request a new document.

Q: Our department has experienced issues when using the SAVE program and not receiving the most current information from the system. Often, the system appears to not have been updated when an extension of status, such as temporary protected status (TPS) and student status, has been granted. Can you explain why this is?

A: The SAVE system pulls information from various DHS databases. Therefore, SAVE is constrained by the information within those DHS databases. For the database to be updated, the individual would need to have his or her employment authorization document (EAD) information updated by a USCIS representative. In some instances, such as an applicant with an expired EAD and an automatic extension of TPS, the agency will need to institute an additional verification request to obtain the correct answer. The agency always has the choice of instituting additional verification if a manual review of the records is needed.

Q: What evidence can a temporary protected status (TPS) beneficiary obtain to show that TPS for his/her country of origin has been extended?

A: The Federal Register notice, which identifies a new expiration date for TPS, serves as proof of a TPS extension.

Q: Is there a point of contact from the SAVE program that can address general questions and concerns?

A: Agencies with questions or concerns regarding the SAVE Program may contact the SAVE help desk at SAVE.help@dhs.gov or 1-888-464-4218. If your concerns cannot be resolved through the SAVE help desk, please contact your agency's SAVE case manager or the IGA mailbox at USCIS-IGAO outreach@dhs.gov.

Q: Recently, we have encountered a large number of non-accredited individuals posing as accredited representatives or attorneys. Are there any regulations or ways to deter the unauthorized practice of law?

A: Under federal regulations, only attorneys and representatives accredited by the Board of Immigration Appeals (BIA) for organizations that have been recognized by the BIA are authorized to practice immigration law. USCIS is not an enforcement agency and, therefore, does not have authority to prosecute these individuals. However, we are committed to combating the unauthorized practice of immigration law, and are currently enhancing our public education efforts and working with federal, state and local law enforcement partners to address this issue.

Q: When special immigrant juveniles (SIJ) attend biometric appointments, the Application Support Center (ASC) will not accept certain forms of identification (ID) that these individuals have. Is there a way for USCIS to inform us on what an acceptable ID should look like?

A: There has been ongoing outreach between headquarters and ASCs to make them aware of the documentation that will serve as proof for individuals under the SIJ category. Please see the identification options below for these individuals.

- If the child has no ID but is being accompanied by a professional from the State Child Protective Services Office, this individual can provide the ASC with his or her credentials to identify the child at the biometric appointment.
- If the child does not have an ID, he or she can bring in court documentation, which should contain the child's biographical information.

Q: Did the Trafficking Victims Protection Reauthorization Act (TVPRA) 2008 changes to special immigrant juvenile (SIJ) eligibility for assistance render the statement USCIS made in its May 27, 2004 memo, HQADN 70/23, section "Effect of SIJ Approval", no longer applicable or valid? The 2004 memo stated: "The granting of an SIJ petition or an application for adjustment to a juvenile confers no Federal Government duty or liability toward state child welfare agencies, even for those juveniles placed in foster care." The TVPRA 2008, sec. 235(d)(4) titled "Eligibility for Assistance" basically states that an SIJ shall be eligible for "placement and services " to the same extent as a refugee child ("A child who has been granted special immigrant status ... and who was in the custody of the Secretary of Health and Human Services at the time a dependency order was granted for such child or who was receiving services pursuant to section sec 501(a) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) at the time such dependency order was granted, shall be eligible for placement and services under section 412(d) of the Immigration and Nationality Act (8 U.S.C. 1522(d)) until the earlier of --- ..." 18 (or higher depending on the state) or when the child is placed into a permanent adoptive home.).

Stated differently, is not a TVPRA 2008 SIJ a "qualified alien" exempt from the five-year bar, like a refugee child?

A: Section 235(d)(4) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008) provides that certain aliens granted special immigrant juvenile (SIJ) status shall be eligible for placement and services under section 412(d) of the Immigration and National Act (INA). The Office of Refugee Resettlement (ORR) within the Department of Health and Human Services has the responsibility for administering all services mandated by INA 412(d). More information about ORR can be found at www.acf.hhs.gov/programs/orr/.

Q: Does USCIS provide any guidance on trafficking to state and local officials?

A: USCIS offers training for state and local law enforcement, and other state and local government stakeholders, on the immigration options available to victims of trafficking, domestic violence, and other crimes, and law enforcement's role in certifying crime victims that are seeking immigration. To request training, please contact USCIS at T_U_VAWATraining@dhs.gov.

In addition to USCIS offering training, state and local law enforcement may also take an online Human Trafficking Training Program created by the DHS Blue Campaign. This training will provide state and local law enforcement officials with indicators of human trafficking and what to do if human trafficking is suspected. For information on registration and requirements, please visit www.fletc.gov and select the Department of Homeland Security Blue Campaign logo or select 'Trainings', then 'Programs' to locate the Human Trafficking Training Program link.

For more information on immigration options available to victims, please visit www.uscis.gov.

Q: Under the Trafficking Victims Protection Reauthorization Act (TVPRA), state and local law enforcement were recognized as secondary sources of evidence for purposes of attesting to trafficking on the Form I-914B. Our understanding is that adjudicators at the Vermont Service Center were rejecting applications with an I-914B completed by a state or local law enforcement officer. Can you please clarify the standard of review that the adjudicators employ in these circumstances?

A: We would not reject an I-914 that was not submitted with an I-914B, or one that was submitted with an I-914B completed by a state or local law enforcement officer. Regardless of the presence or absence of an I-914B, the application and all evidence is thoroughly reviewed by the officer during the adjudication. The presence of an I914B does not guarantee an approval and it is still possible that additional evidence relating to the alleged trafficking will need to be requested to establish the applicant's eligibility.

Q: How does USCIS provide updates to health departments regarding changes to the vaccination requirements for refugee adjustment of status applicants?

A: By law, the Department of Health and Human Services, Centers for Disease Control and Prevention sets the vaccination requirements for immigration purposes. Thus, any changes to requirements are posted on CDC's website at www.cdc.gov. In addition to CDC posting changes to requirements, USCIS will also post new requirements on the USCIS website at www.USCIS.gov.

Q: Can the waiver for a spouse of an American citizen be submitted to USCIS prior to consular processing?

A: There is currently no process for applicants to submit waiver applications prior to consular processing.

Q: USCIS officers who conduct interviews have begun to distribute interview schedule notices via phone, without a formal written notice. This new process is inconvenient, as applicants often can not call back if there's a problem with that date/time. The previous process of disseminating these notices in written form via mail was more comprehensive, as it provided the applicant with a listing of additional documents to bring to the interview, etc. Will this new process be the standard for all interviews?

A: It is our current practice to send interview appointment notices via mail. We are unaware of interviews being scheduled only by phone without an appointment notice being sent. Please provide information regarding similar cases to the IGA mailbox at USCIS-IGAOutreach@dhs.gov.

Q: Since we cannot call the local USCIS offices to identify if there's a problem or emergency with an application, how do we build a partnership without the ability to directly communicate with USCIS representatives?

A: Over the past several years USCIS has instituted several tools to assist customers in obtaining information about their case status. These tools include "My Case Status," the National Customer Service Center, and Infopass appointments. For general case status inquiries, all customers, including attorneys, should use these tools. For urgent matters, most Field Office Directors supply contact information at their regular AILA and stakeholder conferences. If you are aware of a District that has no system in place to accommodate urgent inquiries, please contact the USCIS Office of Public Engagement at USCIS-IGAOutreach@dhs.gov.