



February 25, 2011

Executive Summary

USCIS International Operations Division Teleconference

Background

On February 8, 2011, the U.S. Citizenship and Immigration Services (USCIS) International Operations Division and the Office of Public Engagement (OPE) hosted a teleconference to discuss planned changes to the processing procedures for Refugee and Asylee Follow-to-Join cases. USCIS and the Department of State (DOS) jointly developed these new procedures to improve customer service and to help ensure greater consistency, efficiency, and security in the processing of these cases. During the session, USCIS provided an overview of the new procedures, introduced five pilot locations, and explained how the pilot will affect cases in the chosen locations. In addition, USCIS answered questions from participants and sought general feedback on the new procedures.

New Procedures

USCIS recognizes that refugee and asylee follow-to-join cases are a high-priority caseload, as family members of refugees and asylees who are still overseas are often vulnerable. Over the last year, USCIS and DOS have worked together to re-engineer the overseas process so that these cases can be handled more quickly, consistently, efficiently, and securely.

The re-engineered process will work as follows:

1. **Petition Filing:** No change. The principal refugee or principal asylee in the United States files a Form I-730, *Refugee/Asylee Relative Petition*, at a USCIS Service Center on behalf of his or her spouse and unmarried child(ren). In cases where beneficiaries are located overseas, the USCIS Service Center sends an approved Form I-730 petition to the National Visa Center (NVC) for pre-processing before the case is transferred overseas for interview.
2. **NVC Pre-Processing:**
 - a. **Collection of Original Civil Documents:** The NVC will send a notice to the petitioner and representative of record (if applicable) to collect any readily available original civil documents that support the petition and establish the petitioner's relationship to the beneficiary overseas – documents such as birth certificates, marriage certificates, or adoption decrees.

If the petitioner does not have the original documents, he or she may notify the NVC so that the case can continue to be processed without delay. If the NVC does not receive a response from the petitioner within 45 days, the NVC will continue processing the case without further delay.

Any original documents provided by the petitioner to the NVC will be returned to the beneficiary at the time of or after the interview overseas.

- b. **Transfer of Case to Overseas Office:** No change. Once the petitioner or representative submits those documents to the NVC or informs the NVC that the documents are not readily available, the NVC will continue processing the case and send the approved petition, along with any available original civil documents, to the appropriate USCIS office or Consular Section overseas.
- c. **Instruction on Interview Scheduling and Preparation:** When the NVC sends the case overseas, it will also notify the petitioner and representative of record (if applicable) via email or letter (if no email address is available) that the case has been transferred for further processing. The NVC also will provide instructions about how to schedule the beneficiary's interview appointment within the following 60 days. The NVC will direct the petitioner or representative to www.immigrantvisas.state.gov for information about steps the beneficiary must take to prepare for the interview.

USCIS officers overseas and DOS consular officers report that it can be very difficult to locate beneficiaries to schedule interviews, and this problem can result in significant delays in the processing of cases. The change in interview scheduling leverages the fact that petitioners are likely in regular contact with their beneficiaries and can relay information to them quickly. The beneficiaries can then approach USCIS or the Consular Section to schedule the interview.

If, after 60 days, the overseas office has not heard from the beneficiary, the overseas office will still attempt to contact the beneficiary to schedule an appointment using the contact information contained in the I-730 petition.

- 3. **Beneficiary Interview:** Depending on the beneficiary's location, either a USCIS officer or DOS consular officer will interview the beneficiary to confirm his or her identity, relationship to the petitioner, and eligibility to travel to the United States. USCIS and DOS have developed shared guidance, including the use of a standardized interview worksheet, to facilitate consistency in processing and in determining a beneficiary's eligibility to travel.
- 4. **Communicating the Interview Results:** The shared USCIS and DOS guidance also includes the use of standardized notices to communicate case decisions to beneficiaries. If a beneficiary has been found eligible to travel to the United States, he or she will be given a standardized *Notice of Approval to Travel* with an explanation of what will happen next in the process. If a case is not approved for travel, the beneficiary will be given a standardized *Notice of Ineligibility to Travel* with a brief explanation of the reason for the decision and information about what will happen next.
- 5. **Post-Interview Processing:** No change. Some cases require further administrative processing which takes additional time after the beneficiary's interview. Follow-to-join refugee beneficiaries, for example, undergo post-approval processing to arrange for sponsorship in the United States upon arrival.
- 6. **Issuance of Boarding Foil and Travel Packet:** Once a beneficiary has been approved for travel, the interviewing office will give the beneficiary his/her passport (or other travel document) containing a boarding foil which will be annotated with the beneficiary traveler's A-number. A boarding foil looks very similar to a visa and includes a digitized photo of the traveler as well as other security features. The use of boarding foils instead of paper transportation letters will enhance the security of the immigration process and help prevent imposters from traveling to the United States using stolen documents. Adding the A-number to the boarding foil will also assist Customs and Border Protection (CBP) in identifying and processing the beneficiary upon arrival into the United States.

In addition to the boarding foil, approved travelers will be given a sealed travel packet (to be opened by a CBP officer at a U.S. port of entry) containing case documents and other papers prepared by the USCIS office or Consular Section. USCIS and DOS are making some changes in the assembly and contents of the travel packets. The packet will include a completed Form I-94, *Arrival/Departure Record* and Form I-765, *Application for Employment Authorization*. The interviewing officer will review these forms prior to the beneficiary's travel, to ensure they accurately reflect the beneficiary's biographic information. The beneficiary needs these forms to obtain work authorization, as well as state and federal benefits to which he or she may be entitled. By verifying the accuracy of these forms overseas, USCIS and DOS will facilitate the smooth processing of the beneficiary by CBP at port of entry and reduce the potential for problems that a beneficiary may have in attempting to access benefits once in the United States.

7. **Travel Arrangements:** No change. The USCIS office or Consular Section that conducted the interview will advise the beneficiary about travel arrangements to the United States. Typically, asylee follow-to-join beneficiaries are instructed to make their own travel arrangements to the United States. Travel arrangements for follow-to-join refugee beneficiaries, on the other hand, are arranged and managed by the International Organization for Migration (IOM).
8. **Beneficiary Travels and Enters the United States:** No change. However, USCIS and DOS hope to facilitate smoother screening by CBP at port of entry and beneficiary access to benefits with the use of boarding foils and the noted changes in travel packet assembly.

Additional Enhancements

USCIS and DOS are also making other important changes to better manage this caseload. These changes will ensure greater integrity, consistency, and efficiency in overseas processing of these cases as well as enable USCIS and DOS to provide better customer service to petitioners, beneficiaries, and representatives. These include:

- Tracking of all cases processed overseas in a single database;
- Use of standardized guidance by USCIS and DOS staff in the processing of cases;
- Use of standardized notices in communicating with petitioners, beneficiaries, and representatives; and
- Availability of general process information via DOS' website at www.immigrantvisas.state.gov.

Pilot Program

USCIS and DOS will pilot the new procedures and internal process changes at five locations overseas beginning in March 2011. The pilot locations are Addis Ababa, Ethiopia; Guatemala City, Guatemala; New Delhi, India; Port-au-Prince, Haiti; and Yaoundé, Cameroon. These locations were chosen because they represent a good cross-section of posts processing these cases. Furthermore, the staff at these locations wanted to be actively engaged in helping to assess what is working well in the new process and what needs to be adjusted. Based on lessons learned from the pilot, USCIS plans to make any necessary adjustments to the re-engineered process and then roll it out as quickly as possible during the following nine to 12 months.

When the pilot launches, the NVC will begin pre-processing the approved follow-to-join cases before they are sent overseas to the five pilot locations. Cases being processed at posts other than the five pilot sites will continue to be processed as they currently are.

Clarifications & Stakeholder Comments

Stakeholders raised a number of issues and questions during the teleconference. This included two points that USCIS would like to clarify:

- **Co-Residency Requirements for a Form I-730 Beneficiary Who is an Adopted Child.**

There is a co-residency requirement for I-730 adopted child beneficiaries. To qualify as an adopted child for the purposes of family-based immigration, including refugee and asylee follow-to-join cases, a child must have been adopted before he or she turned 16 years of age and must have been in the legal and physical custody of the adoptive parent(s) for at least two years (see INA §101(b)(1)(E)). The two year legal custody and residence requirements may take place before or after the adoption is final.

- **Where to File an I-730 Petition.**

The petition should be filed directly with the Service Center with jurisdiction over the place of the petitioner's residence as outlined in the form instructions. It should not be filed with the Lockbox. Complete filing instructions are available on the USCIS website at www.uscis.gov.

In addition, several other issues were raised:

- **Submission of Original Documents to the NVC.**

USCIS and DOS stated that petitioners may submit readily available original documents to the NVC using regular U.S. postal service, private mail carriers (e.g. UPS or FedEx), or registered or certified mail. It is strongly recommended that petitioners always keep photocopies of documents submitted.

- **Other Areas for Review.**

Stakeholders encouraged USCIS to look at additional aspects of the follow-to-join process including procedures and notifications related to Forms I-602 (Application by Refugee for Waiver of Grounds of Excludability); USCIS requests for DNA testing of petitioners and beneficiaries; and the return of original documents in cases where beneficiaries are minor children. USCIS is considering how to best address these issues.

- **Contact with the Department of State.**

DOS indicated that stakeholders are welcome to contact the Public Inquiries Division of the Visa Office for inquiries about visa cases and their application process. Individuals can contact the Visa Office at usvisa@state.gov. Additional DOS contact information can be found at www.travel.state.gov/visa/about/how/how_1463.html.

Follow-Up

USCIS and DOS will monitor the re-engineered process throughout the pilot program and evaluate if the processing changes provide the improved customer service and procedural integrity, consistency, and efficiency intended. USCIS plans to host additional engagements in the future to keep stakeholders informed of on-going progress and to hear feedback. Stakeholders should submit comments or questions regarding the pilot program and the re-engineered process to public.engagement@dhs.gov.