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Immigration and Naturalization Service

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Office of the Executive Associate Commissioner

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MEMORANDUM FOR REGIONAL DIRECTORS
DEPUTY EXECUTIVE ASSOCIATE COMMISSIONER,
IMMIGRATION SERVICES

FROM: Michael A. Pearson /s/ **Michael A. Pearson**
Executive Associate Commissioner
Office of Field Operations

SUBJECT: Form I-551, *Permanent Resident Card*, Renewal Policy and Procedure—Final
Phase; Process for I-90s

This memorandum replaces the September 29, 1999, "Form I-551, Renewal Policy and Procedure--Interim Process" memorandum regarding the Form I-90, *Application to Replace Permanent Resident Card*, renewal process and serves as a reminder that the Immigration and Naturalization Service (Service/INS) continues to follow its goals for standardization, consistency, and uniformity in policy and procedures for all INS offices. This memorandum also supercedes the "Phase V memorandum" of March 1998, as it relates to the correct data capture for Form I-89, *I-551 or I-586 Card Data Collection Form*, processing of Form I-90 renewal applicants.

Additional guidance concerning this program includes: the Standard Operating Procedures (SOP) for I-90 Renewal Processing for the Service Centers; the SOP for the District Offices; the SOP for the Application Support Centers (ASCs); and, the training manuals containing the relevant instructions and appendices.

Quality Assurance procedures have been developed to ensure that these methodologies are being followed. This memorandum (and subsequent memoranda) concerning policy and procedures will serve to augment the SOPs and shall be utilized in Quality Assurance reviews to assess compliance with the SOPs.

In 1989, the INS introduced a 10-year validity period for Permanent Resident Cards (Form I-551). Each card that was issued carried a specific expiration date. These cards began

expiring in 1999. The INS developed a comprehensive plan to accept and adjudicate Forms I-90 submitted for renewal of expiring cards.

The second phase of implementation began on June 20, 2000, when all “stand-alone” and co-located ASCs began accepting Form I-90 applications for renewals only. Until that date, the acceptance and processing of all Form I-90 renewal applications was to conform with existent policies and procedures as outlined in the September 29, 1999 memorandum.

The contractor, TRW/Vinnell, has been authorized to perform the tasks of: intake, including fee acceptance (check or money order only); processing of the Form I-89; issuance of the temporary documentation in the form of a sticker affixed to the back of the Form I-551; manifesting all stickers issued and applications filed; and, application assembly. All Form I-90 renewal applications with fees (or evidence of fee waiver) are to be forwarded on a daily basis to either the Nebraska or California Service Center. Daily reports of stickers issued and fees taken also are to be forwarded to the appropriate locations.

The use of the stickers affixed to the reverse of Form I-551 as temporary documentation for the Form I-90 renewal program and the use of the ASCs in the intake process began simultaneously. Renewal stickers are only to be used in conjunction with the Form I-90 renewal program. The practice of placing temporary I-551 stamps in passports or on Forms I-94, *Arrival/Departure Record*, for other applicants in need of such documentation is to continue until such time that another, more secure means is in place for those types of applications.

Those Forms I-551 bearing no expiration date will not be replaced or renewed at this time. When additional policy guidance is finalized regarding any mandatory renewal of these cards and the procedures to be followed in accordance with that policy, additional guidance then will be provided.

Form I-90 Renewal Applications to be Accepted at the ASCs.

Form I-90 renewal applications are filed on a walk-in basis during regular ASC operating hours.¹ An ASC may close its Form I-90 renewal operation one-half hour earlier, on a case-by-case basis, if it is determined that reporting requirements and assisting the remaining Form I-90 applicants will exceed one-half hour after closing. A few co-located ASCs process these applications independently of the contractor. Any district or sub-office that is not utilizing the stand-alone ASC or co-located ASC must have started utilizing this new method of I-90 renewal processing, including sticker issuance, appropriate recordkeeping and reporting of applications received as of June 20, 2000, as indicated in communications with regional offices.

¹ ASCs serving the New York City area will be provided with a scheduling system on a trial basis.

Prioritization of Form I-90 Renewal Application Processing in ASCs

Stand-alone ASCs. At all stand-alone ASCs, a numeric or alphabetic system will be used for Form I-90 renewal applicants, with a separate numbering system for FD-258, *Applicant Fingerprint Card*, applicants. Technicians dedicated to Form I-90 renewal processing, (number of technicians dependent on volume of Form I-90 renewal applicants per location), are to prioritize the processing of I-90 renewals over any FD-258 applicant processing. If no Form I-90 renewal applicants are waiting to be processed, then the Form I-90 processing clerk shall assist with the FD-258 processing, as necessary. Additionally, if no FD-258 applicants are waiting to be processed, then any technician trained in I-90 renewal processing with the proper security clearance shall assist with I-90 renewal processing.

Co-located ASCs. All co-located ASCs (COLOs) will process both Form I-90 and other fingerprint applicants using the standard numeric "Customer Service Card System." Applicants will be issued a number on a first-come, first-serve basis, regardless of the type of application that is presented.

Standard Operating Procedures (SOPs)

The SOPs for usage at both the ASCs and at those few field co-located or remote sites that will be processing Form I-90s independent of the Vinnell contractor were furnished previously to field offices. In addition, all individuals who attended the training sessions (held in April and May, 2000) were furnished with a complete training package. The SOPs are to be followed by the ASCs and by those district and sub-offices processing at a non-ASC site. These SOPs address the concerns of all relevant Headquarters offices in the implementation of the process of application intake at the ASCs and other field offices. Again, as intended with all SOPs, the Service will maintain standardization, consistency, and uniformity. Therefore, local office deviation from these SOPs must not occur.

To facilitate accurate tracking, security, and accountability measures, as well as the utilization of the new means of intake at the ASC (or field offices), and adjudication of these renewal Form I-90 applications at the Service Centers, the new SOPs were to be followed as of the date of implementation in 2000.

Any and all suggestions for clarification or additional changes to the SOP shall be routed through appropriate channels to the regional office. These suggestions will be considered, given the impact of the suggested change within the policies and procedures governing this program, and if accepted, forwarded to Headquarters for consideration to be incorporated into future uniform SOP modifications and provided nationally. Any changes that are approved will be implemented nationally only after concurrence from all relevant Headquarters offices, including the Offices of Internal Audit and Security.

This memorandum does not reiterate the specific step-by-step detail contained within the SOPs. It does provide further clarification and guidance to specific issues. For questions regarding procedural or process issues not discussed in this memorandum, please refer to the SOP(s) for further clarification.

Jurisdiction

Since the Form I-90 renewal process serves as an intake site only for the two Service Center jurisdictions, district jurisdictional lines need not be closely followed. District offices are to note that applicants who must return to an ASC because a Service Center has rejected the applicant's Form I-90 should process the reject correction. If a Service Center receives an application from an office not (or applicant who does not reside) within its jurisdiction, the Service Center is to forward the application to the Service Center having proper jurisdiction.

Mailing Addresses for Service Centers

Form I-90 renewal applications should be mailed to the appropriate Service Center according to their jurisdictional divisions. These jurisdictions are identified in the SOP appendices, and are subject to change according to distribution of workload. Headquarters Immigration Services Division (HQISD) will notify the appropriate field and Service Center offices whenever these jurisdictional realignments must occur. Addresses for the two Service Centers are:

California Service Center
Attn: I-90 Renewal Cards
24000 Avila Road, 2nd Floor
Laguna Niguel, CA 92677

Nebraska Service Center
Attn: I-90 Renewal Cards
850 S Street
Lincoln, NE 68508

Training

ASC and Field Office Training. I-90 renewal process training was conducted in seven sessions in April and May, 2000, which took place in Miami, Dallas, Los Angeles, San Francisco, and Washington, D.C., with over 420 individuals representative of all ASCs within all districts trained. All Vinnell Site Supervisors and INS ASC Managers, along with quality assurance specialists, Vinnell technicians, and INS officers were trained. Subsequent training is provided on a periodic basis.

Training for Back-ups and Others. The INS ASC managers and other representatives who were trained at these sessions are responsible for training their INS ASC back-ups, and any INS personnel who will be performing Form I-90 renewal intake responsibilities.

The contractor will provide training for new hires and additional personnel as they enter-on-duty and receive the appropriate clearances to perform Form I-90 intake responsibilities. It will be determined at a later date if regularly scheduled training will be conducted.

Service Center Training. Training was provided to Service Center representatives (both the INS and contractor) based on the SOP procedures developed for the Service Centers which incorporates the new standardized, streamlined, triage adjudicative process. These Service Center individuals are responsible for then providing training to all of those individuals who will be adjudicating Form I-90 renewals at the Service Centers.

Requests for ASC Site Changes or Modifications

Those sites where either I-90 renewals are not being performed by Vinnell or where Form I-90 renewals currently are not being accepted at all, must request any change in writing, through channels, to the Deputy Executive Associate Commissioner, Immigration Services Division, Office of Field Operations. This request must include a statement as to the circumstances that have changed to have created either the necessity or ability to process Form I-90 renewals.

The goal of the Service has been to provide as many ASC sites as possible with the ability to process Form I-90 applications, and continues to be such. However, to allow a site to be fully operational requires planning to include contract modifications, site preparation, and other considerations. If approved, that office should allow at least three-to-four months to obtain all necessary contract modifications, security upgrades, training, equipment, computers, and all other necessary items to begin processing the Forms I-90 renewal process at the approved site(s).

Co-located sites that already have been designated as those processing Form I-90 renewals have been provided with the necessary training, equipment, and funding for contractors located at those sites. If a situation arises in which an office now wishes to withdraw the contractor from the project, a memorandum requesting such change must be sent through channels with written justification, and the change cannot take place until approved by the Deputy Executive Associate Commissioner, Immigration Services Division.

Districts and Suboffices to Process all Other I-90 Categories

Relocating the process intake of all Form I-90 renewal applications to the ASCs from the district and sub-offices was created with the specific purpose of removing the additional workload from those offices. This would allow the districts and sub-offices to concentrate on their backlogs of N-400, *Application for Naturalization*, and I-485, *Application to Register Permanent Residence or to Adjust Status*, applications, and continue reducing their other workloads.

In consideration of whether all Form I-90 applications would move to the ASCs at this time, it was determined that only renewals would be processed at the ASCs, with a physical presentation of a Form I-551 card required to receive a card in return. The responsibility of accepting applications for lost or stolen cards would require additional review of the Central Index System (CIS) for all applications in the intake process, and it was determined that the ASCs could not accommodate this modification at the present time. Only the ASC INS manager has access to CIS for verification purposes in cases where additional inquiries must be made prior to processing the application. Additionally, it was determined that review of applications in which identity is more likely to be questionable, as in the case of an applicant who presents no card, could only be performed by trained Immigration Officers. These concerns were raised by many offices, including, but not limited to the Office of Internal Audit, Security, Intelligence, and the National Immigration and Naturalization Service Council (Union).

This is an intake process only for those applicants who are in possession of the Form I-551 that was issued to them approximately ten years ago. Because of the nature of this intake process, and with the concurrence of the INS Executive Staff, other Form I-90 applications, and other application processing will not be accepted at the ASCs. It was determined that any future modifications to this decision would require Executive Staff review and concurrence prior to modifications (including, but not limited to: policy, contractual modifications, union negotiation, training, staffing determinations, etc.).

Therefore, all other Form I-90 replacement applications must continue to be processed at the local district offices and sent to the Service Centers for adjudication.

Statistical Workload Projections

Initial statistical results indicated that up to 660,000 applicants for Form I-90 renewal cases would apply during the first year. Population trends indicated that even more applicants would apply during the years of 2001, 2002 (peak year at 1.08 million), 2003, 2005, and 2006, due to the Legalization timeframe and other trends of the past decade. A baseline leveling of this population is predicted to occur in 2007 at under 600,000 applications. It also was determined that the initial ramp-up of applications would be a slow one, with the Service not achieving its total potential until the following fiscal year. Updated estimates based on trends of the population and the actual receipts will be made on an annual basis.

Fee

The processing fee for Form I-90 applications currently is \$110.00. The remittance may be in the form of a check or money order only, drawn on U.S. funds. Personal checks are to be accepted. Post-dated checks cannot be accepted. Cash is not to be accepted. The remittance should be to the "U.S. Immigration and Naturalization Service," unless filed in Guam or the

U.S. Virgin Islands (follow applicable instructions for those locations). The fee is to be forwarded with the application package via Federal Express, within the same business day (wherever possible) to the appropriate Service Center. Drop boxes may not be used.

Current fee waiver provisions apply.

Processing Time

The expected processing time for all I-90 applications by the end of the fiscal year was not to exceed three months from the date of processing intake until the date that the new card is ordered and sent to the applicant. This goal initially was met in September, 2000, and continued to be met through the First Quarter of FY2001. The Service maintains a commitment for an expected processing time of three months or less for all I-90 applications throughout FY2001.

Application Period

A Form I-90 renewal application may be filed up to six months prior to the expiration date of the card, or on or after the expiration date. Applicants who wish to apply for their cards more than six months prior to the expiration date of the card should be advised to return when they are within the six-month window prior to the card's expiration.

At the ASC. If the applicant insists upon filing the application more than six months prior to the expiration date of the card, he or she should be advised that the ASC can only accept renewal applications within the timeframe specified in 8 C.F.R. 264.5(b)(2).

If an application which is filed more than six months prior to the expiration date of the card is accepted in error at an ASC, then the Service Center Point of Contact (POC) will notify Headquarters Service Center Operations, (HQSCO), the appropriate Regional Adjudicator, and the INS ASC manager of the error.

At the district or sub-office. If the applicant insists upon filing the application more than six months prior to the expiration date of the card, the office may accept the application as a filing made pursuant to 8 C.F.R. 264.5(c)(2).

At the Service Center. If the applicant is otherwise eligible, the I-90 adjudicator shall adjudicate the application utilizing 8 C.F.R. 264.5(c)(2), which states, in pertinent part, "A permanent resident may apply on Form I-90 to replace any edition of the Permanent Resident Card for any other reason not specified in paragraphs (b) and (c)(1) of this section."

Section 262(b) Compliance

Those renewing their ten-year Form I-551 for the first time since their 14th birthday or those who never previously complied with the registration and fingerprinting requirement of section 262 of the Immigration and Nationality Act (the Act) on their own behalf.

This serves to further clarify the fee collection requirement regarding those applicants whose Form I-551s are expiring and who have never previously complied with the requirement to register and be fingerprinted.

If an applicant is renewing his or her expiring or expired Form I-551 for the first time since his or her 14th birthday and has never previously been fingerprinted in accordance with section 262(b) of the Act, then the fee of \$110 **for the renewal of the card** (emphasis supplied) shall be paid. In addition, the \$25 for the taking of the Form FD-258 fingerprints is to be charged, for a total of \$135.00. This may be submitted in two separate checks or money orders, or in one. These applications may be taken at the ASCs.

If the applicant is not renewing his or her expiring or expired Form I-551, and is not required to renew the I-551, but is complying with the requirement to register and be fingerprinted within 30 days after his or her 14th birthday, then only the \$25 fingerprinting fee is to be charged, and the \$110 fee shall not be collected. These applications will continue to be taken at the district offices or sub-offices, and not at the ASCs.

FD-258 Processing. In all instances of section 262(b) compliance, the FD-258 fingerprint card is to be taken manually (do not use the Digital Biometrics, Inc. [DBI] equipment), with a notation placed in the appropriate block on the Form I-90 application, and a copy of the FD-258 attached to the Form I-90 application. The Files Control Office (FCO) of the applicant's A-file will be determined by the appropriate INS officer or clerk. This FCO must be noted on the Form I-90, and the FD-258 Applicant Card forwarded to that FCO for inclusion in that applicant's A-file.

The FCOs shall interfile the FD-258s into the permanent A-files when received.

Form I-90

The applicant may obtain a Form I-90 either through the forms request line at 1-800-870-3676, or by accessing the INS website at www.ins.gov. Only the Form I-90 with a revision date of 10/8/99N (or a later edition) may be accepted. If an applicant has completed a Form I-90 of the incorrect edition, supply the applicant with the correct version, advise him or her to copy the information from the other Form I-90, and process his or her application during that same visit.

District Directors and Officers-in-Charge should work with the Community-Based Organizations (CBOs) in their jurisdictions and encourage CBOs to disseminate Forms I-90 and

INS information on these renewal procedures to the public. Wherever possible, lists of CBOs conducting these outreach activities should be posted at Service field offices and provided to the local media.

Forms Supply

All district offices should provide ASCs with the appropriate number and correct editions of Forms I-90, I-89, and G-731 (change of address forms, Service Center specific) so as to keep the offices fully stocked at all times. It is highly recommended that an estimated three-month supply be kept on hand at each location.

Other Supplies. Additional stickers will be provided from the vendor through HQISD, and the regions, once the new contract is awarded. All other supplies at the ASCs and COLOs will be provided by the contractor. Templates have been provided to the regions for distribution to local offices. Additional hole punchers may be purchased locally as long as they conform to the current ergonomic 1/8-inch circular punch requirement.

Form I-90 Application “Intake” Process

In all instances, once the application package is complete, offices are to ensure that applicants need visit the INS office **only once** during the Forms I-90/I-89 processing, and that these applicants receive the appropriate interim documentation during that one visit.

Walk-in Application Process Only. An applicant should present a completed Form I-90, his or her expiring (within the next six months only) or expired Form I-551, appropriate fee, additional identification, (passport, driver’s license, state-issued identification, etc.), two photographs, and a photocopy of the front and back of the expiring or expired Form I-551. To allow sufficient time to process applications that are accurately completed, the INS and/or Vinnell personnel are not to complete the application for the Lawful Permanent Resident (LPR). However, if the applicant needs assistance with the completion of only one or two items, offices are advised to use their discretion and assist the applicant in those instances. Whenever necessary, both the INS Manager and the Vinnell Site Supervisor should assist in the processing of I-90 renewal applications.

Name Changes

An applicant who requests a name change at the same time as renewing an expiring/expired card must present valid documentation of the legal name change (marriage certificate, divorce decree, court order, etc.). That documentation will be attached to the Form I-90 application package and forwarded to the Service Center for adjudication. Certified copies of documents are not required.

Procedures for Form I-90 Application Review

The SOP shall be followed for application intake for the Form I-90 renewal program. To summarize the basic requirements:

- The person processing the intake of the application will review the form for completeness. (Only the 10/99 version of the Form I-90 [or subsequent versions] may be used.)
- The only block on the Form I-90 that is to be used for the Form I-551 renewal process is Block “f,” which states, “--my present card has an expiration date on it and is expiring. I have attached my present card.”
- If Form G-28, *Notice of Entry of Appearance as Attorney or Representative*, is submitted, both original signatures of the attorney and the applicant must be included.
- The completed Form I-90 application shall include the correct fee, two photographs, a photocopy of the front and back of the Form I-551, and any supporting documentation for name change, if desired. If the photocopy of the Form I-551 is the only item missing from the package, wherever possible, offices are to make copies of the front and back of the Form I-551 to include with the package.
- For processing to take place, the applicant must be in possession of an expiring or expired ten-year Form I-551.
- The identity of the applicant shall be verified, including a review of the Form I-551 being presented, the additional identification (the passport, a driver’s license, a state-issued photo identification, etc.), and a visual check of the applicant as compared to the photo on the card (and fingerprint, if necessary).
- The Form I-89 will be completed and verified for correctness.
 - Only Side 2 of the Form I-89 is to be used.
 - The district or sub-office three-letter code must be entered on the Form I-89.
- The Form I-551 shall be returned to the applicant with the sticker extending the life of the card, properly affixed and hole-punched.
- The individual performing intake shall properly annotate the Forms I-90 and I-89.
- A Processing Worksheet shall be properly completed and attached to the top of each Form I-90 application package.
 - The ASC code must be entered on the Processing Worksheet and on the Daily Manifests.

- Form I-90 application packages shall be securely stored until the end of the day; then forwarded to the appropriate Service Center.
- The sticker number and application information shall either be entered into the Sticker Issuance and I-90 Manifest System (SIIMS) automated tracking system, or completed manually on the reporting forms. Each individual using and/or issuing stickers is responsible for the accountability of those stickers issued and applications taken.
- At the end of each business day, two reports shall be printed and sent:
 - One report shall be forwarded with the batched applications of 25 per batch to the appropriate Service Center.
 - The Form I-90 applications must be sent by Federal Express at the end of the business day (or on the next business day).
 - Drop boxes may not be used.
 - The other report shall be forwarded to HQISD, Field Service Operations, for tracking and accountability of interim documentation issuance, fees, and applications.
- A copy of each of these reports shall be retained on site for a period not to exceed three years. These need not be retained in the safe, but must be retained in a locked office with INS ASC manager oversight.

Central Index System Verification. CIS checks shall not be conducted at the point of intake unless a doubt exists as to the authenticity of the card. Only INS personnel are authorized to conduct verifications utilizing the system. If CIS does not verify permanent resident status and fraud is not suspected, refer the applicant to the district or sub-office. Districts and sub-offices are to follow procedures currently outlined in the September 29, 1997, memorandum entitled "Procedures for Processing Lost Immigrant Visa Cases." This memorandum is through the regional and district offices.

Lost, Stolen, or Mutilated Form I-551. If the applicant has lost the expiring/expired Form I-551, or the card is mutilated beyond recognition of biometrics (fingerprint, photograph, and recognition of relevant data such as A-number, name, date of birth, etc.), advise the applicant to file for a new Form I-551 card following the applicable processing requirements for other Form I-90 applications at the district or sub-office. A card that has split into two pieces shall not be re-laminated, and shall be considered as mutilated. The block notation on the Form I-90 should be changed from "f" to reflect the appropriate action for lost, stolen, or mutilated card.

Applicants Requesting I-90 Processing at Home or Other Location outside of INS Offices

Contractor personnel cannot provide service to those applicants requesting a "home visit." The INS district office personnel shall provide reasonable accommodation for these individuals within the guidelines established.

An individual with special needs who is homebound and requests to submit an I-90 application without having to go to an INS location, must write a letter to the INS district or sub-office with jurisdiction over his or her place of residence, requesting that the INS schedule an in-home appointment for the submission and initial processing of the I-90 application. The letter must include the applicant's signature, alien registration number, and a telephone number where the applicant can be reached. In addition, the letter must be accompanied by a completed I-90 application and documentation from a qualified physician verifying the medical need for an in-home appointment.

Extension of Expiring or Expired Forms I-551--Use of Secure, Serialized, Extension Stickers Adhering to the Reverse of the Form I-551 Designed for the I-90 Renewal Program

Although LPR status is not affected by the expiration of the Form I-551, individuals will need to replace their cards to have valid evidence of their status and registration. The employment authorization of LPRs is incident to status, and LPRs are free to travel outside of the United States. Thus, they need evidence of their status for employment and travel purposes, and to obtain other benefits.

The INS has determined that it will temporarily extend expired evidence of status for LPRs who have applied for a renewal Form I-551. Such extended documentation also may be used to satisfy the LPRs' obligation to carry with them evidence of their alien registration at all times [INA 264(e)].

At the time that the INS office completes the Form I-90 application intake processing for the LPR who is applying to replace an expiring or expired ten-year Form I-551, the INS office will affix a secure, serialized sticker to the back of the LPR's Form I-551.

It has been determined that the LPR will not be required to return the expired or expiring Form I-551 to the INS until such time that the LPR naturalizes. In the event of the LPR's death, the Form I-551 should be turned in to INS by the LPR's next of kin.

Validity Date of Extension

The validity of the sticker shall not exceed twelve months from the in-person processing date of the Form I-90 application (the date that the sticker is affixed to the back of the card). This timeframe may be reduced as the Service reviews its ability to reduce further the processing time for Form I-90 renewals. The current expected processing time is not to exceed three months from the time of processing intake until the new card is ordered and sent to the applicant.

For example, if an applicant presents a completed application package and an expiring or expired Form I-551 on December 20, 2000, and the validity period has been determined to be twelve months, then the sticker will be affixed to the back of the card and two holes will be punched through the card--one through "DEC" and one through the year "2001." All offices must use the 1/8 inch hole punch issued. This Form I-551 is then valid until either (1) the applicant receives the new card, or (2) until December 31, 2001, whichever comes first. The CIS will be updated with the new card issuance information and will invalidate all prior issuances.

If an error is made in the hole-punching, then the ASC INS manager will determine if the error is one that can be reversed. If the error is not correctable, then the ASC INS manager shall refer the applicant to the district or sub-office for the issuance of interim documentation in the form of a temporary I-551 stamp placed:

- In a valid, unexpired or expired passport, if the LPR has one; or,
- On the Arrival portion of the Form I-94, *Arrival/Departure Record*, with photograph (and dry seal, where available).

Validity of the ADIT stamp also shall be for twelve months from the in-person processing date of the Form I-90 application (the date that the stamp is given).

I-90 Renewal Program Sticker Allocation

District offices are to ensure that adequate amounts of stickers are delivered to the ASCs through the INS ASC managers (it is recommended that an initial three-month supply for each office be delivered to the ASCs). Regions and districts are reminded to hold a small supply on hand for those emergent circumstances when an applicant must be processed at the district or sub-office, or to supply offices which may have used all stickers allocated prior to the next delivery or shipment of stickers.

When transferring stickers from the district to the sub-offices or ASCs, INS personnel (as designated by that office), are to complete Form G-504, *Report of Property Shipped-Received*, for security tracking purposes. This information also must be reported to HQISD/Field Service Operations (FSO), Attn: Greg Collett and Duncan Ritchie, either through cc:mail or telefax (202-514-0197), including accounting for those stickers reported as missing from the rolls during the first reporting process. It is required that the sticker distribution information be entered into a central database, the I-90 Renewal Sticker Distribution Tracking System, that is maintained in Headquarters, for retention purposes, and internal review.

Daily Allocation of Stickers and Collection of Unused Stickers. Stickers shall be securely stored in locked safes when not in direct control of the issuing officer or technician. The INS manager shall issue stickers on a daily basis to the individual who will be processing Form I-90 renewal applicants for that day. Those stickers that were voided or unissued at the end of the day will be returned to the safe by the INS manager. Voided stickers should be

affixed to a 3 x 5 index card, and recorded in the automated tracking system. These voided stickers must be retained for the three-year period and attached to the copy of the I-551 Extension Sticker Daily Reconciliation Report retained on site. Both the ASC manager and the individual to whom the stickers were issued must sign the Form I-90 Sticker Allocation Log retained in the safe on a daily basis, both at the time of issuance of the stickers and at the time of the return of unused stickers.

Automated Tracking System (SIIMS). The SIIMS automated tracking system was loaded into all computers that were sent to all standalone ASCs and most COLOs. It is to be utilized for the recordation and tracking of all applications, fees, and for all stickers issued and voided. These computers and/or SIIMS will not support the addition of any other programs loaded onto the computers.

Passwords. Passwords for the automated tracking system cannot be shared, nor can more than one manager share a "generic" password:

- Each INS or contract employee is individually responsible for all stickers issued by/to that employee, and for the logging of all information into the tracking system or onto the manual manifests.
- Each INS Manager (or his or her designated INS back-up) is responsible for any changes to the manifest, the voiding of sticker numbers, and accountability of fees and applications accepted.

Reporting Requirements

Two reports are to be completed and forwarded on a daily basis by the INS manager to the appropriate locations.

- The Form I-90 Renewal Daily Manifest is to be batched and sent with the corresponding Form I-90 renewal application packages (in bundles of 25 or less) to the appropriate Service Center, with a paper copy of the report retained on site.
- The Form I-551 Extension Sticker Daily Reconciliation Report is to be sent as an attachment through cc:mail to the Headquarters "I-90 Processing Center" address in cc:mail for inclusion in the national database of sticker usage and assignment. If no stickers and applications are accepted at an ASC on a particular day, a negative report must be forwarded. If cc:mail is unavailable on-site, then that report should be sent via telefax to 202-514-0197, Attn: HQISD, FSO, Greg Collett or Duncan Ritchie. A paper copy of that report also should be retained on site.

The Form I-90 Reconciliation Report is an additional report that is to be completed and forwarded on the date of the initial occurrence, only in the case of a failure to reconcile stickers issued, fees accepted, or applications forwarded.

Records Retention Requirements

These records must be retained on-site at the ASCs (or district/sub-office, dependent on the originating office) for a period not to exceed three years. It is not necessary that these records be retained in the safe at the ASC, but should be kept secured in the INS ASC manager's locked office.

Destruction of Stickers Remaining at the End of an Issuance Year

Reporting requirements. The reports of all stickers received and destroyed shall indicate the originating office (ASC, sub-office, or district office) submitting the stickers to be destroyed, the specific numbers of each sticker destroyed, by ASC, sub-office, and district office, and the destruction dates and signatures of the individual who witnessed the destruction. These reports shall be forwarded to the appropriate region.

Note: For purposes of this notice, an issuance year is defined as the last calendar year of the two years on a sticker indicating that the sticker can no longer be used after December 31 of the preceding year (as long as the sticker is issued with a one-year extension date). For example, stickers with the 2000 and 2001 dates will no longer be usable after December 31, 2000, since an extension given in January, 2001, would require the utilization of the 2002 date.

ASC and sub-office responsibility. All ASCs and sub-offices shall log those stickers remaining at the end of an issuance calendar year into the Sticker Allocation Log as forwarded for destruction, signed by both the INS ASC Manager and the Vinnell Site Supervisor (or other INS employee). The stickers then shall be logged onto the proper G-504, *Report of Property Shipped-Received*, and shipped directly to the District office, Attn: ADDE, via Federal Express, no later than January 7 of each year. In those instances where no stickers of the requisite reporting period remain on site, a negative report shall be furnished and signed by both managers. A copy of this report shall remain on site for three years.

District Office responsibility. District offices, after proper disposition of the G-504s, and verification of report receipts from all offices within their jurisdiction, shall compare the list provided to the total number of stickers and the actual numbers on the stickers received. After verification of the shipment(s), the district representative will sign the G-504, and a copy will be made and sent back to the original sender. This is to provide the sender confirmation that the stickers that were sent were actually received by the district office. Stickers then shall be destroyed through incendiary means, and this destruction shall be witnessed by two individuals who attest to the destruction through signature and date on the inventory/destruction

documentation, and means of destruction. Districts not in possession of an incinerator may destroy the stickers by shredding, pulping, or pulverizing the stickers, provided that all stickers are destroyed beyond recognition or reconstruction. District offices shall consolidate all reports and forward each report, including negative reports and the destruction report, to the appropriate region, no later than January 14 of each year. A copy of the reports shall remain on site for three years.

Regional responsibility. Regions shall review the documentation submitted to ensure that all offices within each district have indicated submission and destruction of all stickers, or in the case of no stickers remaining, have attested to that fact. After receiving all reports from the district offices within their jurisdiction, regions shall Federal Express the completed reports to HQISD, FSO, Attn: Greg Collett, no later than January 21 of each year. A copy of the report shall remain on site in each region for three years from the date of submission.

Headquarters Responsibility: This destruction information shall be entered into the SIIMS Distribution and Destruction Database for future reference in the case of misuse, fraud, or counterfeiting of the stickers, no later than February 15 of each year. The original reports shall be retained on site for three years from the dates of submission.

INS ASC Management Presence/ Required INS Back-up Presence

The INS offices are reminded that INS management must be present at all ASCs during their hours of operation. This is a statutory mandate as well as a contractual requirement. The Vinnell contractor is unable to process I-90 renewal applications and has been instructed to cease (or not begin) Form I-90 processing at the ASC site if and when the INS manager or back-up cannot be present at the ASC for a specific period of time.

Additionally, because of the nature of the Form I-551 renewal program, the presence of the ASC manager is even more critical. The INS presence is integral both to the Form I-551 renewal operation within that district or sub-office, and the entire customer service precept governing the ASC concept. The INS ASC managers (or the acting INS ASC managers) must be present to:

- open and close safes;
- record the issuance and collection of stickers;
- review identity and possible imposter/fraudulent Form I-551 issues;
- answer any questions regarding other out-of-the-ordinary issues;
- access CIS, when necessary;
- contact the appropriate Service Center on reject issues, when necessary;
- prepare daily reports for forwarding to Headquarters; and,
- forward all applications accepted to the Service Centers.

All INS personnel who provide back-up to the ASC manager must be trained and able to complete all Form I-90 renewal transactions, according to the SOP and memoranda. This includes obtaining their own individual passwords for entry into SIIMS.

In the instance of counterfeit or imposter cases identified at the ASC or INS location, the INS manager also must be present to contact the local district enforcement office, and retain the Form I-551 card in all instances.

Adjudicative Process

Due to the unique identity and biometrics processing requirements of the Form I-90 application, it is the policy of the Service that all Form I-90 applications will be filed at field offices and forwarded to Service Centers for adjudication. This is necessary to ensure that standardization of the adjudicative process occurs through the usage of SOPs at the Service Centers, and to ensure that the district offices more efficiently utilize their limited resources. Those cases which are sent back to the district or sub-office for interview or which are obviously not approvable (imposters, counterfeits, etc.), may have a final decision rendered locally; however, the applications still must be sent to the Service Center for data collection and tracking.

The Form I-90 adjudicative process followed at the Service Centers consists of a triage incorporating the review of three CIS screens and only approving the application if no discrepancies are noted and if only one card (Form I-551) has been previously issued to the applicant under that A-number. If this threshold cannot be passed, then additional adjudicative stages through review of the Image Retrieval System, A-file, and/or interview are necessary.

Policy guidance for the changes to the adjudicative process, the implementing SOP and training (through a train-the-trainers process) has been provided to personnel at the Service Centers.

Form I-797, Notice of Action, Returns to the ASCs for Corrective Processing. If the Service Center adjudicator determines that an issue exists regarding proper identification, biometrics, data capture, or fee, a Form I-797, *Notice of Action*, will be sent to the applicant instructing the applicant to return to the INS office where intake occurred to complete proper processing.

- All returns back to the Service Centers after corrective action shall attach the Form I-797 to the top of the application and/or corrective action.
- If a fee issue or error is involved, the application must be manually logged onto a separate Form I-90 Renewal Daily Manifest for the day and sent to the Service Center with that day's batch of applications. The INS manager also must retain a copy of this manifest on site.

Form G-731 Change of Address. Use only Form G-731N (Nebraska) or C (California), based on the Service Center jurisdiction for adjudicating the Forms I-90. Advise the applicant that if he or she anticipates moving within the next six months, that the Change of Address form

must be submitted by the applicant immediately to the appropriate Service Center to receive the new Form I-551 card.

Customer Survey Cards. The ASCs are to follow appropriate procedures for processing of the Customer Survey Cards.

Service Centers Points of Contact

Nebraska Service Center

Kathy Allgood/Marilyn Pankoke
402-323-2585
FAX 402-323-2594

California Service Center

Bennie Antoine
949-389-3142
FAX 949-389-3493

Naturalization Applicants

I-551 renewal applicants who filed for naturalization six months or more prior to the expiration date on the Form I-551

Those applicants who filed for naturalization six months or more prior to the expiration date on the Form I-551, and who have not yet received a decision on the naturalization application, do not have to apply for the renewal Form I-551. If they would prefer to wait for a decision on their naturalization application, they may do so. If they wish to obtain a new card, they should be advised to apply on Form I-90, and instructed to pay the \$110 filing fee. The guidance provided in this memorandum for I-90 application intake will then apply.

I-551 renewal applicants who filed for naturalization within the six-month period preceding the expiration date on the Form I-551

Those Form I-551 renewal applicants who applied for naturalization within the six-month period preceding the expiration date on the Form I-551, should be advised that they still **must** file for their renewal card on Form I-90, and pay the \$110 filing fee.

I-551 renewal applicants who wish to file for naturalization instead of applying for the renewal Form I-551

Those applicants who indicate that they wish to file for naturalization instead of applying for a renewal Form I-551, should be advised that they still **must** file for the renewal card on Form I-90, and pay the \$110 filing fee, regardless of whether they intend to file a naturalization application.

This policy remains in effect until further notice.

Inspectional Process and Procedure for Expired Forms I-551

At Land Border Ports-of-Entry (POEs), Seaports, and Airports

Officers who encounter an arriving LPR in possession of an expired 10-year Form I-551 will advise the LPR of the need to renew the card and will furnish the LPR with the Form I-90 (unless the LPR states that he or she already is in possession of the Form I-90). No further action must be taken.

Careful determinations must be made, however, regarding whether the alien has abandoned his or her permanent residence, especially if it is determined that a Form I-551 has been expired for more than one year, and no current naturalization application is pending.

POEs will not process Form I-90 renewal applications. Due to the inclusion of over 120 sites available to process Form I-90 renewals, and the usage of a new form of interim documentation, the interim policy of accepting Form I-90 renewals at airports and some land border POEs is rescinded.

All co-located ASCs at border locations (except, temporarily, Laredo, Texas), shall accept Form I-90 renewal applications. It has been determined that the ports of Houlton, Maine; and Sault Ste. Marie, Michigan, also will accept Form I-90 renewal applications.

Note: At no time, is the Form I-551 card to be cut, "clipped," or otherwise mutilated in any manner.

Preclearance and Preinspection Sites

Form I-90 applications will not be accepted at preclearance and preinspection sites overseas. Officers are to advise the LPR in possession of an expired 10-year Form I-551 to apply for the renewal Form I-551 card as soon as possible. Sites are to permit boarding for any bona fide LPR in possession of an expired 10-year Form I-551, without any penalty to the LPR, if the expiration date is the **only** reason that the LPR would otherwise not be boarded.

Note: At no time, is the Form I-551 to be cut, "clipped," or otherwise mutilated in any manner.

Inspections' Review of Expired Forms I-551 Bearing Stickers

Valid, Unexpired Sticker. Officers who encounter an arriving LPR in possession of an expired 10-year Form I-551 bearing a sticker with a valid expiration date shall allow that LPR to proceed after otherwise verifying eligibility.

Expired Sticker. Since it is expected that virtually all applications will be adjudicated well within a six-month timeframe, an applicant who presents an expired 10-year Form I-551 bearing an expired sticker shall be considered as either:

- (a) never having responded to a request for additional evidence from the Service Center;
- (b) never having received the new Form I-551 due to a change of address;
- (c) having had his or her application denied;
- (d) being suspect as an imposter, counterfeit, or other possibility of fraud; or,
- (e) having some other immediately unidentifiable issue that prevented the receipt or use of the new Form I-551 card.

Officers who encounter an individual in possession of an expired 10-year Form I-551 with an expired sticker shall refer that individual to secondary for determination of identity and status of the applicant and Form I-90 renewal application. In secondary, wherever logistically possible, Computer Linked Application Information Management System (CLAIMS) 3 mainframe and (during operating hours of the Service Centers) the Service Center must be queried to determine the status of the applicant's card renewal and whether identity and/or LPR status are legitimate.

Where access to the appropriate Service Center and/or CLAIMS3 is not possible, deferred inspection to the applicant's area of residence would be appropriate, with the I-551 card taken from the applicant and forwarded to the onward office.

Only after verification of (a) or (b) above, should additional temporary evidence of registration be given. Additionally, if (c) or (d) above, further inquiry, investigation, confiscation of card, and/or prosecution should be conducted.

Mutilated Card Bearing Two Holes and No Sticker. Officers who encounter an arriving LPR in possession of an expired 10-year Form I-551 bearing two small holes at the top portion of the card and no sticker, shall refer that individual to secondary for determination of status. (This is an indication that the sticker has been removed.) In secondary, follow procedures outlined above under Expired Sticker.

Sticker Appears Counterfeit and/or Mutilated. Officers who encounter an arriving LPR in possession of an expired 10-year Form I-551 bearing a sticker that appears counterfeit, mutilated, or altered in any way, shall refer that individual to secondary inspection for further determination of LPR status. In secondary, follow procedures outlined above under Expired Sticker.

Future Availability of Information in CIS. A Privacy Act Notice has been published in the *Federal Register* regarding the use of the stickers as another means of collecting information regarding LPRs. Therefore, it is anticipated that in the future, CIS will bear the relevant sticker information pertinent to sticker serial number retrieval. Additional information will be disseminated as it becomes available. Until such time, continue using CIS and CLAIMS3 for verification of the LPR's and application's status.

Expedited Removal Procedures

Those individuals who are determined to be imposters or who present counterfeit Forms I-551 and/or stickers, and whose entitlement to enter the United States cannot be otherwise verified, may be processed under expedited removal procedures, and possible administrative review of any expedited removal order (in the case of those claiming LPR status under oath) in accordance with 8 C.F.R. 235.3(b)(5)(i).

Carrier Notification

A carrier notification letter was issued on September 10, 1999, notifying all air carriers that they should permit boarding to any bona fide LPR in possession of an expired Form I-551 with a 10-year expiration date, if the expiration date on the card is the only reason that the LPR would otherwise not be boarded. Carriers also were informed that this policy does not affect the Conditional Permanent Resident in possession of a Form I-551 with a 2-year expiration date. The Conditional Permanent Resident in possession of an expired Form I-551 must continue to have evidence that the Form I-551 expiration date has been extended.

A carrier notification letter reflecting the addition of the interim documentation in the form of a sticker affixed to the top portion of the reverse of the card also was issued on August 16, 2000. This notification allows LPRs in possession of an expired sticker or evidence of a removed sticker (two small holes at top of card) to be boarded, with the appropriate secondary inspection to be conducted at the time of arrival at the POE (see above).

This policy remains in effect until further notice.

District or Suboffice Processing of Applicants Whose 1-Year Extension is Either Expiring Within 30 Days or Expired

When an applicant stages an inquiry as to the status of his or her I-90 renewal application that has been pending for 11 months or longer, and/or requests an additional extension of time for an expired or expiring (within 30 days) sticker, the district or suboffice must contact the

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appropriate Service Center's POC to determine the status of the individual's I-90 renewal application (as indicated above). Forms G-731, *Change of Address*, are not to be used.

- If it is determined that the applicant is otherwise entitled to an extension due to Service error:
 - The district or sub-office should accept a new Form I-90 indicating that the applicant never received the card, with no fee required. The expired I-551, new photos (if available, use Service equipment for new photos); and any other appropriate documentation should be attached, and the application forwarded to the Service Center for adjudication.
 - A Form I-94 or temporary Form I-551 stamp in passport should be given to the applicant as interim documentation, only after the Form I-90 is properly filed.
- If the applicant's failure to be in possession of the new Form I-551 is not due to Service error (i.e., change of address and the Service was not notified), then the applicant should file the Form I-90 with appropriate fee and documentation. In these instances, the Form I-551 card also should be recovered.
- If the application was denied (i.e., imposter, fraud, lack of prosecution, etc.) then follow appropriate district policy and procedure accordingly.

A new I-90 application shall not be accepted and additional temporary evidence of registration shall not be given to the applicant until after the disposition of the last application is verified with the appropriate Service Center and the procedure outlined above followed accordingly.

ASCs are not to process these applications.

Foreign Posts

Officers in foreign posts shall advise those LPRs in possession of an expired 10-year Form I-551 who are returning to an unrelinquished residence in the United States that they may board the vessel or aircraft with the expired Form I-551. Officers shall further advise these cardholders to apply for the new Form I-551 after arrival in the United States, at the appropriate ASC, or other INS office. Officers in foreign posts shall provide a copy of the carrier notification letter to the LPR, if requested. Until further notice, transportation letters should not be issued to holders of expired 10-year Form I-551 cards, or those in possession of Form I-551 cards with valid stickers extending the life of those cards.

The INS offices abroad shall not accept Form I-90 applications from 10-year Form I-551 renewal applicants.

This policy remains in effect until further notice.

Extension of Expiring/Expired Forms I-551 through Usage of a Sticker. Officers in foreign posts shall advise those LPRs in possession of an expired 10-year Form I-551 with a valid, unexpired sticker who are returning to an unrelinquished residence in the United States that they may board the vessel or aircraft.

If determined otherwise eligible, those individuals in possession of expired 10-year Form I-551s with expired stickers shall be boarded, but advised that they will encounter secondary inspection at time of disembarkation at the arriving POE. Officers in foreign posts shall provide a copy of the carrier notification letter to the LPR, if requested.

Carrier Fines for LPRs

Until further notice, POEs shall not recommend fines against carriers for transporting LPRs in possession of their expired 10-year Form I-551 cards, or expired stickers, except for Conditional Permanent Residents, as stated above.

No Additional Requirements for LPRs. To reiterate, until further notice, POEs shall not require the submission of Form I-193, *Application for Waiver of Passport and/or Visa*, from LPRs in possession of expired 10-year Form I-551 cards or expired extension stickers, regardless of whether or not the LPRs may be considered to be seeking admission in accordance with Section 101(a)(13)(C) of the Act. (See National Fines Office Bulletin Board posting "Fines for LPRs" for clarification of current fines policy).

Employer Notification

Employers received notification of the new type of extension documentation in October, 2000.

Border Patrol, Deportation, Investigations—Interior Enforcement

If an officer encounters a LPR in possession of an expired 10-year Form I-551, that officer shall advise the LPR to apply for the renewal Form I-551 card as soon as possible, and permit the LPR to proceed with the expired Form I-551. This is only after:

- (1) the officer has conducted any and all appropriate record checks (as deemed necessary by the officer and consistent with any policy and/or procedure already in place);
- (2) the officer has made a determination of the LPR's identity as the rightful LPR in possession of the Form I-551; and,
- (3) the officer has satisfactorily determined that the LPR is not otherwise in violation of any law, immigration or otherwise, which would prohibit the LPR from proceeding free of restraint.

Valid, Unexpired Sticker. If an officer encounters a LPR in possession of an expired 10-year Form I-551, but with a valid, unexpired sticker, that officer shall permit the LPR to proceed. This is only after: (see items 1-3 above).

Expired Sticker. Since it is expected that virtually all applications will be adjudicated well within a six-month timeframe, an applicant who presents an expired 10-year Form I-551 bearing an expired sticker shall be considered as either:

- (a) never having responded to a request for additional evidence from the Service Center;
- (b) never having received the new Form I-551 due to a change of address;
- (c) having had his or her application denied;
- (d) being suspect as an imposter, counterfeit, or other possibility of fraud; or,
- (e) having some other immediately unidentifiable issue that prevented the receipt or use of the new Form I-551 card.

Therefore, those officers who encounter an individual in possession of an expired 10-year Form I-551 with an expired sticker shall determine that individual's LPR status through CLAIMS3 mainframe access, a check of CIS, and/or a query of the appropriate Service Center to determine the status of the applicant's card renewal.

Where access to the appropriate system(s) or personnel is not available, follow current procedures in detention of suspect individuals.

Mutilated Card Bearing Two Holes and No Sticker. Officer encountering an individual in possession of an expired 10-year Form I-551 bearing two small holes at the top portion of the card and no sticker, shall determine that individual's LPR status. This is an indication that the sticker has been removed and that the applicant is presenting the card as if he or she has never applied for the renewal Form I-90. Further inquiry shall be made of the applicant and the status of the application filed under this A-number.

Sticker Appears Counterfeit and/or Mutilated. Officers who encounter an individual in possession of an expired 10-year Form I-551 bearing a sticker that appears counterfeit, mutilated, or tampered with, shall determine the validity of the documentation presented and take appropriate action if a counterfeit sticker is encountered, (as stated under "Appropriate Enforcement Action if Determination of Applicant Fraud" below).

A Notice has been published in the *Federal Register* regarding the use of the stickers as another means of collecting information regarding LPRs. Therefore, it is anticipated that in the future, CIS will bear the relevant sticker information pertinent to sticker serial number retrieval. Additional information will be disseminated as it becomes available. Until such time, continue using CIS and CLAIMS3 for verification of the LPR's and application's status.

No Form I-90 applications shall be accepted by Border Patrol, Detention and Removal, or Investigations.

Appropriate Enforcement Action if Determination of Applicant Fraud

If it is determined that an applicant is an imposter or has presented a fraudulent, counterfeit, or altered Form I-551, the card and application shall be held by the INS ASC manager (or INS back-up officer). District Enforcement/Investigations (or other enforcement personnel) shall be contacted for appropriate action, procedure, determination of further investigation and/or possible arrest and prosecution, and outcome/results.

The INS (ASC Managers) and District Enforcement shall document the action taken with outcome and results in each instance when an applicant fraud case is presented through the Form I-90 renewal program, and presented to District Enforcement. These reports should be furnished on a quarterly basis through Region to Headquarters Field Operations/Enforcement, Attn: Deputy Executive Associate Commissioner.

Outreach Initiatives

Districts are to continue all outreach actions initiated in response to the June 8, 2000, instruction. A sample Press Release, Question and Answer guide, and Fact Sheet were included with that directive. Various offices in Headquarters also have completed and provided, the following:

- Development of informational flyers for distribution with the Forms I-90 at the Forms Center, and for local district and ASC distribution;
- Development of posters which may be displayed both at the district/sub-offices, and at the ASCs;
- A national “radiothon” with call-in capability after initial start-up at the ASCs;
- Internet updates; and,
- Modifications to the National Customer Service Center phone scripts.

Any questions regarding information in this memorandum may be directed through your regional office to Cindy Lechner at (202) 305-3187, or to the appropriate office regarding the specific issue.