

Minutes of Florida Bar/Texas Service Center Liaison Meeting
February 4, 2008

I-140

1. What is the estimated processing time for a decision on an I-140 case once an RFE has been timely responded? **Once a response is received, it should take approximately forty-five (45) days to process the case.**
2. Have there been any updates on the Premium Processing for I-140 petitions being reinstated? Are there any plans to include other EB categories in the Premium Processing program? **HQ is currently analyzing Premium and information should be forthcoming in the near future.**
3. If the wrong classification was improperly marked on I-140 (i.e., EB-2 instead of EB-3), what is the proper way to correct this? Do we file an amended I-140? **The appropriate procedure would be to re-file an I-140 with supporting documents.**

I-485

4. We had understood that a new program for name checks is being implemented that is expected to reduce TSC's (and other CIS offices') backlog of cases pending FBI security checks. Can you advise us if it is in place? And, if so, how long are the average name checks taking and how much has the wait time decreased for non-standard name checks? **The revised name check criteria have been instituted. Service wide, the change resulted in the closing of 27,000 pending records in December 2007. Most of our newer name checks are clearing within 30 to 60 days of filing. At present, there are over 138,000 name checks that have been pending over six months and over 45,000 name checks that have been pending for over two years.**
5. Please advise us on the progress of backlog reduction on cases pending security clearances? **USCIS continues to work closely with the FBI to ensure that sufficient resources are given to the CIS specific workload. We will proactively communicate any favorable progress concerning this issue.**
6. Do you have an update of how many adjustment of status applications TSC currently has pending? **The Texas Service Center presently has in excess of 191,000 Employment-Based and approximately 30,000 Asylum adjustment of status cases pending.**
7. With regard to adjustment of status applications filed under 245i, if the 245i supplement was inadvertently omitted but the \$1,000.00 penalty fee was included with the I-485 will TSC issue an RFE for the supplement? How will this situation be handled? If the supplement was submitted subsequent to the application, is there any way for us to follow-up to ensure that it was matched up with the right file? **In this example, the packet would be rejected if there was no application to associate with the fee and there was only one fee instrument. However, if there were multiple fee instruments the package would be accepted and the \$1,000.00**

fee would be returned. If the supplement came in absent the required fee, assuming everything else was correct, the supplement would be accepted and Exams would RFE for the supplement fee.

8. How long before medical exams expire? **Historically, medical exams expire after one year. For the last few years, with CDC concurrence, USCIS has issued memorandums extending the validity of Medical Exams. The most recent memo extends the validity of medical exams through 1 January 2009.**
9. How will TSC handle cases if an applicant filed an adjustment prior to the notice that USCIS would accept filings for July and then left the country and re-entered on an E-2 visa or visa other than an H or L? Will the adjustment applications be considered abandoned? **If the applicant was not in a non-immigrant classification that allows travel and departed without a prior approval, the application would be considered abandoned.**
10. Frequently, TSC issued RFEs in connection with I-485 applications requiring copies (front and back) of all I-94s that a beneficiary has ever had. This is meant to prove that the foreign national has always maintained legal status in the U.S.
 - a. It is unusual for a person to have on hand copies of all his/her I-94s spanning several years, as these would have been relinquished to INS/CBP upon departing the U.S. In the situation where a person doesn't have copies of his/her I-94s or expired approval notices, and given that all these items are reposed with INS/CBP, will TSC accept affidavits of the foreign national and his/her employers as to the constant legal status of the applicant in satisfaction of the request for evidence? **Specific to your question, generally affidavits do not satisfy the evidentiary threshold to establish an applicant's eligibility. Our adjudicators actively search available Service data to establish an applicant's eligibility. If after an extensive search, the officer is unable to establish eligibility, a request for evidence will be generated and sent to the applicant/representative after supervisory review of the file.**
 - b. What is CIS's concern in issuing RFEs for this information where the I-485 already evidences that, for example, the foreign national has been the beneficiary of a series of overlapping H-1B approvals covering his/her time in the U.S.? **If the documentary and electronic evidence available to the officer does not clearly establish eligibility, the officer will request the required items of evidence. Again, our adjudications officers check all available data before issuing the request for evidence**
11. On EB3 adjustment cases filed during the "July 2007 blitz": at what point should we be concerned if the applicants haven't received their biometrics appointments (since the processing time will be perhaps a few years due to the unavailability of EB3 visa numbers)? Is it TSC's policy to promptly capture biometrics even though it is unlikely the cases will be adjudicated within a year? **The timing of biometric appointments will vary depending on the volumes at any given Application Support Center. The biometric appointments are not intentionally delayed based on visas being unavailable, but rather are scheduled based on filing dates within the scheduling constraints of the affected Application Support Center.**

12. Members report receiving biometrics notices issued for EB I-485 applications with non-existent dates, such as 2/31/08, or for a past year. What is the proper procedure: should applicant just go in to local ASC at any time or resend to TSC for new appointment date? **If you have any receipt numbered examples, it would be helpful in researching this problem. In general, ASC's will handle extraordinary circumstances on a case-by-case basis depending on the extent which their customer volume allows.**

Records

13. As was inevitable, there were cases received at the TSC in early August 2007 that had been dispatched prior to the July 30, 2007 filing fee increase and which were inadvertently rejected for not having the correct filing fees. We were instructed to re-file these with proof that they were wrongly rejected, but haven't received receipts or had our checks cashed for many of these. Can you advise what the frontlog is in getting these "re-filed" cases receipted? **As of January 18, 2008, the frontlog was 364 and plans are to be current at the end of January 2008.**
14. Members report that there are a number of I-485 adjustments that for one reason or another (mainly delays in mailing times) that were not received on or before August 17, 2007 and therefore were rejected as no visa number was available. Do you know if there are any plans to allow these to be filed and accepted? **No plans that we are aware of.**
15. Approximately how many cases does the Case Resolution Unit currently have pending? When do they expect to clear the cases in connection with the July 1 – August 17 filings? **Current volume as of Jan 18, 2008 is 364 I-485s to be researched and reviewed. Expect to be current by end of January.**
16. Practitioners have noticed that many I-130 cases originally filed with TSC are being transferred to CSC. Assuming that this is to expedite processing, would it be more efficient for practitioners to forward I-130 cases to CSC directly? **As of December 3, 2007, I130 should be sent to the Chicago Lock Box. If the I130 was mailed to the TSC it was forwarded to the lockbox. Current instruction for filing a stand alone I130 are: Petitioners who reside in AL, AR, CT, DL, FL, GA, KY, LA, ME, MD, MA, MI, NH, NJ, NM, NY, NC, OK, PA, Puerto Rico, RI, SC, TN, TX, VT, VA, U.S. Virgin Islands, WV, or District of Columbia are encouraged to file their stand-alone Form I-130 with the Lockbox using the following address:**
USCIS
P.O. Box 804616
Chicago, IL 60680-1029
17. Why is it TSC's practice to list only the petitioner on I-130 transfer notices when the case is transferred to another service center and/or a local office? Is there any way that both the petitioner's and beneficiary's name can appear on the receipt/transfer notices, as this will avoid confusion for practitioners. **This is a national issue; therefore, we have forwarded this concern to the Headquarters Transformation Team for consideration.**

18. An I-130 petition was filed at TSC but the receipt notice was issued from VSC (although Petitioner lives in Florida). Is this normal? Will these cases be adjudicated by VSC or be transferred back to TSC? Example: EAC0808815126. **Yes, this is normal. The case will be adjudicated wherever the receipt came from.**

Advance Paroles

19. We've noticed that mailing of advance paroles from the Texas Service Center has slowed down i.e. the I-512 is approved on and dated December 1, 2007; it is postmarked December 31, 2007; and it is received by the applicant on January 4, 2008. The net result is that the advance paroles are, effectively, valid for only 11 months—a sizeable reduction from the intended one year validity. What holds up the mailing of the advance paroles? How can this delay between TSC adjudication and the applicant's receipt of the I-512 be remedied? **During the last quarter of 2007, TSC dedicated two adjudicative divisions to the I-131 mission. This action was accomplished to meet the increased influx of I-131 Applications which was received in July. The resources assigned for mailing out the increased number of I-512L Travel Documents were very limited. As a result, there was a timeframe in December in which there was a delay in the approval of the case and the applicant's receipt of the I-512L Travel Document. Now, that all I-131 front log cases have been completely eliminated the timely mailing of travel documents are back on track.**

EADs

20. We had understood that employment authorization documents associated with adjustment cases filed during the "July 2007 blitz" would be issued within 90 days from their date of receipt by the TSC...not the date that the TSC issued the receipts (which, due to frontlogs, stretched into October 2007). But there are still a lot of cases filed during this period (particularly from August 1 through August 15) for which EADs have not yet issued. The 1 800 line has been routinely advising that the 90 day period starts from the date that the receipt was issued.
- a. Has there really been a reversal of CIS procedure such that the 1 800 line personnel's advice is correct? **TSC is adjudicating these I-765s as of the date of filing and not the date that they have been data entered. The National Customer Service Center has been contacted requesting that they modify their response to reflect this information.**
 - b. Assuming that EADs are to be issued within 90 days of the applications reaching the TSC, how many I-765s are still backlogged, and by when can we expect TSC to complete adjudications on these I-765s? **TSC is currently not backlogged on these I-765s, they have all been adjudicated or an RFE/ITD has been sent out on the I-765. If you have any receipt numbers that should have already been adjudicated and there is not an RFE or ITD pending, please contact the National Customer Service Center (NCSC) at (800) 375-5283 or contact the AILA Liaison to have the inquiry sent to the TSC. If there are any, we will research and adjudicate these I-765s as quickly as possible.**

21. I-765: When the EAD is lost in mail, through no fault of the applicant, does the applicant still need to repay the filing fee when filing a replacement I-765 application? **If the Service has sent the card to the correct address (the one listed on the application) and does not receive the card back as undeliverable, then the applicant will need to file a new I-765 with the correct filing fee.**
22. When we send back advance paroles or EAD cards back to TSC due to USCIS error (i.e. wrong DOB, wrong sex, wrong country of birth, no expiration date), what is the processing time for these requests? Are these treated as new filings? **We correct the card within 7 – 10 business days when the Service has made an error.**

Naturalization

23. When a naturalization application is pending past the processing times indicated on the local office's website (i.e. Miami), should the attorney file the inquiry with the local Natz office or with the Texas Service Center? **The attorney should submit the inquiry to the TSC dedicated e-mail box for attorney-based N-400 inquiries. The address is: Naturalization.Tsc@dhs.gov**
24. Is TSC holding Natz cases before transferring them to the local office until the applicant's security checks have cleared? **Due to the events of September 11, 2001, N-400 cases must clear all security checks, including FBI Name Checks, before they can be released for interview processing.**
25. When the file number for an N-400 application is entered into the CIS case status website, it results in a message stating:

“This case is at our TEXAS SERVICE CENTER location. Follow the link below to check processing dates.”

When the link is followed, however, the TSC processing dates listing doesn't have an entry for N-400s. Can this be corrected? **To obtain the processing date for any specific field office, please go to the USCIS web site. Here are the steps to follow:**

- Go to USCIS web site,
 - Click “Processing Times”
 - Another screen will come up where you need to click “Processing Times” again,
 - Choose the specific office from a drop down menu
 - Click on Processing Dates
26. When do you expect to be current with N-400 receipts? **N-400 Front log: All N-400 front log cases have been keyed into the system. N-400 Back log: The TSC can not ship out an N-400 case until it is requested by a Field Office for interview processing.**

I-751

27. When an I-751 is filed jointly and the beneficiary divorces the Petitioner, what is the most expeditious manner for an attorney to advise TSC to withdraw the

current petition so the beneficiary can resubmit the I-751 application based on a good faith waiver (divorce)? To whom should the request be addressed?

Mail your request to TSC P.O. Box 850965; Mesquite, TX 75185-0965 If your I-751 has been transferred to VSC then mail your request to 75 Lower Welden Street St. Albans, VT 05479-0001

28. What is the estimated processing time for TSC to adjudicate or decide to transfer I-751 cases? **TSC is currently in the process of transferring all I-751s to VSC and expect to have these transfers completed by the end of February 2008. TSC will complete all cases that we have either sent an RFE or ITD on.**

29. When an I-751 has been pending sufficiently long that the foreign national is qualified to and does file an N-400, what is the procedure by which applicants can ensure that their I-751 application will be transferred along with their N-400 application to the local CIS office that will be adjudicating the N-400? **The I-751 case is routed to the Naturalization Division with a special transmittal sheet to ensure that it is matched up with the N-400 application.**

I-730

30. What is the proper venue to resolve I-730 cases when we have evidence of filing and mailing receipt but no receipt notices have been issued. **The TSC can not issue duplicate receipt notices. You should refer these inquiries to the National Customer Service Center (NCSC) at 1.800.375.5283. Please ensure to provide the complete, full name and date of birth of the applicant/petitioner listed on the application/petition.**