

November 12, 2015 NSC Stakeholder Call Notes (Refugee/Asylum)

Customer Service

1. Besides calling the National Customer Service Hotline, Congressional Inquiries, submitting an on-line case status inquiry, and InfoPass, what else can be done to find out what is happening with a case that is dramatically outside normal processing times?

Response: NSC recommends first calling the NCSC (National Customer Service Center) at 1-800-375-5283 or by e-request (<https://egov.uscis.gov/e-Request/Intro.do>). Make sure to get a SRMT (Service Request Management Tool) number because you won't be able to follow-up on a case without the SRMT number. Then wait 30 days for a response or 15 days if you submitted an expedite request. If you don't receive a response within the 30 days/15 days, then send a follow-up email to NSCFollowup.NCSC@uscis.dhs.gov. Make sure to reference the SRMT number in the follow-up email or you won't receive a response. If you have not received a response from the follow-up email in 21 days, then contact SCOPS (USCIS Service Center Operations) by e-mailing SCOPSSCATA@dhs.gov.

Liaison Committee Note: *The procedures for making a NSC inquiry are detailed on AILA InfoNet at AILA Doc. No. 04062165. Additionally, the procedures for making inquiries to each of the Service Centers are provided on AILA InfoNet under the "Advocacy and Media" tab, "Agency Liaison" tab, "Case Liaison Assistance" tab.*

2. What is the procedure to submit supporting documentation in support of an expedited processing request to USCIS once this request has been made through the National Customer Service Center? Members report that expedite requests have been made with NCSC but then denied by the Service Center without the opportunity to submit evidence in support of the request.

Response: In order to submit an expedite request, you must contact the NCSC following the procedures outlined in question #1 above. NSC recommends submitting any supporting documentation for an expedite request through the follow-up email address (NSCFollowup.NCSC@uscis.dhs.gov). Please note that you must provide the SRMT number in the subject line of the email or the documents won't be interfiled with the petition/application. Also, make sure to provide a signed G-28.

Liaison Committee Note: *When you call the NCSC to submit an expedite request, there is no way to submit supporting documentation for the request through the phone call. Thus, the liaison committee recommends that you submit the supporting documentation as soon as you have the SRMT number, so that the adjudicating officer has the documentation when the expedite request is*

adjudicated. Information about how to submit expedite requests can be found on AILA InfoNet at AILA Doc. No. 08022567.

Document Production

1. What is the best practice for expediting a refugee travel document or re-entry permit? Currently, we make the request in a cover letter and send additional proof of need for the expedited document. Then after we have a receipt, we call the Customer Service line and request expediting at which point the customer service officer usually requests that we re-send all of the documents we have already sent. Then, after biometrics have been completed, we will send the client to the local USCIS office for an INFOPASS appointment to see if they can be issued an expedited document on site. However, this is a cobbled-together strategy that we've come up with over the years. What is the actual process that USCIS would like to see?

Response: NSC stated that this response only applies to refugee travel documents and re-entry permits, not regular requests for advance parole. Once the I-131 application has been received, NSC will issue a receipt notice listing the receipt number. Once the applicant has the receipt number, the NCSC can be contacted using the procedures outlined in the answer to the first question above. Please explain the reason for the expedite request to the NCSC and also clearly state whether you are requesting just an expedited biometrics appointment, an expedited adjudication of the I-131, or both. You will be given a SMRT number. Please follow the procedures outlined in the questions above to submit supporting documentation and/or follow-up on an expedite request. Please note that a local USCIS field office can assist with advance parole documents in an emergency situation but does not have the capability to generate refugee travel documents/re-entry permits on-site.

2. For Employment Authorization Document renewal applications in the (c)(8) category, is it possible to make the effective date on the new EAD the day after the previous card expires? At present, the renewal EAD cards are instead issued with a validity date that matches the date the I-765 is approved, which is difficult for many asylum applicants because they effectively end up losing several months of validity on the new card. Considering that each EAD renewal costs \$380 and the cards are only valid for one year at a time, this can be a significant burden for these applicants.

Response: NSC stated that this is a topic of discussion at the HQ level. Current policy is to grant the renewal with a validity date that matches the date the I-765 is approved and not back date the approval. If anyone has any specific case examples that they would like referred to HQ, please send those examples to CEO.NSC2@uscis.dhs.gov.

I-485

1. We have several adjustment cases on hold for TRIG, most of which have been on hold for years. We understand that USCIS and the asylum office are working through these cases, but what is the best way to get a real update on what is happening to that case? Currently the only response we receive is “your case is on hold for TRIG-related issues.”

Response: NSC stated to send inquiries regarding TRIG issues to TRIGQuery@uscis.dhs.gov. Please include the A number and any relevant details. Please also include a G-28 form.

2. With the change from CBP in what is given to refugees when they enter the US, what documentation does NSC want with the I-485 besides the I-693 from a civil surgeon? Do applicants need to send 2 passport-type photos? Their transportation letter (many of them seem to lose this during the year)? The printout of the I-94? Is there a way to capture the I-94 if the applicant has lost the documentation given by the CBP?

Response: NSC stated to continue following the instructions on Form I-485 regarding required documentation that must be submitted with the I-485 application. To obtain an electronic I-94 from USCBP go to <https://i94.cbp.dhs.gov/I94>.

3. Can you please clarify whether refugees are required to submit an I-693 with a full medical exam, and if not, when would a refugee be required to submit a full medical exam on an I-693? Additionally, are public health offices allowed to use a stamped signature when signing an I-693 for a refugee vaccination supplement or must it be an original signature?

Response: If the refugee has had an overseas medical examination and there are no Class A medical issues, then the refugee only needs to submit the vaccination supplement (Part 1, 2, 4 (biographical info/signature pages) and Part 7 (vaccination supplement) of Form I-693). Public health offices are allowed to use a stamped signature, however, it needs to be an original stamped signature, not a photocopy.

4. What position does the NSC take on the issue of the new edition of the I-693? If the NSC received an I-693 for a refugee where the exam was less than 1 year ago, the I-485 has not been pending for more than a year, BUT the I-693 was prepared on the older edition and submitted to the NSC after 7/26/15, will the NSC still accept this? (There appears to be differing policies depending on what service center and/or field office deals with this I-693 issue.)

Response: NSC does not accept previous editions of Form I-693 submitted after July 26, 2015.

5. Members report significant delays for adjudication of Iraqi asylum applications post-interview. What factors contribute to these delays and what actions can be taken to bring processing times in line with other cases?

Response: NSC does not adjudicate these cases. Please contact the Asylum Division at HQ regarding this question.

I-589

1. This question relates to scheduling ASC appointments for asylum applicants already in proceedings that have changed addresses. Often times, an asylum case may remain pending in an immigration court for several years. And during this time, the asylum applicant may have moved, sometimes more than once and the applicant needs repeatedly to schedule ASC appointments. The “Instructions for Form I-589 (Asylum and For Withholding of Removal)” state to mail the following 3 items to NSC:

SEND these 3 items to the address below:

- (1) A clear copy of the first three pages of your completed Form I-589 (Application for Asylum and for Withholding of Removal) that you will be filing or HAVE FILED WITH THE IMMIGRATION COURT, which must include your full name, your CURRENT MAILING ADDRESS, and your alien number (A-number). (Do Not submit any documents other than the first three pages of the completed I-589),
- (2) A copy of Form EOIR-28 (Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court) if you are represented, and
- (3) A copy of these instructions.

USCIS Nebraska Service Center
Defensive Asylum Application With Immigration Court
P.O. Box 87589
Lincoln, NE 68501-7589

When we follow the instructions to mail these documents (Item one being a copy of the first three pages of the completed Form 1-589 that HAS BEEN FILED WITH THE IMMIGRATION COURT with the OLD address) to NSC specifically informing NSC of the applicant’s NEW ADDRESS on the cover letter, often times, neither the applicant nor the attorney receives ASC appointment notices. Is there a better way to ensure that the applicant or attorney receives ASC appointment notices in such situations?

Response: Once the three items listed above are received, then a receipt notice and an ASC biometrics appointment letter will be issued. If you don’t receive a receipt notice and/or biometrics appointment letter within three weeks of filing the application, then contact the NCSC (see the response to the first question above). See page 9 of the I-589 instructions for more information. When an applicant has a change of address to report, submit an AR-11 by mail or online

(See p.11 of the I-589 instructions). Online submission of the AR-11 is the preferred method. If the case is in court, then you will also need to submit an EOIR-33 to the Immigration Court and serve USICE with the change of address. Do not report a change of address through a cover letter to USCIS, USCIS contractors at the Service Centers do not recognize this as a proper method for informing USCIS of a change in address.

2. What actions, either by the asylum applicant or the immigration court, could potentially stop the 180 asylum EAD clock once an asylum application has been lodged with the immigration court?

Response: NSC referred the public to the "The 180 day Asylum Clock EAD Notice" document available on AILA InfoNet at AILA Doc. No. 15091607.

I-730

1. What is the formal policy and procedure for I-730 cases where the required service center (TSC) is sent the petition, but NSC has the I-485 case for the petitioner, and hence the petition is "transferred" to NSC? (One advocate recently had a case where the 2 year filing deadline was coming up, sent the petition correctly to the TSC, it was sent to NSC b/c P's I-485 was pending there, and NSC is trying to deny case based on failure to file within the 2 yrs.)
NOTE: This is NOT a case specific problem - this is merely an example of what can and has happened.

THERE NEEDS TO BE A CLEAR PROCEDURE ESTABLISHED WITH TSC WHERE THEY AT LEAST LOG IN THE CASE AS BEING RECEIVED ON THE CORRECT DATE/DATE THEY RECEIVE IT, AND THEN SHOW A TRANSFER DATE TO THE NSC. INSTEAD, CASES ARE BEING LOGGED IN AS RECEIVED ON THE DATE THAT NSC RECEIVES THE I-730 FROM TSC!!

Response: Regardless of which Service Center or Lockbox the I-730 is filed with, the date that the I-730 Petition is receipted is the date used to determine the two-year filing deadline. Please send case specific inquiries to CEO.NSC2@uscis.dhs.gov.

2. When NOIDs (or NOIRs - as they now are apparently called) are issued, there is a very short time to respond - 30 days from the date on the NOID letter. One advocate has had several cases where the NOID letter has apparently sat in the mail room waiting to be sent out, and the actual postmark on the envelope is often several days/sometimes even a week after the date on the NOID letter. This results in an even shorter period of time to respond to a NOID. CAN THE NSC ENSURE THAT THESE LETTERS WILL BE MAILED OUT IN A TIMELY MANNER - EITHER THE SAME DAY OR NEXT DAY AFTER THE DATE ON THE LETTER?

Response: NSC stated that when Officers review the NOID/NOIR that they will look to see whether the applicant has been given the full 30 days to respond to the NOID/NOIR before denying the case based on an untimely response. If there was a delay in mailing the NOID/NOIR to the applicant, then the Officer will take this into account in determining whether the applicant timely responded to the NOID/NOIR.

I-601

1. When an I-601 waiver application has been filed and is still pending with NSC, what is the process for submitting new additional evidence (in the event of human error or a new significant hardship) prior to the issuance of CIS's decision on the application?

Response: NSC stated that if an RFE is issued in the case that this would be an appropriate time to submit the additional evidence. If no RFE is issued, then follow the process/procedures for contacting the Service Center, obtaining a SMRT # and then submitting additional documentation through the follow-up email process outlined above in Customer Service Question # 2 and indicate the human error or significant hardship.

FOLLOW UP QUESTIONS

1. For certain I-765/EAD applications, we have sent inquiries to SCOPSSCATA@dhs.gov but never received a response. What do you suggest we do in these cases?

Response: NSC will try to take this issue to HQ and push from NSC's end. Send case specific examples to ceo.nsc2@uscis.dhs.gov and NSC will forward to examples to HQ.

2. We filed an asylee I-485 application with I-131 advance parole application and received a notice of denial for the I-131, which appears to be a training issue.

Response: This appears to be a TSC or Dallas lockbox issue. Inquiries for TSC or Dallas should be made by contacting NCSC, creating a case referral which will go to the Service Center or Field Office handling the case. Also, follow the instructions on the I-131 denial regarding following up with a motion to reopen or reconsider. NSC also cannot answer a specific case question at this time.