

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION  
USCIS CHICAGO FIELD OFFICE  
QUESTIONS FOR January 21, 2016 MEETING  
101 W. CONGRESS PARKWAY  
CHICAGO, IL 60605**

**1. Personnel Changes**

Please advise as to any new personnel changes. Please provide their contact information.

We are happy to announce that Pauline Woodson, 312-239-5638, was selected as the new Branch Chief in Adjudications. Also, Nicholas Milissis was selected as the FDNS Chief.

Additionally, four (4) ISO-1s were promoted to ISO-2 and entered on duty in January.

**2. I-94 Cards for Asylees**

Attorneys continue to experience problems when trying to obtain asylee I-94 cards for recently granted asylees. Recently, an attorney accompanied an asylee to an infopass appointment to request an I-94 and the officer was unaware of the process to produce an asylee I-94 and had to have an extensive conversation with a supervisor. The officer then informed the attorney that an I-94 could not be produced because the computer records from the court still listed the asylee as having entered "EWI," which should not prevent an asylee from being able to obtain an I-94 card. Many asylees have to travel lengthy distances to request an I-94 card and are unable to obtain certain asylee benefits until they have the I-94 card, which makes these ongoing obstacles extremely problematic. Can you confirm that officers have all received training regarding asylee I-94s and provide AILA with any policy or procedural memoranda on asylee I-94s that attorneys could show to infopass officers when confusion arises?

We will ensure that our officers are familiar with the procedure for issuing an asylee I-94.

**3. Representation at Interviews**

8 CFR §292.1 describes the people who are authorized to represent someone in proceedings before USCIS.

a. What documents can an attorney provide to authenticate his ability to practice law?

An attorney does not, routinely, need to present proof of admission to the Bar. Part 3 of the Form G-28 requires the attorney to specify facts concerning Bar admission (including the attorney's Bar number) and to attest that the attorney is not subject to any discipline or restrictions limiting the authority to practice. Since the attorney signs Form G-28 under penalty of perjury, the Form G-28, itself, is ordinarily enough to establish that the attorney is authorized to practice.

If USCIS has a reason to believe that the attorney is not authorized to practice, USCIS could ask to see the attorney's Bar card or ask the attorney to submit a recently-issued certificate of good standing from the authority where the attorney is licensed.

- b. Some jurisdictions (e.g. New York) do not issue "bar cards." What else would be acceptable proof of admission?

If a State's Bar authority does not issue Bar cards, then it may be necessary to submit a recently-dated certificate of good standing.

- c. For an attorney coming from an unfamiliar jurisdiction, what steps are officers asked to take to verify their ability to practice law?

See above.

#### **4. ADIT Processing After Grant at Immigration Court**

Members have reported receiving conflicting information after their clients have received a grant of their case at the Immigration Court level as to whether they have to go in for follow up processing at an Infopass appointment.

- a. When a person is granted (I-485, EOIR42B, etc...) by the Immigration Judge are they required to go in for follow up processing?
- b. Is this different depending on the type of case?
- c. If so what is the person required to bring with them to the appointment?
- d. How long after the grant by the IJ is the person able to schedule an appointment?

This issue is addressed in the Post Order Instructions that are posted at:  
<http://www.uscis.gov/sites/default/files/files/article/PostOrderInstr.pdf>

An individual granted relief in removal proceedings does need to appear in person for ADIT processing.

As noted in the instructions, an order granting relief from removal becomes final 30 days after entry if no appeal is filed. Thus, one should make an INFOPASS appointment for a date at least 30 days after the date of the order. The instructions do allow the person to make an appointment within 3 days, but in many cases, that may not be enough time for USCIS to obtain the A-file and to confirm whether ICE has reserved its right to appeal.

The individual could expedite the process by making an INFOPASS appointment before the scheduled final hearing date for a date about 30 days after the scheduled final hearing date. As a matter of fairness to others, the individual should be sure to cancel the INFOPASS appointment promptly if the immigration judge continues the case or denies relief.

The individual must bring a copy of the order and proof of identity. If the individual has a passport, the individual should bring it so that the ADIT stamp can be entered in the passport.

In an emergency, the field office will try to accommodate the individual without an appointment.

An LPR granted LPR cancellation under INA 240A(a) retains the prior LPR status. If the individual needs a new Permanent Resident Card, the individual should file Form I-90.

In some cases, the “relief” just remands a case to USCIS for adjudication of an adjustment claim. In that situation, USCIS would do the ADIT processing as part of the adjudication of the application.

## **5. Cuban Adjustment Act**

Can you please clarify whether a police clearance letter must be submitted for an individual seeking adjustment of status pursuant to the Cuban Refugee Adjustment Act of 1966, Pub. L. No. 89-732, 80 Stat. 1161, as amended (“Cuban Adjustment Act”)? Members report inconsistent adjudication processes, whereby an RFE is issued for a police clearance in some cases while others are adjudicated without such a document. The USCIS Adjudicators Field Manual § 23.11 seems to outline an outdated application procedure, and the subsection referring to the requirement for a police clearance letter cites an incorrect regulation – “(8) A clearance from the local police jurisdiction for any area in the U.S. where the applicant has lived for six months or longer since his or her 14th birthday. See [8 CFR 245.2\(a\)\(3\)\(i\)](#).” AFM 23.11 (g)(1)-(8).

There is a typographical error in AFM 23.11(g)(8). The correct citation is 8 CFR 245.2(a)(3)(iv).

While 8 CFR 245.2(a)(3)(iv) has not been rescinded, the purpose of the provision is, now, largely subsumed by the improved biometrics requirements. If the applicant can obtain clearances from jurisdictions in which the applicant has lived since the applicant’s 14<sup>th</sup> birthday, the applicant should do so and submit them with the application.

Failure to submit police clearances can be the basis for an RFE.

## **6. Adjudication Backlogs**

We understand that adjudications officers are not permitted to maintain more than 25 files in their offices at any given time, and that files are physically removed from the offices, despite the fact that cases are not yet completed.

The cases are not retrieved for completion until the officer requests the file back for adjudication, leaving the burden on the individual officer to maintain their own

calendar/reminder system. This likely contributes to the delay in file completion, currently around 9 months.

For example, an RFE is issued after an interview, the applicant drops off the medical, and the file is not retrieved for several months, due to the officer's busy schedule. It is possible that the medical exam could expire, if the case is not complete within a year.

- a. Is it possible to implement an automated tickler system that might remind officers to request files back from storage on an intermittent basis, i.e.: after 30 days, after 60 days, etc.?

The Chicago Field Office has developed an internal system to flag cases when RFE responses have arrived.

- b. We understand that Adjudications officers are scheduled occasionally for 'backlog days', presumably to allow them to complete processing of their many files.

What is the frequency with which officers are scheduled for backlog days which allows them time to complete case adjudications?

Do all officers receive the same number of backlog days? Is it possible to schedule officers more frequent 'backlog days' to complete their pending cases?

Thank you for your suggestions.