

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
USCIS CHICAGO FIELD OFFICE
QUESTIONS FOR January 30, 2017 MEETING
101 W. CONGRESS PARKWAY
CHICAGO, IL 60605**

1. Case Processing Times

What are the current processing times on the following types of cases?

The information for a, c and d is publicly available on the USCIS website. The website reflects that applications filed on or after the below dates are currently being processed. See <https://egov.uscis.gov/cris/processingTimesDisplay.do;jsessionid=abcadbf7orHfE5ufekQew>

- a. Family based I-485 – January 5, 2017
- b. Employment based I-485 – Please see the response to Question 4 subpart “a” as family based and employment based I-485s are not listed separately.
- c. N-400 – February 7, 2017
- d. N-600 – May 1, 2017

2. INFOPASS Appointments

- a. Members continue to report issues in obtaining INFOPASS appointments for emergency cases. Have there been any changes to the walk-in policies discussed at the last meeting now that the holidays have passed?

A small number of appointments each day will be added beginning January 22, 2018 for emergency walk-ins. In addition, there will be an increase in the number of appointments available beginning February 1, 2018.

3. Interview Rescheduling

- a. Please describe the process after a reschedule request is received for putting cases back into the queue to be interviewed. Is there a difference depending on which unit is doing the rescheduling (Customer Service, Adjudications or Citizenship)?

All units schedule cases for the next available interview slot when reschedule requests are received, reviewed and approved.

- b. What is the current average length of time members can expect to wait for a new interview for each unit?

The average length of time for rescheduled interviews is 60 to 90 days.

- c. At what point should members follow-up if they have not received a new interview? What type of follow-up is suggested?

If a new appointment date is not received for an I-751 rescheduled interview within 60 days, please contact the Acting Branch Chief of the Customer Service Unit. (TBA)

If a new appointment date is not received for an N-400 rescheduled interview within 90 days, please email Branch Chiefs Rose Cavazos and Michelle Wong.

If a new appointment date is not received for an I-130 or I-485 rescheduled interview within 90 days, please email chi245resched@uscis.dhs.gov and copy Branch Chief Pauline Woodson.

4. Employment-Based Adjustment of Status Interviews

- a. Approximately how many employment-based adjustment of status interviews took place in December?

We do not track this information.

- b. Are there any suggestions/concerns to share with our membership regarding documentation to prepare for the interview, common case issues, etc.?

As discussed at our last meeting, each family member receives a separate interview time. Family groups are scheduled in consecutive interview slots. For a family group it is recommended that all family members are available at the time of the 1st interview. In addition, if one member of the family will require an interpreter, the interpreter cannot be one of the other family members.

- c. Please confirm when it would be appropriate to request a form I-485 Supplement J during an employment based adjustment of status interview when there is no request to port to a new employer and the I-140 visa petition was filed concurrently with the I-485 Application to Adjust Status.

The supplement J may also be requested at any time to confirm that the original job offer remains valid and available.

- d. Do local offices have any discretion in deciding whether a case must be interviewed? Can the local office refuse to interview cases if they feel an interview is unwarranted?

All adjustment of status applicants must be interviewed in accordance with 8 CFR 245.6, unless the interview is waived by USCIS. The decision to waive the interview is made on a case-by-case basis.

5. Requests for Evidence

- a. In April 2015 your office indicated that Request for Evidence notices issued requesting Form I-601 waivers would be changed to reflect the correct filing address, the Chicago Lockbox, instead of the local office. Members continue to report receiving RFEs for I-601 waivers asking that they be submitted at the local office. We respectfully request review and correction of the appropriate RFE template to address this concern and ensure responses are correctly and timely filed.

Officers have been reminded about the filing address on a RFE that requests filing of an I-601. If you have specific examples it is recommended that you raise these with the Branch Chief as encountered .

- b. Members report receiving RFEs on AOS cases from the local office prior to the scheduling of interviews? In what circumstances is this encouraged? Is the goal to avoid interviews that might not be necessary?

All adjustment of status applicants must be interviewed in accordance with 8 CFR 245.6, unless the interview is waived. Officers may determine, on a case-by case-basis, that it is unnecessary to interview certain adjustment of status applicants or otherwise appropriate to exercise discretion to waive an interview.

- c. What is the preferred procedure to respond to an RFE issued by the local office that should be returned to the local office? Members report that responses delivered in person are sometimes lost. Does USCIS prefer RFE responses be mailed or dropped off?

This office has no preference between mailing or dropping off responses to RFEs. If you have experienced a situation recently in which documents were lost after being dropped off, please provide the A-numbers so that we can identify the problem.

6. Family-Based Adjustment of Status

- a. What is the procedure for interviews for marriage based I-130/Adjustment when the foreign national is in ICE custody?

USCIS and ICE will coordinate so that the beneficiary may be interviewed in person, by phone or video conference. USCIS will issue an interview notice to the I-130 petitioner to appear at the USCIS office separately.

7. Requesting a Notice to Appear

- a. What is the preferred method to request the issuance of a Notice to Appear? Is a particular supervisor assigned to review these requests?

The preferred method to request the issuance of a Notice to Appear is to send such request in writing to the Field Office Director with a copy to the appropriate Branch Chief.