

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
USCIS CHICAGO FIELD OFFICE
QUESTIONS FOR AUGUST 2, 2017 MEETING
101 W. CONGRESS PARKWAY
CHICAGO, IL 60605**

1. Infopass

- a. Infopass television screens are being used to share valuable information about USCIS (such as advisals on changes of address, history/civics questions, etc...), but the writing is so small that it is very challenging to read. Can USCIS increase this font and also offer the information in more languages?

The format and content of the announcements are not controlled locally. We will elevate this issue through appropriate channels.

- b. By using the screens to provide information, the people waiting are no longer able to see the chart listing the window numbers and the client numbers at that window. Is there a way to have a dedicated screen which shows the chart listing the window numbers?

The format and content of the announcements are not controlled locally. We will elevate this issue through appropriate channels.

- c. Have waiting times significantly increased at Infopass? Members report waiting multiple hours while their requests for passport stamps or emergency advanced parole requests are processed.

Please advise whether this was a one-time occurrence or has been an on-going issue. Systems delays have impacted our wait times in a few instances. In addition, occasionally the number of walk-in customers has resulted in some delays.

2. N-400 filing while I-751 still pending

Current USCIS guidance states that if an I-751 application has not yet been adjudicated when a person becomes eligible for citizenship, the I-751 and N-400 can be adjudicated at the same time. Is there anything that applicants in this situation should do to indicate that they are filing under these circumstances?

There is no action needed by the applicant in this situation.

Should the officers be reviewing both of these applications at one interview?

If the I-751 is not adjudicated at the Service Center and is routed to the Chicago Field Office for final adjudication, every effort is made to adjudicate the I-751 and N-400

simultaneously unless there is an issue that precludes the officer from making a decision on the I-751.

3. Expediting 319(b) Interview

What is the current procedure for applicants for naturalization under Section 319(b), (spouse of a US citizen regularly stationed abroad in qualifying employment) who seeks to expedite the interview/exam and oath ceremony?

The National Benefits Center identifies cases under Section 319(b) and forwards them to the designated POC in the Field Offices. The POC will coordinate the interview and oath ceremony with the applicant and attorney, if listed, via email.

Otherwise, to make a request to expedite the processing of a domestically filed application or petition, the customer should contact the National Customer Service Center (NCSC) at 1-800-375-5283. The NCSC forwards the Service Request to the office with jurisdiction over the application or petition. Customers may also visit a local office by scheduling an InfoPass appointment or writing a letter to the field office or service center. Approval of such requests is discretionary and USCIS reserves the right to request documentation supporting the request to expedite an application or petition. *See the USCIS Policy Manual at Vol. 1, Part A, Chap.12(C).*

4. Denials because of unserved Notices to Appear

Members have reported that individuals applying either for Parole in Place or Adjustment of Status have been denied relief where the individual had a Notice to Appear issued to them but the NTA was never served on the court. The District Office states in their denial that they do not have jurisdiction over the case because the applicant was in removal proceedings. Does the District Office proactively check to see whether the Notice to Appear was served on the Immigration Court? Does the District Office want the applicants to affirmatively show that they are not in proceedings? If so, what evidence would be sufficient?

Yes, we check to see whether the Notice to Appear was served on the Immigration Court. Please contact Stacey Summers, Branch Chief, Customer Service Unit, for any individual Parole in Place cases where the Notice to Appear was never served on the Immigration Court. Please contact Pauline Woodson, Branch Chief, Adjudications Unit, for any individual Adjustment of Status case where this appears to be the issue.

Generally, it is not necessary for the applicants to affirmatively show they are not in removal proceedings. However, if the applicant was previously in removal proceedings which have recently been terminated, a copy of the termination order from the Immigration Court would be useful to submit to USCIS.

5. Status inquiries through the email boxes

When a status inquiry is made through the designated email boxes, is the adjudicating officer made aware of the inquiry? Who else in the chain of command is made aware? What does the responder review (physical file, computer record, etc.)? Is a record made of each of these inquiries?

All status inquiries received through the designated email addresses are recorded and are reviewed by supervisory personnel. Supervisors work with their team members to resolve pending inquiries received through these designated email addresses.

6. Readjudication of I-485 during Naturalization

Members have been reporting an increased effort by USCIS to re-adjudicate an Applicant's admission as an LPR at the naturalization stage. The majority of these cases are denied with an indication that the Applicant wasn't eligible at the time LPR status was granted or was not properly granted. No other action is being taken against these Applicants besides the denial.

- a. Is there a new concerted effort by USCIS to re-adjudicate an Applicant's LPR status grant during their naturalization process?

No. Under INA 318, it has always been the applicant's burden to show that he or she meets all the requirements for naturalization, including that he or she was lawfully admitted for permanent residence.

- b. If the LPR status was granted based on USCIS error (i.e. no fraud on the part of the Applicant), what is USCIS plan of action with these denials?

The action USCIS takes in these cases would depend on the facts of the particular case. If you have a specific case that you are referring to please bring it to the attention of the appropriate Branch Chief.

- c. Can USCIS error now be corrected nunc pro tunc (such as failure to pay an INA§245(i) fee or file a necessary waiver)?

Additional guidance is pending on this issue from our Headquarters. If you have a specific case that you are referring to please bring it to the attention of the appropriate Branch Chief.

- d. If the LPR status was granted based on a former legal interpretation that has since been re-interpreted against the Applicant, is USCIS still proceeding with denying these N-400?

Decisions are based on the facts of the individual case. If you have a specific case that you are referring to please bring it to the attention of the appropriate Branch Chief.