

AILA- CHICAGO CHAPTER & CBP FIELD OFFICE LIAISON
MEETING
October 23, 2015

AILA Chicago Chapter Committee Members Present:

Nell Barker, Co-Chair
Tzu-Kai Lo, Co-Chair
Leah Duckett
Maria Frenn Kallmeyer
Kristen Harris

1. Personnel

Have there been any personnel changes of senior management at the Chicago Ports of Entry?
Have there been any significant changes in these assignments?

CBP Officers at Chicago Field Office

William Ferrara, Director of Field Operations (12 state region)
Steven T. Artino, Assistant Director (Border Security), Chicago Field Office
Joseph Kolb, Admissibility and Passenger Programs Manager, Chicago Field Office
Brett Sturgeon, Admissibility and Passenger Programs Manager, Chicago Field Office
Robert Harris, Program Manager, Chicago Field Office

CBP Officers at Ports of Entry

O'Hare

Matt Davies, Area Port Director
Michael Pfeiffer, Assistant Port Director, Passenger Operations
Hans Leiterman, Assistant Port Director, Tactical Operations
Paolo Bellantuono Chief Officer – Secondary Inspection, Deferred Inspection
Gwen Flowers, Chief Officer
Patrick Salgado, Chief Officer
Peter Manno, Chief Officer
Jeffrey Toland, Chief Officer
Brian Bell, Watch Commander
Brian Henke, Watch Commander
Jaime Gray, Watch Commander
Marcos Jones, Chief Officer
Ralph Piccirilli, Chief Officer
Corey Scudder, Chief Officer
Jesse Ortiz, Professionalism Service Manager

Midway

Joseph Chavez, Chief
Vigender Sawal, Supervisor
Marcella, Lyles, Supervisor

Deferred Inspection

Val Parks, Supervisor

2. I-94 Correction

We want to thank CBP O'Hare for changing its I-94 correction process so that an automated message is immediately sent in response to an e-mail sent to i94chi@cbp.dhs.gov with an I-94 correction request. We note that the automated message contains an anticipated response time for the correction- currently 24-48 hours. However, there were times this summer when processing increased to 3-4 weeks.

- a. Would CBP O'Hare consider updating this auto response email when there is a significant change in the processing timeframe?

Yes. We will consider some type of updated response, should a similar delay happen again.

- b. Alternatively, would CBP consider responding to the request within the stated timeframe with an updated timeframe in which the correction can be expected?

See above.

- c. Please also inform us of the preferred follow-up action when a correction is not received within the stated processing times.

Follow up with Deferred Inspection Supervisor, Val Parks. valiant.parks@cbp.dhs.gov

- d. At this time does CBP provide any confirmation when a correction is finalized?

CBP will not be providing confirmation.

3. B-1 Admission

The US Department of State has enumerated several permissible, and very specific, uses of the B-1 visa in the Foreign Affairs Manual (31 pages worth). These sections often form the basis of a consular visa application and approval.

- a. While, of course, we understand that CBP is not bound by the FAM, does CBP recognize these disparate uses of the B-1 and reference these explanations?

Officers receive training on B-1 activity and are familiar with B-1 permissible activity.

- b. Is it helpful to supply the FAM to the traveler to help explain the permissible intent?

It may be most helpful in Secondary Inspection.

- c. As one example, would CBP take issue with an ordained Catholic priest, entering to perform part-time, voluntary religious services and associated pastoral activities as described in 9 FAM 41.31 N9.1-4? "9 FAM 41.31 N9.1-4

When Applicant Is Unable to Qualify for R Status (CT:VISA-701; 02-15-2005) In cases where an applicant is coming to perform voluntary services for a religious organization, and does not qualify for R status, the B-1 status remains an option, provided that the applicant meets the requirements in 9 FAM 41.31 N9.1, even if he or she intends to stay a year or more in the United States."

All admissions will be considered based on the totality of the circumstances. If applying under an uncommon provision, explanatory documentation would most likely be considered in Secondary Inspection.

- d. For those B-1/B-2 visa holders with the annotation of B-1 in lieu of H-1B, would CBP require that a letter of employment confirmation be provided at the port of entry for every entry?

It is recommended.

4. L-1 Blanket Admission

During our last liaison meeting, CBP confirmed that the L-1 blanket visa holders will be initially admitted for three years and then subsequently until the I-129S endorsement date.

- a. Can you confirm if there is an update in the official Blanket L admission policy from headquarters?

There is no update.

- b. Once an L-1 blanket visa holder has been initially admitted for three years, would it be necessary for him or her to continue to carry the endorsed I-129S?

It is not necessary, but always a good idea to carry relevant documentation.

- c. If the L-1 visa holder forgot to bring the endorsed I-129S or didn't know they needed to bring it after their initial admission, would CBP still admit them? For what period?

Yes, they could be admitted for the validity of the I-129S.

- d. Does CBP note the validity of the I-129S form in the system upon the original entry and refer back to it up on subsequent entries?

Yes, it is noted.

- e. We have observed that the PED listed on L-1 blanket visas is not consistently tied to one particular date (Corporate Blanket validity, I-129s validity, etc.). Does CBP reference the PED listed in an L-1 visa granted under the blanket approval?

Applicants should be admitted to the validity of the I-129S.

5. Advance Parole Admission

We have received recent reports from our membership that there has been an increase in the questioning of Advance Parole (AP) holders entering through Chicago O'Hare.

- a. EXAMPLE: An AOS applicant who also holds a B-2 visa presented his AP while entering the US through O'Hare but was admitted into the US in B-2 status after repeatedly requesting the officer admit him in AP. The officer stated that it was okay for him to enter the US in B-2 as he would have his interview before the expiry of the admission period. The erroneous admission was later corrected at deferred inspection.

- i. Are officers aware that a person with an AOS pending may abandon their AOS if they are admitted on something other than AP/H/L?
Yes, officers should be aware of this.

- ii. On what basis would an officer make the decision to admit an AOS applicant in B-2 (or another available visa) over Advance Parole?

If a traveler has a preference, CBP will consider a request for one status over another. However, if an Advance Parole is presented the subject will most likely be paroled into the United States.

In the example, given, if there are no other relevant circumstances, a traveler should be admitted under Advance Parole and not B visa status. The statements as presented above represents a misunderstanding on the implications

- b. We have heard reports of officers emphasizing to travelers that Advance Parole is discretionary. We agree.

- i. What is the guidance provided to officers as to proper use of this discretion?

There is no express guidance on this. It would be considered under the totality of the circumstances. However, the current O'Hare policy is that an entry on Advance Parole will not be denied without review by top port officers.

- ii. Are officers aware that a departure from the US with Advance Parole does not constitute a departure from the US within the meaning of section 212(a)(9)(B)(i)(II) [unlawful presence], effectively removing that section as a proper basis for denial of Advance Parole? *See Matter of Arrabally & Yerrabelly, 25 I&N Dec. 771, 777 (BIA 2012)*

Supervisory officers should be aware of this. It is under review by counsel.

6. Deferred Inspection

We would like to confirm some procedural issues for attorneys to represent their clients at Deferred Inspection.

- a. Please confirm that at in person interviews, attorneys will be allowed to be present with a signed G-28.
Yes.
- b. After the G-28 has been provided, can the attorney contact the officer by phone for additional information?
Yes.
- c. Will officer in charge of the case contact the attorney of record if additional information is needed?
Yes.

- d. When a returning lawful permanent resident is paroled in for deferred inspection, and is served with a notice to appear, but found to be removable (not inadmissible) and placed in proceedings after having been told that he has been admitted, will the I-551 card be returned? Is there a policy in this regard?

If admitted and charged under INA 237, then yes, the card should be returned.

- e. How is a decision made regarding whether to charge a returning permanent resident as inadmissible or removable? Are there specific guidelines?

There is no official policy. Speaking generally, if the basis is under 212, then it would be most common to charge under 212. That process is easier for our officers. If the basis is under 237 only, then we would charge under 237.

7. CBP Records

USCIS has been relying on CBP travel records, and recently denied an I-539 Change of Status application on the grounds of abandonment due to international travel. USCIS cites CBP records. However, a check of the I-94 website's 'Travel History' section does not confirm any international travel.

- a. Can you provide any insight as the source of such an inconsistency?
We cannot confirm what USCIS is using.
- b. If USCIS is relying on CBP records on making such determination, can the record be corrected by CBP?

This depends on the source of the error.

The following questions request feedback on current procedures to challenge CBP records that show a previous finding of inadmissibility.

- a. Once finding of inadmissibility was made against a foreign visitor at the O'Hare, how long does CBP keep the record if the finding was from many years ago?
Records should be accessible online.
- b. Is there any available procedure to challenge the filing directly at the Port of Entry? If, so please explain.

Send a Request to Vacate email to the Port Director. He will review it.

8. O'Hare Contact

As members of the liaison committee, we are routinely asked for a contact at O'Hare to deal with incoming or present passengers. With whom should we connect members in the following situations:

- a) general admission questions related to O'Hare?

Supervisors:

Samuel Merritt
Bianca Marangos

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bianca.marangos@cbp.dhs.gov

Mona Burwell
Tomica Craig
Steven McKlem
Thomas Palmisano

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b) Secondary inspection issues related to O'Hare?

Chief Paolo Bellantuono

paolo.bellantuono@cbp.dhs.gov

Announcement by CBP: Gate-side exit biometrics are being collected at O'Hare. Please refer to the federal register for details:

<https://www.federalregister.gov/articles/2015/07/28/2015-18418/test-to-collect-biometric-information-at-up-to-ten-us-airports-be-mobile-air-test#h-14>