

## Questions for CBP Liaison Committee

Meeting on November 16, 2018

### AILA CBP liaison committee:

Kathryn Weber  
Mercedes Badia-Tavas  
Maria Kallmeyer  
Pawel Boruch  
Ana Maria Tyrrell  
Stephen Berman  
Lindsay Wunrow  
Jacqueline Lentini McCullough  
Meredith Doll  
Nell Barker

### **CBP Personnel**

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

Updates for Midway below in red.

### **CBP Officers at Chicago Field Office**

Robert White, Director of Field Operations (12 state region)  
Steven T. Artino, Assistant Director (Border Security), 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 Airport*

Matthew Davies, Area Port Director  
Michael Pfeiffer, Assistant Port Director, Passenger Operations  
Hans Leiterman, Assistant Port Director, Tactical Operations  
Patrick Salgado, Chief Officer – Secondary Inspection, Deferred Inspection  
Paolo Bellantuono, Chief Officer – Overnight  
Gwen Flowers, Chief Officer  
Peter Manno, Watch Commander – **retired**  
Jeffrey Toland, Chief Officer  
Brian Bell, Watch Commander  
Brian Henke, Watch Commander  
Jaime Gray, Watch Commander  
Marcos Jones, Chief Officer - Overnight  
Timothy Borden, Chief Officer  
Ralph Picarilli, Chief Officer

Corey Scudder, Chief Officer  
James Saunders, Professionalism Service Manager

*Midway Airport*

Joseph Chavez, Chief

(Rafal – Chief at Midway until end of 2018)

Juan Rodrigues, Supervisor at Midway in the morning

Val Parks, Supervisor at Midway in the morning

Florian Moran, Supervisor

Vijender Sawal, Supervisor – **retired**

Sean Gillis, Supervisor – now at terminal 5

*Deferred Inspection*

Khashayar Normandi, Supervisor

**Communication Protocols:**

2. Please confirm that the following communication protocols remain accurate and updated.

*Passenger Issues at O'Hare*

For an inquiry regarding a passenger currently at Terminal 5, **please call first**, asking to speak to an “SIU Supervisor on Duty,” with the option of escalating to the Watch Commander.

- Terminal 5 CBP office, **773-686-2800** and ask for Supervisor on duty at SIU/Watch Commander.
- [ChicagoWatchCommander@cbp.dhs.gov](mailto:ChicagoWatchCommander@cbp.dhs.gov).

*Deferred Inspection*

SCBPO Khashayar Normandi ([Khashayar.E.Normandi@cbp.dhs.gov](mailto:Khashayar.E.Normandi@cbp.dhs.gov)) is the supervisor at Deferred Inspection. The contact information is:

536 S. Clark Street, Suite 1035

Chicago, Illinois 60605

312-542-4928

Hours are 8:00 a.m. - 3:00 p.m., Monday - Friday

*I-94 correction issues*

- a. Try I-94 email correction, or appear in person at Chicago Deferred Inspections. [i94chi@cbp.dhs.gov](mailto:i94chi@cbp.dhs.gov) (please attach your G-28, client passport biographic page, visa, admission stamp, I-94 record, and any other relevant documents). This email address is only for individuals who entered via Chicago O'Hare or Chicago Midway OR who have a local residence.
- b. **After 48 business hours, you can follow up with SCBPO Khashayar Normandi ([Khashayar.E.Normandi@cbp.dhs.gov](mailto:Khashayar.E.Normandi@cbp.dhs.gov))**

- c. If issues are still not resolved, please contact Supervisors SCBPO Mona Burwell ([Mona.R.Burwell@cbp.dhs.gov](mailto:Mona.R.Burwell@cbp.dhs.gov)), SCBPO Nelson Durant ([Nelson.J.Durant@cbp.dhs.gov](mailto:Nelson.J.Durant@cbp.dhs.gov)), or SCBPO Michael N. Pagliaro ([Michael.N.Pagliaro@cbp.dhs.gov](mailto:Michael.N.Pagliaro@cbp.dhs.gov))
- d. If your issue is not being addressed/resolved and you have first tried to contact Supervisors SCBPO Normandi, SCBPO Burwell, SCBPO Durant, and SCBPO Pagliaro further follow up can be done with Ralph Picarilli, Chief Officer at O'Hare ([Ralph.A.Picarilli@cbp.dhs.gov](mailto:Ralph.A.Picarilli@cbp.dhs.gov)).

#### General Policy Inquiry or Midway Specific Issue

If you have a general CBP policy inquiry for the local port, please contact Chief Joseph Chavez, he is our *primary liaison*. You can also reach out to Chief Chavez for any Midway specific issues.

Chief CBP Officer Joseph Chavez  
Midway International Airport  
Phone: 773-948-6330  
Cell: 312-933-6093; Fax: 773-948-6239  
[JOSEPH.A.CHAVEZ@cbp.dhs.gov](mailto:JOSEPH.A.CHAVEZ@cbp.dhs.gov)

#### Allegations of Unprofessional Conduct by CBP

James Saunders, Professionalism Service Manager, [James.Saunders@cbp.dhs.gov](mailto:James.Saunders@cbp.dhs.gov)

#### Follow-up

If you have not received a reasonable response, please contact Chief Patrick Salgado ([Patrick.Salgado@cbp.dhs.gov](mailto:Patrick.Salgado@cbp.dhs.gov))

### **Policy Changes**

3. How have your priorities changed in the past 6 months? Are you reallocating resources or is there new funding for any new priorities? How are any new priorities changing your structure?

**No new policies or procedures.**

### **Errors and Issues with Travel Documents**

4. Are petition-based classes (H, L, O, P, etc.) permitted to travel on a previous employer's still-valid visa stamp in the same classification, if they present the passport with prior employer's visa stamp, in conjunction with a new I-797A for the current employer? Will such applicants for admission be admitted for the duration of new I-797A?

A traveler seeking entry in a petition-based category (H, L, O, P, R, etc.) may provide a valid visa in the same category even if based on prior employment as long as the traveler has the new I-797A approval notice. It's best to have the original I-797A, but a copy should work after verification of petition approval in secondary inspection. The traveler will be admitted for the duration of time listed on the I-797A or until the expiration of the passport (if it expires prior to the period of time specified on the I-797A).

5. What does CBP do when an individual has a passport with a name that does not exactly match the name on the visa and or approval notice?

CBP will ensure the person is the true bearer of the document by running the passport through their internal system. The passport will control over a visa in the case of a name discrepancy.

6. How does CBP handle the inspection of a traveler who has just received a new visa or permanent residence card (Form I-551) that contains an error (i.e. birthdate does not agree with birthdate on passport)? Is there any sort of recommended protocol for travelers to follow under these circumstances when being inspected?

CBP will ensure the person is the true bearer of the document based on information in their internal system. This will be done in secondary inspection. CBP will not deny admission to an individual based on this type of error but would advise the individual to contact the appropriate agency to correct any errors.

7. Does the admissions officer want to see a new H-1B visa stamp for a new employer even if the old visa stamp is still valid?

See answer to question # 4.

8. Errors in travel history data available on the CBP.GOV website are causing issues in USCIS processing. What is the recommendation from CBP for correcting this inaccurate data?

CBP Chicago cannot correct travel history on the CBP website. This matter will have to be raised with Headquarters. They are aware that it is causing issues with USCIS denying I-131s and I-485s. Noncitizens may have to prove that they didn't board a flight on which they were on the manifest.

### **CBP Evaluation of Admissibility/Derived U.S. Citizenship**

9. When an applicant for an immigrant visa is denied lawful permanent residency and is found inadmissible by USCIS, how does CBP evaluate this applicant when they later apply for admission at a port of entry with a valid non-immigrant visa?

CBP will evaluate the case the same way as all applicants for admission. The applicant for admission may have to show additional evidence on nonimmigrant intent.

- a. Is it advisable to file a non-immigrant waiver at the port of entry ahead of time?

If applicable and allowed regulations.

- b. Should the traveler carry with him/her some documents explaining why he/she believes she is admissible as a non-immigrant?

Yes, if applicable.

- c. If the denial of the immigrant visa application is being appealed, does this affect or change CBP's evaluation in any way? Would make it more difficult.

Yes – it would be more difficult for applicant to be admitted because of immigrant intent.

10. When a U.S. citizen is a citizen by derivation but has not yet obtained an N600 or U.S. passport and is traveling with a valid LPR card, will CBP evaluate the individual's claim to U.S. citizenship? For example, what if this individual has a conviction which would make him inadmissible as an LPR?

The individual can present documents demonstrating U.S. citizenship. If they meet the requirements, then CBP can admit the individual as a U.S. citizen. No waiver for lack of U.S. passport would be required.

- a. If the person must travel on an emergency basis prior to obtaining a U.S. passport, is there anything attorneys can provide the traveler with to facilitate his/her entry?

The individual should carry a copy of the passport application and proof of U.S. citizenship. If CBP cannot determine whether the individual is a U.S. citizen, then it will send the individual to deferred inspection.

### **Effect of Pregnancy/Giving Birth on a Non-Immigrant Admission**

11. We have seen reports of pregnant applicants for admission on ESTA or B1/B2 receiving findings that they are intending immigrants, and they are allowed to withdraw their applications for admission. Is there a policy regarding admission of pregnant women on ESTA or B1/B2?

There is no policy preventing the admission of pregnant women on ESTA or B-1/B-2 visas, but they must provide proof of intended departure prior to birth or evidence of funds to cover the cost of hospitalization/care for labor/delivery. CBP is concerned with public charge ground of inadmissibility and can acquire information to see if the applicant for admission obtained public benefits in the past.

- a. If this is the policy, could you please explain the reasoning?

See above response.

- b. If there is an admissibility issue preventing pregnant women from admission, is there any way to overcome it? For example, any evidence they could present to show they intend to depart prior to giving birth? Letter from the treating physician in their home country?

See above response.

12. We have heard reports that some individuals who have entered on a B visa and had a child in the U.S. during their stay have had their visas cancelled at the airport prior to departure. Is this something that is done by CBP? If so, what is the legal basis behind these visa cancellations?

This is done on a case by case basis. One reason for revocation of a visa is based on 22 CFR § 41.122(e)(5) (“The alien has been permitted by DHS to depart voluntarily from the United States”). This is typically invoked when CBP discovers an outbound passenger who has overstayed a period of admission on a nonimmigrant visa.

### **TN Admission**

13. What is the training procedure for CBP officers regarding the duration of TN admissions? Are CBP officers trained that TNs from Mexico can be admitted for up to three years regardless of the validity of the TN visa in their passport, pursuant to 8 C.F.R. 214.6(e)?

Yes – CBP officers are trained on this issue. An applicant for admission in TN status requesting the full 3-year admission period should show a letter explaining the need for this period of admission. The default period of admission is one year.

14. Are CBP officers trained that the consulates can only issue the visa for up to one year per the country reciprocity schedule (see 9 F.A.M. 402.17-9), but that the admission by CBP can be up to three years?

Yes – see response to question #13 above.

15. Is there a particular CBP Manual section we can refer to in a letter presented by the TN at the POE in order to make it easier for the CBP officers to confirm that the three-year request for admission is supported by the regulations?

No – this guidance is provided to CBP by Headquarters.

### **Blanket L**

16. What guidance are officers given regarding individuals entering the U.S. pursuant to a Blanket L? Our understanding is that they should be admitted for the duration of the I-129S; however, officers regularly admit them pursuant to the PED date or the expiration

of the Blanket L approval instead of the I-129S. This results in records often having to be corrected after entry with deferred inspection.

An individual entering the United States pursuant to a Blanket L will be admitted for the duration of the I-129S. If the applicant for admission is not admitted for this period, s/he should ask to speak to a supervisor. The applicant for admission should request to be admitted for the full period and travel with a letter explaining that admission should be for the full period as indicated on the I-129S.

### **H-1B Period of Admission**

17. If a foreign national has a currently approved, but soon expiring H-1B, as well as an approved H-1B extension that is not yet valid at time of entry, what is the current procedure for determining the period of admission?

CBP will admit the H-1B holder for the full validity of the new petition so long as no gap exists between the current and extension petitions.

### **I-407s**

18. It is a requirement that I-407s not be obtained under duress. Some would argue that being in secondary with the option of being detained is duress. It is a significant benefit that is being surrendered through this process and it seems worthy of some additional review to be complete under these circumstances. Would you consider requiring Port Director or Assistant Port Director approval, similar to the process in place to deny entry on Advance Parole?

The process to submit the I-407 is voluntary. CBP supervisors must review the I-407 and submit it on the applicant's behalf, but the Port Director is not usually involved in the process. If the traveler agrees to submit I-407, CBP won't necessarily return the traveler; s/he may be eligible to file an I-193 (waiver of passport and/or visa) If the individual does not agree to submit an I-407, CBP may issue a NTA. This is usually done in extreme circumstances (e.g. abroad for 9 years and no U.S. family ties).

### **Entry of Children Board Abroad to Lawful Permanent Residents**

19. The regulations provide under *8 CFR §211.1(a)(b) and (2) regarding Documentary Requirements, Immigrants and Waivers*, the CBP Officer at the time of each child's first entry into the U.S. after birth abroad to the LPR parent, and before their **second** birthday, should process the child as a lawful permanent resident by recording the child's entry on Form I-181 Memorandum of Creation of Record of Admission for Lawful Permanent Residence. It has occurred with frequency that LPR parents are not aware of this provision in the regulations, and often return to the U.S. without requesting for the I-181 process.

- a. How are these cases processed at the Chicago Port of Entry?

These cases would most likely be referred to secondary inspection for review.

- b. What documents should the parent's prepare for this process?

The parent should have the required photographs. If they don't have the photographs, then CBP will provide instructions on obtaining photographs and ask that they return with them. CBP cannot file the paperwork without the photographs.

- c. Should a CBP Officer ask the LPR parent if the child will be applying for the I-181 Memorandum to create the record of admission?

The LPR parent should be prepared to request the I-181 process.

- d. How should an error by CBP be addressed with the Chicago Port of Entry?

If the child is admitted incorrectly, then this can be corrected at deferred inspection.

- e. What USCIS Service Center adjudicates these applications?

Texas Service Center.

- f. What is the normal processing time for the child to receive their green card in the mail?

Check with USCIS

## Global Entry

20. Has CBP issued any new guidance regarding denial of Global Entry to individuals, if the individual is an officer of a company, which signed a settlement agreement with DHS in relation to an I-9 investigation?

- a. What division within CBP or DHS has control over these issues?

An applicant for global entry cannot be subject to any pending litigation. If the litigation involves the company and not the individual, the Office of Field Operations would handle this application.

- b. What is the appeal process?

An applicant for global entry will receive written notice regarding the reason for a denial. If the application for global entry is denied, the applicant can talk to a supervisor at the enrollment center. In addition, an appeal may be filed with the



CBP Ombudsman. See the following link for the appeal process:  
[https://help.cbp.gov/app/answers/detail/a\\_id/1150/~trusted-traveler-application-denied](https://help.cbp.gov/app/answers/detail/a_id/1150/~trusted-traveler-application-denied)

- c. Should the CBP Ombudsman be contacted directly?

See answer to question #20.b. above.

Additional question at meeting:

- 21. AILA has received reports of CBP stopping returning LPRs at POE on suspicion of marriage fraud and issuing NTAs, charging them as arriving aliens. What is the reason for this?

CBP is actively looking into this matter.