

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
USCIS CHICAGO FIELD OFFICE
QUESTIONS FOR MAY 24, 2016 MEETING
101 W. CONGRESS PARKWAY
CHICAGO, IL 60605**

Town Hall Meeting

1. Is there any information you can share from the May 4th town hall meeting with Deputy Secretary Mayorkas?

Deputy Secretary Mayorkas expressed his thanks to the dedicated men and women who serve DHS every day. He reemphasized that both he and the Secretary are committed to the mission and ensuring the best possible employee experience. He recognized several Chicago DHS employees for excellence, including one of our officers from the Chicago Field Office. Due to his tight schedule, he was disappointed he could not take advantage of the kind invitation from AILA.

Transgender Birth Certificates

2. The Adjudicator's Field Manual indicates that when an applicant/beneficiary has changed genders, the USCIS will accept either a government-issued identity document or a medical certification from a physician as proof of the change in gender.
 - a. Please confirm that the officers at the Chicago office have been trained on this guidance and are aware of it.

Officers at the Chicago office are aware of and have access to the Adjudicator's Field Manual (AFM) and relevant policy memorandum.

- b. The AFM does not distinguish between doctors in the US and doctors abroad. Please confirm that the medical certification can be from a US based or foreign doctor.

Not all persons who hold doctoral degrees or are licensed to practice medicine are eligible to submit certifications of this nature. Guidance contained in the AFM states that medical certification may be accepted only from persons licensed as a Doctor of

Medicine or a Doctor of Osteopathy. Foreign practitioners must meet this standard, and provide the required licensing information as part of the certification.

- c. Please confirm that the officers at the Chicago office are aware that many foreign jurisdictions do not recognize the legality of a change in gender and an applicant/beneficiary's passport/birth certificate may not reflect their current gender.

To establish eligibility, applicants in possession of such documentation have the option of presenting a medical certification from a qualified physician, or a court order recognizing current gender.

Documents for N-600 oath ceremony

3. When an applicant for an N-600 is approved and an oath ceremony is scheduled, what documents is the applicant required to present? Note that applicants may also be applying for a US passport and may no longer be in possession of the permanent resident card because the US Passport Agency collects the document upon application for the passport. In such a case, will USCIS administer the oath ceremony without the card? What other evidence, if any, is acceptable?

If the applicant no longer has a permanent resident card or never received one, prior to the ceremony, the applicant will be required to complete a sworn statement establishing the circumstances resulting in the absence of a PRC or ARC.

Delays and Medical exams

4. Members have experienced delays in processing I-485 applications, requiring submission of a second medical examination. What does the local office do to avoid this problem? We have some cases pending beyond one year, for which a new medical exam has not been requested.
 - a. Does the Service flag the dates when medicals are about to expire in order to avoid the added expense and processing?

Currently, these cases are not tracked.

How should attorneys encourage case adjudication to avoid the need for a new medical exam?

Counsel may bring this to the attention of the Adjudications Unit via any of the available avenues of inquiry.

Naturalization

5. If a naturalization applicant's N-400 application is denied, for whatever reason, following an interview with a particular officer and the applicant later files a new application, is it your office's policy to assign the second application to a different officer than the one who interviewed the first case?

No.

- a. As a follow up to that, if an N-400 applicant fails to pass the exams at their first interview, is the second interview (the re-interview) always assigned to a different officer?

Yes.

6. How can an individual obtain a duplicate of the name change document issued with the Naturalization Certificate?

Requests can be made to the District Court for the Northern District of Illinois on the 20th floor of the Dirksen Federal Building depending upon when the person naturalized; see below.

NAME CHANGE PETITIONS

1999 - Present	Name change petitions with the U.S. District Court
November 1991 - January 1999	Name change petitions in the archives
Prior to November 1991	Name change petitions with INS (currently Homeland Security) located at 101 West Congress Parkway, Chicago, Illinois

7. Are there any plans to increase the number of oath ceremonies given the upcoming elections?

Many factors are considered in determining the number of naturalization ceremonies that are scheduled each month.

Is there a recommended procedure to request an expedited oath ceremony?

Any expedited requests for a naturalization ceremony should be submitted to Rose Cavazos, Branch Chief, with evidence to support the request.

An expedited naturalization?

Same as above.

What is the criteria used to evaluate requests to expedite either?

Generally, USCIS will process cases chronologically, in order of receipt, taking cases out of turn only when there are special circumstances of a compelling or humanitarian nature. Special circumstances for expediting an oath ceremony include a serious illness of the applicant or a member of the applicant's family; a permanent disability of the applicant sufficiently incapacitating as to prevent the applicant's personal appearance at a scheduled ceremony; the developmental disability or advanced age of the applicant which would make appearance at a scheduled ceremony improper; or an urgent or compelling circumstance relating to travel or employment determined to be sufficiently meritorious to warrant special consideration.

Processing times

8. Please provide current processing times for the following:
 - a. I-485 filing to interview
 - b. I-485 post-interview to approval
 - c. N-400 without name change
 - d. N-400 with name change
 - e. N-600

To be discussed at meeting.

Updated Supervisor list

9. Could you please provide an updated Supervisory list?

See Attached.

Post-Order Procedure

10. Are the current post-order procedures for individual granted relief or protection from removal posted on the website accurate?
(see <https://www.uscis.gov/sites/default/files/files/article/PostOrderInstr.pdf>). Members report that the procedure seems to take longer than indicated. Please advise how members should proceed when a case has been granted by the Immigration Court, approximately the procedure they should take, and steps to follow if outside of this timeline.

Applicants are being told that the district office requires clearance codes to process the benefits documents.

- a. What clearance “codes” does US CIS need in order to process these document? Are these clearance “codes” also required for minor approved applicants? How long does it take for these codes to clear? Why the delay when presumably background checks have already cleared with the Court and with ICE before the benefit was granted?

Before USCIS processes benefits documents, we must receive a completed Background Check Registry (BCR) from the ICE Office of Chief Counsel. Recently, the time between the court order and receipt of the BCR has varied. When we have not received the BCR, we will make an attempt to obtain it from ICE OCC while the applicant is still present in our office during an InfoPass appointment. If we are not able to obtain the BCR during that visit, we will contact the applicant or attorney when it is received.

Receptionist Times

11. What days and times are the receptionists supposed to be available on the second and third floors to accept filings in person?

Receptionist Availability: 2nd Floor – Citizenship

The second floor receptionist area is manned from 8:00 a.m. – noon on Monday through Thursday.

Receptionist Availability: 3rd Floor – Citizenship

- Monday – Thursday 7:15 a.m. – 2:00 p.m.

After 2:00 p.m., document drop off and inquiries are accepted on the first floor.

- Fridays – No receptionist will be at the window, document drop off and inquiries are accepted on the first floor.