

**AMERICAN IMMIGRATION LAWYERS ASSOCIATION
USCIS CHICAGO FIELD OFFICE
QUESTIONS FOR June 29, 2017 MEETING
101 W. CONGRESS PARKWAY
CHICAGO, IL 60605**

1. Form I-212 Processing

Regarding Form I-212 processing at the Chicago Office:

- a. Is the USCIS Chicago Office tracking the processing of these waiver applications? If not, would it consider doing so?

The Chicago Field Office does not track the processing times for Form I-212 waiver applications.

- b. Who should we contact regarding long-pending I-212 waiver applications?

Please make inquiries through existing channels for other applications processed in the Adjudications Unit. This includes chi-exm-inquiry@uscis.dhs.gov, a hard copy inquiry, Infopass appointment or contacting Branch Chief Pauline Woodson

- c. At what time frame should an attorney begin inquiring into the status of adjudication of the waiver?

Please allow a minimum of 180 days from filing prior to making an inquiry.

- d. What factors does the USCIS Chicago Office consider when deciding whether to approve the waiver application or contact ICE to execute the removal order?

Each waiver application is reviewed on a case-by-case basis and the decision is made after reviewing the applicant's immigration history as well as all evidence submitted in support of the application. Please see Adjudicators Field Manual section 43.2 for factors that may be considered. Please note that USCIS is not a law enforcement agency, but USCIS may contact ICE in certain cases, which may include unexecuted final orders of removal, as determined on a case-by-case basis.

- e. Are interviews required for these cases?

USCIS may schedule an interview if warranted.

2. Form I-212 Filing

Form I-212 is to be filed with the local field office to overcome the INA 212(a)(9)(c) ground of inadmissibility after an applicant has remained outside the US for ten years.

- a. Is it possible to file this waiver application with the local office prior to the ten years expiration?

No. Please see Form I-212 instructions.

- b. Are receipt notices issued for these cases?

Yes.

3. Parole-In-Place

What is the process for renewing Parole-In-Place (PIP)? Is it the same as filing initial PIP? Will USCIS approve PIP renewal if someone is not eligible for AOS? Are there any additional factors that will be considered?

PIP renewal requests should be submitted in the same manner as initial requests, with the notation that it is a request to renew. The requestor is encouraged to submit a renewal request before the expiration of his/her current parole. Each parole decision is made on a case-by-case basis considering the positive and negative discretionary factors of each request.

4. Deferred Action

Has USCIS been provided any new guidance on issuance of Deferred Action (non DACA) since the change in Administrations? Have they approved any requests for Deferred Action at the local office since that time?

The guidance for the issuance of (non-DACA) Deferred Action remains unchanged. When warranted, Deferred Action requests have been granted.

5. ASC Closure at Broadway and Lawrence

USCIS recently closed the ASC located at Broadway and Lawrence, and applicants previously assigned to that site are now being assigned to the ASC in Norridge. This is highly problematic, due to the distance and limited access to public transportation between Chicago and Norridge.

Are there plans to open a more conveniently located ASC in or near the north side of Chicago?

At this time, there are no plans to open a new ASC facility. The appointments scheduled at the Broadway ASC were assigned to the Norridge and Pulaski ASCs based on zip codes.

6. De-scheduling of Interviews

Recently an out of town attorney appeared for an appointment with an applicant only to find out that it had been de-scheduled. Applicants often spend thousands of dollars to fly an attorney in town from another office. The USCIS officer indicated that the attorney should have checked the online status update the day before the interview to confirm that it was still going forward.

- a. Is this the expectation for every interview scheduled at USCIS?

A notice is issued to the applicant and attorney of record when a case is de-scheduled. When an officer needs to cancel or reschedule an individually issued G-56, the officer calls the attorney of record.

If you have specific case information, please provide that information so that the Field Office may review the matter.

- b. Is there a process set in place by which the G-28 attorneys will receive timely notice that an interview has been de-scheduled?

If the NBC deschedules an interview, they will contact the attorney of record by mail or by phone if within 10 days prior to interview. If the Chicago Field Office has descheduled a locally scheduled interview, you will be similarly contacted by mail or by phone.

- c. Is there a way to confirm that an interview will be taking place?

Generally, interviews take place as scheduled unless the applicant/petitioner has an approved reschedule request. On rare occasions the need to de-schedule may not be foreseen in advance preventing notice before the interview. Out of town attorneys may check case status on-line or call the customer service number at 1-800-375-5283. In the

alternative an attorney may submit an inquiry via mail or e-mail to the appropriate Branch Chief.

- d. If an interview is being de-scheduled would it be possible for the attorney to be consulted ahead of the rescheduling so that the interview reschedule can happen on a date which would impose the least financial burden on the applicant?

If we schedule/reschedule an interview for a date that causes financial burden to the applicants, then he/she or the attorney of record can request to reschedule by email to chi245resched@uscis.dhs.gov . However, we cannot guarantee a particular day when the case will be rescheduled. Also note that there are limits to the number of times we can reschedule an interview before proceeding to a final decision.

7. Erroneous Scheduling of Interviews

For individuals whose priority date retrogresses at the time of their adjustment of status interview, it is our understanding that the Chicago District Office will return those cases to the National Benefits Center until the priority date becomes current at which point the NBC will make a final decision on the case. Recently, members report receiving subsequent “initial interview” notices for cases that were already interviewed by the Chicago District Office and for which the priority date is still not current. Calls to the NSCS resulted in a strong urging by the customer service representative to attend the scheduled interview. What steps can members take when a case seems to be erroneously scheduled for interview?

If the individual is rescheduled for a date before the priority date comes current, you may schedule an InfoPass appointment, email Branch Chief Pauline Woodson or email chi245resched@uscis.dhs.gov . Please contact the Field Office as early as possible so as to provide sufficient time to liaise with the NBC and determine if descheduling the interview is appropriate.

8. Incorrect I-290B Filing Address on Denial Notices

Members report receiving a Form I-601 denial notice associated with a VAWA AOS case containing erroneous information. The denial notice from the Chicago District Office instructs that the I-290B **must** be filed with the Chicago Lockbox. The USCIS website indicates that a VAWA-related I-290B **must** be filed with Vermont Service Center. This contradicting information can prove especially detrimental to pro se applicants. Can the Chicago District Office make efforts to either correct the standard language in the denial notice or instead include language directing individuals to the USCIS website for the most up-to-date filing location information?

Please provide specific examples to the Pauline Woodson, Adjudications Branch Chief, in order to address this scenario.