



U.S. Citizenship
and Immigration
Services

HQOFO 70/1-P

Interoffice Memorandum

TO: Regional Directors
District Directors
Field Office Directors
National Benefits Center Director
Service Center Directors

FROM: Michael Aytes /s/
Associate Director, Domestic Operations

DATE: May 11, 2007

RE: Processing of Applications for Ancillary Benefits Involving Aliens Who Pose
National Security or Egregious Public Safety Concerns

This memorandum modifies the guidance provided in the July 11, 2006 memorandum entitled *Disposition of Cases Involving Removable Aliens* (PM 110), as it relates to the adjudication of applications for primary and ancillary benefits filed by aliens who pose egregious public safety concerns. It also modifies the February 16, 2007, memorandum entitled *National Security Reporting Requirements*, and provides new guidance regarding the adjudication of ancillary applications¹ filed by aliens who pose national security concerns.

Background

Under the July 11, 2006, memorandum, USCIS officers were instructed to refer egregious public safety cases to FDNS and suspend adjudication of such cases for no more than 60 days or until Immigration and Customs Enforcement (ICE) provides notification of its action on the cases, whichever date is earlier. PM 110 also contained a copy of a Memorandum of Agreement (MOA) dated June 6, 2006, between USCIS and ICE detailing the process for handling such cases. For reference purposes, PM 110 is attached. USCIS will continue to work with its law

¹ Ancillary applications are applications for travel or employment authorization filed in conjunction with a primary or underlying application or petition.

enforcement partners to diligently resolve national security or egregious public safety concerns and, where appropriate, deny primary and ancillary applications and petitions.

Processing Ancillary Applications For Cases Involving Egregious Public Safety Concerns

Ancillary benefit applications filed by applicants who pose egregious public safety concerns shall be processed according to July 11, 2006, and February 16, 2007, memoranda, subject to the modifications below. Service Centers are no longer to refer egregious public safety cases to ICE via the Fraud Detection Unit (FDU), but rather the newly established Background Check Units (BCU). Under these revised procedures, BCUs and local FDNS Operations shall provide the information regarding those cases directly to the appropriate ICE office. BCUs and local FDNS Operations are also responsible for entering data into FDNS-DS and for following up with ICE to ensure a timely response. Problems and other issues in this regard should be brought to the attention of the appropriate Domestic Operations Division through the chain of command.

The adjudication of ancillary applications and petitions shall be suspended for 60 days or until ICE provides notification of its intended action(s) on the primary applicant, whichever is earlier. The adjudication of ancillary applications can resume after that initial suspense period where an applicant is otherwise eligible for such benefit.

Processing Ancillary Benefit Applications For Cases Posing National Security Concerns

Applications for ancillary benefits filed by aliens who pose national security concerns will now be processed in a similar manner as egregious public safety cases. Offices and centers must continue to suspend the adjudication of the primary applications and petitions and e-mail HQFDNS a National Security Record (NSR) on national security-related background check hits and other concerns. The adjudication of the primary application or petition must be held in suspense until receiving direction from the Office of Fraud Detection and National Security (FDNS) or a Domestic Operations Division. The adjudication of ancillary applications and petitions shall be suspended for no more than 60 days so that the notification process can be completed. The adjudication of ancillary applications can resume after that initial suspense period where an applicant is otherwise eligible for such benefit.

Validity Period and Renewal of Ancillary Benefit Documents

Offices should approve ancillary benefits for the standard validity period, which in most circumstances is one year. In the case of an interim employment authorization issued pursuant to 8 CFR 274a.13(d), the validity of the interim employment authorization document shall not exceed 240 days. Extensions of ancillary benefits should be handled according to the procedures described in this memorandum.

Field offices and service centers will be notified by the Office of Field Operations or the Office of Service Center Operations if the instructions contained in this memo should not be applied in a particular case.

Questions concerning this memorandum should be directed to the Office of Field Operations or Office of Service Center Operations through the normal chain of command.