



**From:** Paul Parsons  
**Sent:** Tuesday, May 05, 2009 3:25 PM  
**To:** 'Jodi Goodwin'; 'Sarah Brown'; 'Crystal Williams'  
**Subject:** Notes from 4-24-09 meeting with U.S. CIS and Consular Officials in El Paso

Hopefully the attached summary of the State Bar of Texas Committee on Laws Relating to Immigration & Nationality meeting on April 24, 2009, in El Paso, is of interest. The Committee, currently chaired by Jodi Goodwin, met with the following U.S. consular and immigration officials:

Laura Dogu, Deputy Consul General, U.S. Consulate, Juarez  
Roger Rigaud, Director of the Nonimmigrant Visa Unit, U.S. Consulate, Juarez  
Santiago Burciaga, Director of the Immigrant Visa Unit, U.S. Consulate, Juarez  
Warren Janssen, Field Office Director for the U.S. Citizenship & Immigration Services, Juarez

Please note that these are general notes prepared by my Senior Legal Assistant, Susan Sibrian, who accompanied me to this meeting. These notes have NOT been approved by any U.S. government officials nor by the Committee on Laws Relating to Immigration & Nationality of the State Bar of Texas. I am circulating these notes and our diagram of the buildings located near our country's new U.S. Consulate in Juarez (the busiest in the world) with the hope that this information might be useful for lawyers' clients as well as unrepresented applicants for immigrant and nonimmigrant visas in Juarez.

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**From:** Paul Parsons  
**Sent:** Tuesday, May 05, 2009 7:45 PM  
**To:** Dogu, Laura  
**Cc:** Burciaga, Santiago; Rigaud, Roger  
**Subject:** Notes from 4-24-09 meeting with U.S. CIS and Consular Officials in El Paso

Ms. Dogu -

Thanks to you, Mr. Rigaud, and Mr. Burciaga for taking time out of your busy schedules to meet with us in El Paso to update us about the adjudication procedures and standards at our U.S. Consulate in Juarez.

I hope the attached summary is correct.

Respectfully -  
Paul Parsons

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**From:** "Dogu, Laura"  
**Date:** Fri, 8 May 2009 06:52:27 -0600  
**To:** Paul Parsons  
**Subject:** RE: Notes from 4-24-09 meeting with U.S. CIS and Consular Officials in El Paso

Paul,

Here is an edited document that was reviewed by all of us, including Warren Janssen.

Laura

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**Summary of State Bar of Texas meeting with top CDJ Consular Officials  
April 24, 2009  
Camino Real Hotel - El Paso, Texas**

**Laura Dogu, Deputy Consul General said:**

- Visa floor (1<sup>st</sup> floor) has 87 windows, USC services floor (2<sup>nd</sup> floor) has 22 windows
- Goal is to get applicants in and out within one hour (not yet accomplished!)
- City of Juarez is building new visitor waiting center next door (to get people off the street), but it's not done yet. They will eventually have places to sit in this climate-controlled facility, probably parking, and snacks/drinks. They are in talks about whether this facility would organize the appts by hour, and then when CDJ radios over that they're ready for the next group, this facility would send them over. This is just in the idea stages right now.
- CDJ is largest U.S. Consulate in the world
- PER DAY, CDJ processes 800 to 1200 IVs, 1000 NIVs, 70 to 150 waivers, & 50 to 100 USC services/Federal benefits
- In 2008, CDJ processed 150,000 IVs and 130,000 NIVs (a record year for them) and they caught up on their backlog. This means that all IVs that come through NVC are immediately scheduled for IVs in CDJ.
- CEAC form DS-160 has been released recently – being used in CDJ for NIVs (but NOT for Ks! K1s are to continue bringing duplicate DS-156s and DS-156K and K3s are to bring duplicate DS-156s.)
- Eventually they want to make the DS-230s electronic, but not yet.
- Applicants are to arrive 15 mins prior to time of IV. They have a problem with applicants/family members standing in crowds in front of the Consulate – Attys should encourage clients NOT to arrive more than 15 mins early for IV!! Paseo de la Victoria is a busy 6-lane street (two-way traffic)!
- There are greeters outside to help deal w/the applicants who arrive early. They send them inside to the security office, where they are issued a numbered ticket.
- As of June 1, 2009, all USCs (including immigrant visa petitioners and other family members) must have a passport (or passport card if traveling by land).
- New CDJ Inquiry form on their website – seems to be working pretty well. If they can't answer the question right away, they send an email that they are researching the case and will get back to you.
- To reschedule an IV, you must call the CDJ Call Center.
- If you have Qs about a pending I-601, you must contact Warren Janssen's unit directly ([cdj.uscis@dhs.gov](mailto:cdj.uscis@dhs.gov)).
- CDJ prefers that applicants NOT pay in cash. They would rather the applicants pay with a U.S. Postal Service money order or Visa/Mastercard/Discover/Diners/American Express. You can get prepaid credit cards or visa gift cards, and they encourage this. They will take cash, but prefer not to because of security/safety reasons.

- Medical clinics now accept Visa/Mastercard, either credit or debit cards, and prepaid international Visa/Mastercards (no Discover card or Diners card)
- Administrative processing can mean all sorts of things. A special team does NIV & IV admin processing. Once the admin processing is done, check the website for your case number, and then you can go back to CDJ to the Info Window at the front of the Consulate.
- Don't come too early, don't bring family, don't bring thumb drives (or any other electronic device)...look at list of items not allowed in, because if you bring them, you have two options: 1) return to your hotel to leave the item, or 2) you lose it! CDJ does not have the capability to hold it for you.
- There is a parking lot across the street in the Centro Comercial. Apparently there are lockers somewhere over there for rent if your hotel isn't nearby and you have belongings that are prohibited from CDJ.
- Fraud Prevention Unit....all FPUs from Mission Mexico (meaning all the Consulates in MX) now work together. If CDJ has a case in another state in MX, they box up the case and send it to another Fraud unit that's closer to do the investigation.
- If your case lands in the FPU and it's a birth issue, CDJ likes to speak with the birth mother. Communicate w/CDJ to schedule an IV for the birth mother to come in and speak with a Consular Officer. (FPU schedules appt.)

**Roger Rigaud, Director of NIV Unit said:**

- CDJ still processes some Third Country Nationals when renewing H/L/Es, but no more new Es for TCNs.
- Mission Mexico comprises of 9 U.S. Consulates
- Several big changes:
  - Switch to DS-160 (since 1/20/09) – responses MUST be in English, must complete form as thoroughly as possible, only need to bring confirmation sheet to NIV. Are still working out the bugs in this form.
  - Shift to Applicant Service Center (ASC – the location of the old US Consulate) Opened on April 6th. Right now they have a next-day policy, meaning go in for biometrics at ASC on one day and have NIV the next day. Soon will do same day service. \$26 for photo/fingerprint and passport scans/DHL. Take to NIV: receipt for \$26 and receipt from Banamex for \$131 NIV fee. Computer Sciences Corp runs ASC. Call CSC to schedule appt for biometrics. Appt takes 9-15 minutes, so applicants can do it on their lunch hour or before or after work. Hours of ASC are 7 AM to 6 PM Monday- Friday and 8 AM to 1 PM Saturdays.
  - Administrative Processing: see more info above in Laura Dogu's section.
  - NIV also use the pass back system (DHL), so when the applicant goes to the ASC for biometrics, he/she checks in at the DHL counter to leave an address where the DHL packet can be sent. Right now, it's only within Mexico.

**Santiago Burciaga, Director of IV Unit said:**

- Now have Courier (DHL) pass back of docs. Pay DHL after waiver or IV interview and leave Consulate. DHL can only deliver to two DHL offices in CDJ at the moment, but they are working on opening up more options, like to the applicant's home in MX. DHL's 800 number tells them which of the two DHL offices in CDJ has their docs.
- Two medical clinics – one at old location, and one at new location. 8-10 doctors and 2 panel psychologists at each one. Are building new medical clinic directly behind the Clinica Medica Internacional (at the new Consular location), but it's not open yet. The old Medical Clinic will move there once the building is ready. Children ages 2 to 14 must plan to do medical exam FOUR days prior to IV because of TB skin test. TB skin test must be read in 72 hours, which means that they do not do these exams on Thursdays since it would have to be read on a Sunday, and they are not open Sundays. They are open Saturdays though, so they will do child medicals M-W and F.
- If applicant has been arrested, CDJ wants arrest reports AND final court dispositions, not just the court docs.

- If the applicant is 221(g) (missing docs), and if the Officer doesn't need to speak with the applicant again, can just drop off docs at Info Window at the front of the Consulate, and they'll get their visa thru DHL pass back.
- See Paul Virtue memo re: 212(A)(9)(c) issues for minors – CDJ is taking a tough line on these minors, unlike before.
- NVC now does all CDJ's scheduling for initial IVs.
- If a petitioner who is living in MX legally wants to file I-130 for spouse, must do so at the U.S. Consulate that has jurisdiction over where he/she actually lives (in MX), such as MX City, Monterrey, etc. CDJ will accept I-130s if the petitioner lives within their jurisdiction. I-130s filed at the Consulate are usually processed within 30 to 90 days. They do require evidence from PR that he/she is legally living in MX (such as utility bills, rent receipts, etc.)
- Check stateside if a child can derive citizenship from a parent before filing the I-130 and proceeding to Consular Processing. Saves the IV unit time!
- I-601 waivers: If the applicant is denied for an IV because of unlawful presence (or whatever other reason) and qualifies for a waiver, the Consular Officer will give them written instructions on how to file waiver. Call CDJ Call Center to schedule the appt. Day of IV: show confirmation sheet to greeters outside, take a number, then go straight to Cashier inside Consular building to pay \$545. Wait to be called up by number to talk to FSN (Foreign Service National) who will check waiver packet to make sure it is complete. The FSN passes the case on to a CIS Officer who will adjudicate the case the next day. It is currently taking about 4 business days to receive decision by DHL.
- 18 to 20% of immediate relative cases are found ineligible under 9B for an IV
- ~60% are NOT represented by an atty!
- ~85% of petitioners accompany applicant to CDJ (but are NOT let into the Consulate unless their presence is requested by an officer.

#### **Warren Janssen, Field Office Director for USCIS (I-601 waivers)**

- Added 2 new AOs (Adjudications Officers) to Waiver Unit in 2008. Now have a total of 4 AOs.
- There are 9000 to 10,000 pending referred waivers right now!!!
- International Affairs is building **new branch office in Los Angeles** to help CDJ and other overseas offices to adjudicate waivers and possibly other applications!!!! Will have 8 new AOs and CDJ will send lots of their pending referred waivers to LA. As of 6/1/2009, CDJ will send approximately 4000 referred waivers to the Miami Asylum Office for additional help in adjudicating backlogged waivers. This is just a temporary solution for just a few months whereas the LA office is permanent.
- LA office will have all new hires. Majority of AOs are asylum officers, and all (including Miami office) will receive specialized training in adjudicating waivers. Training to start in a few weeks.
- Goal: process referred waivers within 6 months or less, but might not reach goal until the end of 2009.
- Best to send translations of any docs not in English since the AOs might not read Spanish.
- Pilot Program Same Day/Next Day adjudications is permanent fixture now!
- 50% of cases are approved with pilot program.
- Mexico City has been helping adjudicate backlogged waivers. Approval rate is 30%.
- When FSN goes over waiver packet w/applicant, will ask applicant Qs about unlawful presence dates, and maybe a few other Qs for clarification
- Atty/petitioner will probably NOT be notified if/when case is transferred to LA or Miami
- If we need to mail more evidence of hardship, should just continue to send it to P.O. Box in El Paso, and it should get forwarded on to LA or Miami (wherever case has been TF'd)
- CDJ processes about 100 waivers per day (with 3 Officers) – not enough to keep up with demand. Due to new procedures, delivery of the DHL packet could take up to 3-4 days.
- 2 month backlog before applicant can get waiver IV (from date of IV)
- 19,000 waivers were processed in 2008.

- An atty asked Janssen what constitutes a good waiver, and he was hesitant to answer due to the highly discretionary aspect of adjudicating a waiver and the numerous hardship factors that an applicant may have to demonstrate "extreme hardship," but did give us this:
  - Medical issues are typically the strongest factor
  - Family ties in the U.S.
  - Ability to relocate to Mexico
  - Psych evaluations are given some weight (depending on what they cover in the eval)
  - Financial issues (when combined with other factors)
  - Psych issues that stem from separation of applicant and USC/LPR spouse are given less weight than pre-existing psych issues (so if your petitioner has a history of depression, include supporting docs of this!!)

Restaurante  
Diana

Hotel  
La  
Posada

Quality  
Inn

Restaurante  
Mexicano

Construcción

**Consulado  
Americano**

Nueva  
Clínica  
(no abierto)

Clínica  
Médica  
Inter-  
nacional

Hotel  
Microtel

Denny's

Wendy's

Holiday  
Inn  
Express

Barriga's

Paseo de la Victoria

Tienda  
Bip Bip

(Construcción)

Starbucks

McDonald's

Centro  
Comercial  
Las  
Misiones

Estacionamiento - \$