



Questions and Answers

Feb. 24, 2009

USCIS NATIONAL STAKEHOLDER MEETING

Answers to National Stakeholder Questions

Note: The next stakeholder meeting will be held on March 31, 2009 at 2:00 pm.

Questions and Answers

- 1. Question:** LIRS local affiliates report that refugees applying to adjust status (I-485) or petitioning for family members (I-730) are increasingly being issued RFEs demanding documents (typically birth and marriage certificates) that the refugees do not have and are unable to obtain. The affiliates have observed this problem in Ethiopian, Liberian, and Eritrean refugee clients in particular. The Department of State reciprocity website states that identity documents are available for refugees from these countries, but the clients cannot possibly get back to their home country, where they fear persecution, to get the documents. The problem is particularly frustrating for adjustment applicants, since they successfully passed their overseas screenings but are unable to adjust status using the same evidence that was originally sufficient. USCIS is increasingly rejecting affidavits of birth as a substitute for birth certificates in responses to RFEs. Could USCIS issue guidance helping practitioners understand what forms of proof of identity are sufficient?

Response: Texas and Nebraska Service Centers follow guidelines for civil documents established by the Foreign Affairs Manual (FAM). Request for Evidence (RFEs) will be issued if the birth or marriage documents are missing from the application. If unable to obtain the requested documentation, the applicant may respond that the requested documentation is unavailable and submit alternative documentation for consideration (e.g., if a birth certificate is unavailable, they can submit an affidavit of birth). However, officers adjudicating the I-485 should also be using the evidence from the I-590 to determine the identity of refugee-based adjustment applicants. As indicated by the question, the information on the I-590, which should be accompanied by a photo, was verified by USCIS refugee officers following interviews. We suggest that refugee-based adjustment applicants receiving such RFEs contact our customer service number at 1-800-375-5283 so that any unnecessary RFEs will be brought to the attention of the refugee adjustment supervisors.

- 2. Question:** An affiliate in Washington state reports that responses to RFEs, which the lawyer mailed in December, were not stamped received at the USCIS California Service Center for approximately three weeks. The service center then denied the responses as untimely, even though they would have been timely if the mail had been processed in a normal timeframe. Petitioners now must incur the costs of petitioning to reopen their cases. Will USCIS please review this mail room situation at CSC and indicate what a reasonable mail processing time should be?

Response: The contractor is required to date stamp the mail the day it is received at the Service Center in accordance with our performance requirements. The contractor is also required to process all RFEs within three working days of being received in the center. Both of these

performance requirements receive a 100% accuracy rating from the Contract Performance Analysis Unit (CPAU) for the month of December at the CSC. The CSC is not experiencing any backlogs at this time and the work is current. If we can get examples of receipt numbers from the attorney, we can review the cases and determine if the delay was caused by a USCIS or USPS.

3. **Question:** Refugee Council USA's Fraud / Misrepresentation Working Group has been discussing the problem of minors who are beneficiaries of an affidavit of relationship (AOR) in the P-3 program, but "age out" because they turn 21 before the P-3 process is adjudicated. This is a particular problem since some minors are aging out while the P-3 program is on hold for certain countries due to fraud / misrepresentation concerns. In a recent discussion of the working group, USCIS representatives stated that the agency would consider issuing a policy guideline to the Nebraska Service Center instructing it to grant extensions of the two-year filing deadline for I-730s on a case-by-case basis in order to allow the I-730 to serve as an alternate vehicle for minors who age out while the AOR is pending. What is the status of this directive?

Response: There has not been any recent action on whether USCIS will issue policy guidance on this matter. We will keep you updated on any further progress.

4. **Question:** The form letter that Lautenberg parolees receive after a CIS interview in Moscow has been modified. The older version includes a requirement that the applicant have a job offer while the new one deletes the job offer. We are not aware of any changes that triggered this change. Will this work requirement be returned as a means of assuring that persons are taken care of when they get to the US? (pdf attached)

Response: The previous requirement for prospective Moscow parolees was to provide either an I-134 AOS or a valid job offer to establish that they would not become a public charge. Under the previous instructions, there was no requirement that the prospective parolee had to have a job offer to be approved for parole out of Moscow, so long as the parolee had an I-134 completed on his or her behalf. Allowing prospective parolees from Moscow the choice of providing an AOS or valid job offer was inconsistent with general USCIS parole requirements, which presently require that the I-134 be submitted to establish that the parolee will not become a public charge. The option of providing a valid job offer was eliminated to comply with USCIS parole requirements.