

# SUBJECT-MATTER INDEX

*Note: Page numbers indicate type of document—DOS Cables (pp. 1-16); Agency Memos & Letters (pp. 17-388); or Liaison Minutes (pp. 389-831)*

## A

### A-numbers

- more than one received, 433, 613-14, 614-15
- nine-digit A-numbers, 615
- provision of A-numbers on notices, 544-45

**AAO**, *see* Administrative Appeals Office

**abandonment of LPR status**, *see* Lawful permanent residents

### ability to pay

- field guidance requested, 404-05
- precedent cases that AAO follows, 828

**abuse**, *see* Children and minors; Domestic violence; T & U nonimmigrants; VAWA

**AC21**, *see* American Competitiveness in 21st Century Act

**Adam Walsh Act**, *see* Children and minors

### Adjudicator's Field Manual (AFM) updates

- arriving aliens in removal proceedings, 48-50
- death of I-130 petitioner prior to USCIS action
  - Freeman v. Gonzales* applicable only in CA9, 202-11
- fee waiver guidelines, 161-67
- labor certification substitution requests, 126-30
- medical certification for disability exceptions (N-648)
  - standards for adjudicating, 191-99
- national interest waiver petitions, 58-72
- removal of standardized RFE processing timeframe pursuant to 72 FR 19100, 111-21

### adjustment of status

- see also* Form I-485; *related substantive headings*
- affidavit of support, filing unnecessary for dependent family members who are concurrently filing applications for adjustment with principal employment-based beneficiary, 652
- appealability of I-485s, 573
- approval although underlying I-140 remains pending, 651
- approval while applicant is outside U.S., method of admission at POE, 458-59
- arriving aliens, *see* Arriving aliens
- asylum applicants, *see* Asylum and protection
- biographical page from passport, RFEs for copies even though provided with I-131 application, 697-98
- concurrent filing, *see* Concurrent filing
- CSPA guidance requested in light of *Avila-Perez*, 405-06, 418
- family-based adjustment applicants in removal proceedings,
  - procedure for filing for EAD, 539
- H-4 dependents attending school, 574-75
- HIV / AIDS, submission of I-602 waiver, 555, 602-03
- Hmong and Montagnard applications remain on hold, 438-39
- I-485 receipt rule for H & L nonimmigrants, 421, 425
- INA §245(k), USCIS guidance being circulated internally, 397, 417
- interfiling an approved I-140 with pending I-485, 585-86
- K-2 aliens, definition of "minor child," 83-84, 406-07
- Liberian applicants, *see* Liberians
- multiple-adjustment filings, 510
- notices to revoke EAD or AP, 545-46
- physicians in medically underserved areas, NIW-related adjustment applications, 51-72

- porting-eligible applicants, impact of *Perez-Vargas*, 399-400, 417
- processing times, *see* Processing times
- proof of employment authorization requested, 574
- public charge documentation, I-485 dependents, 661-62
- reduction in need for supporting documents, 493
- scheduling procedures, employment-based adjustment applications,
  - 538
  - from T or U status, regulations currently under review, 436
  - transfer of second approved I-140 to pending I-485, 566
- Visa Bulletin (July 2007), *see* Visa Bulletin 107 (July 2007)
- visa waiver entrants, 486-87
- VSC still with pending employment-based I-485 cases, 672-73
- withdrawal of I-140 under INA §204(j), 574

### Administrative Appeals Office (AAO)

- EB-1 appeals, consideration of factors, 831
- precedent ability-to-pay cases that AAO follows, 828
- role of AAO in standardizing adjudications at service centers, 830
- unpublished AAO decisions, FOIA requests, 830
- update, 827-28, 829-31

**admissibility**, *see* Inadmissibility

### adoption

- SIMS Pilot Program, 414

**advance parole**, *see* Travel

### affidavits of support

- filing unnecessary for dependent family members who are concurrently filing applications for adjustment with principal employment-based beneficiary, 652
- lack of specificity in affidavit of support RFEs, 524
- resolution and follow-up issues, 532-35

**affirmance without opinion (AWO)**, *see* Board of Immigration Appeals, *subhead*: streamlining

### Afghani translators

- numerical cap on special immigrant visas, 439

### aging-out

- CSPA guidance requested in light of *Avila-Perez*, 405-06, 418
- derivative asylees, *see* Asylum and protection

**agricultural workers**, *see* H-2A nonimmigrants

### Alabama Center for Foreign Investment

- approved as regional center in Immigrant Investor Pilot Program, 142-47

**alcohol-related offenses**, *see* DUI / DWI

### American Competitiveness in 21st Century Act (AC21)

- no changes in policy anticipated by USCIS, 397
- portability, *see* H-1B nonimmigrants

### American Samoa

- asylum application, 556

### America's Job Bank

- phase-out announced by ETA, 305-11

**ancillary benefits**, *see* Employment authorization; Travel; *specific visas*

### appeals

- see also* Board of Immigration Appeals
- denial of I-290B, appealability of I-485s, 573

### "application received" stamp on passports

- consulates to discontinue use, 3

**arrival-departure record**, *see* Form I-94

**arriving aliens**

- adjustment by arriving aliens in removal proceedings, 46–50, 408–09, 491
- adjustment of status, EOIR/ASCUS regulations, 717–18
- parole of arriving aliens with credible fear of persecution or torture
  - ICE policy directive, 231–39

**asylum and protection**

- American Samoa residence of applicant, 556
- Application Support Center (ASC), need to return more than once, 600
- asylum “clock,” 452–53, 724–25
- asylum officers, educational requirements, 450–51
- backlog reduction, 572–73, 602, 603, 619, 622–23
- biometrics appointment, 572, 599
- biometrics fees, *see subhead: Fees (in this heading)*
- birth certificates increasingly requested in adjustment cases, 625
- bundling, benefit to I-485 applicant who already has EAD, 622
- CAIR Coalition credible fear project, 451
- change of address, difficulties with online AR-11 for asylum applicants, 453
- Chicago Asylum Office, difficulties with backlogged Salvadoran applicants, 452
- children
  - derivatives, *see subhead: Derivative asylees (in this heading)*
  - unaccompanied minors and minor principal applicants, 176–84, 711–12
    - OPPM, guidance, 284–94
- corroboration, immigration-court procedures, 713
- credible fear interviews, statistics, 447
- delays due to background and name checks, 554–55, 556
- derivative asylees
  - approval notice, I-94 not attached, 594–95, 598
  - beneficiary in proceedings, 599
  - children aging-out or marrying, *see sub-subhead: Nunc pro tunc cases (in this subheading)*
  - comparison of NSC and TSC, 599
  - date that controls, earliest date of lawful admission, 599
  - death of principal, 553
  - naturalization of principal, *see sub-subhead: Nunc pro tunc cases (in this subheading)*
  - nunc pro tunc cases, 428, 439–40, 551, 553–54, 556–57, 558, 572, 619
  - proof of relationship, 597–98
  - spouses abroad vs. in U.S., difference in treatment, 598–99
  - transfer of I-730s from NSC to TSC, 573
  - travel to principal’s country of persecution, 444, 551–52
- domestic partnerships from Colombia as valid marriages, 549
- employment authorization
  - extension of EADs for asylees and refugees, 426
  - photographs with applications, problems with quality, 426
  - problems in obtaining EADs, 443
  - processing times, procedures for issuing EADs, 438
  - submission of I-94 as prerequisite, 572, 621
  - update on long-pending EAD applications, 600–601
- fees
  - adjustment applicant who paid I-485 fee exempt from paying fee for advance parole, refugee travel document, or EAD, 431–32
  - biometrics fee, 599, 620, 624, 625
  - I-730 beneficiaries’ adjustment applications, 624
  - increase proposal, concerns, 445
  - separate checks for each application, 624–25
  - waiver denials, 557
  - waiver requests, 602
- Florida residents, 551
- fraudulent documents, authority of asylum officers to retain, 212–15
- GAO report, update, 444–45
- HIV / AIDS, submission of I-602 waiver, 602–03
- humanitarian parole, *see Humanitarian parole*

- Iraqi claims, 444, 451
- Liberian adjustment cases on hold, status, 432, 437, 619, 620, 624
- material support to terrorist organizations
  - effect on asylum eligibility, 131–34
  - FARC cases, 446–47
  - procedures for applying for waiver, statistics, 442–43
  - update and statistics, 447–50, 554
- medical issues
  - Class B condition, repeat of exam previously done overseas, 554
  - HIV / AIDS, submission of I-602 waiver, 555
  - positive skin tests as result of overseas medical, 622
- minor principal asylum applicants, updated procedures, 446
- NACARA, *see NACARA*
- names, difficulties on I-94 cards, 451–52
- one-year physical presence, proof, 618, 623–24
- overseas denial of I-730, 550
- overview of I-730 process, 552
- parole of arriving aliens with credible fear of persecution or torture
  - ICE policy directive, 231–39
  - “paroled as a refugee” category mistakenly selected, 600
- photograph requirements, 426, 599–600, 602, 620, 623
- prioritization of cases to be adjudicated, 603–04
- refugee resettlement, 454–55
- refugee travel document, “purpose of trip,” 603
- relocation of beneficiary from abroad to U.S. prior to approval, jurisdiction of Asylum Division, 550–51
- reopening of denied I-730, 549–50, 556
- statistics
  - Arlington Asylum Office, affirmative asylum cases, 444
  - credible fear interviews, 441
  - disparities in grant rates among individual asylum offices, 450
  - EOIR statistics on IJ grants of relief, 715, 720
  - material support, 442–43, 447–50, 554
  - status of adjudications at NSC, 553
  - temporary protected status, *see TPS*
  - training manual, updates, 444
  - transferred cases, 555
  - translations of I-589 instructions, 447
- travel
  - derivative’s travel to principal’s country of persecution, 444
  - distinction between re-entry permits, refugee travel documents, and advance parole, 607–08
  - travel, distinction between re-entry permits, refugee travel documents, and advance parole, 622
  - USCIRF recommendations, implementation of, 441–42
  - verification of status, 813
  - waiver adjudication, timeframe, 602

**Attorney General**

- directive to improve BIA and immigration courts
  - implementation of report, 295–304, 706–10, 721–24

**attorneys**

- dual representation, labor certification, 371
- improper payments for labor certification preparation, 371–72

**audits**

- status of USCIS program, 396

**Avila-Perez**

- CSPA guidance requested, 418

**Avila-Perez, Matter of**

- CSPA guidance requested, 405–06

**AWO**, *see Board of Immigration Appeals, subhead: streamlining*

**B****background and security checks**

- criminal history, multiple background checks, 766–67
- CSC policy, 515

delays  
 asylum cases, 554–55, 556  
 backlog from security checks, status, 396, 429  
 delays in name checks, 547  
 IV petition pending at NVC for more than six months, 766  
 expedited service, 498  
 implementation of Background Check System and Background Security System, 392  
 name checks, summary of FBI policy, 32–43  
 new Background Check Service, effective date, 496  
 online NIV and IV applications, 767–68  
 relief applications, California Dep’t of Justice background-check results being sent only to respondent’s home, 729–30  
 wording regarding notice of security/name checks, no difference in meaning, 645–46

### backlog reduction/elimination

asylum cases, *see* Asylum and protection  
 backlog elimination centers  
 amendments, 759  
 attorney’s change of address, approved LC sent back to BEC, 760  
 certification not received, 754  
 due dates for instructions and reports, glitch in BEC system, 753  
 incorrectly closed or denied cases, 760  
 Public Disclosure System (PDS), incorrect case types, 765  
 recruitment report instructions issued prior to recruitment instructions, 755  
 update, statistics, and guidance on cases in BECs, 744–47, 753–55, 759, 762–64  
 FAQs from DOL, 359–61, 362–65  
 I-130 petition adjudication delays, 407–08, 665–66  
 Mexican waiver applications, backlog-elimination plans, 433  
 security check backlog, status, 396  
 TSC I-485 cases, no backlog, 646  
 update on USCIS’s goals, 390

### bi-specialization

I-131s for religious workers should be filed at CSC, 431  
 I-612s, 772  
 NSC update, 543  
 transferred petitions, matching approved higher-preference I-140 approval to I-485 at VSC, 655–56  
 updates not available, 499  
 USCIS update, 393–94, 395, 415

### biometrics

asylees, *see* Asylum and protection  
 EAD issues, 531–32  
 facial recognition, 767  
 fees, *see* Fees  
 fingerprinting  
 10-print update, 804  
 expiration of fingerprints, TSC responsible for rescheduling, 652  
 now all electronic, 767  
 remote collection, 768  
 implementation of Background Check System and Background Security System, 392  
 no minimum age, 559  
 scheduling requests, 546–47  
 TSC direction to make InfoPass appointment was not correct, 649

### Board of Immigration Appeals (BIA)

amicus briefs, procedure for submission, 742  
 correspondence, truncation of attorneys’ addresses, 737  
 decisions, attorneys not receiving copies, 736  
 detained aliens, extension requests, 716  
 electronic-filing update, 714–15  
 erroneous actions on BIA filings, 737–40  
 improvement efforts, implementation of AG’s directives, 295–304, 706–10, 721–24  
 late filings due to courier error, remedy, 714–15, 741

streamlining program  
 Generally, 257–59  
 AILA concerns, EOIR response, 706–09  
 authorization of Board members  
 to dispose of “other procedural and ministerial issues,” 266  
 to summarily affirm decisions (AWO), 265, 271, 275  
 to summarily dismiss appeals, 266, 271, 275  
 AWO (summary affirmance) categories, 259–61, 267–68, 279, 280, 281  
 “procedural and ministerial” categories  
 fine cases, 263, 269, 272  
 general, 261–62, 270, 273, 274, 277, 278, 282, 283  
 moot bonds, 264  
 remands, 263–64  
 visa petitions, 262–63  
 summary dismissal categories, 261, 276

**bond**, *see* Detention, bond, and custody

### Burmese refugees

birth date inaccurate on Burmese I-94s, 621–22  
 positive skin tests as result of overseas medical, 622

## C

**California Service Center (CSC)**, *see* Service centers

### cancellation of removal

domestic violence bar to special rule cancellation of removal, applicability to applicants for admission, 185–87

**Case Status Online**, *see* Technology

**CBP**, *see* U.S. Customs and Border Protection

### change of address

applicant moves while waiting for AR-11 receipt notice, 561  
 attorney’s change of address, approved labor certification sent back to BEC, 760  
 duplicate AR-11s, necessity of filing, 321  
 online AR-11  
 asylum cases, difficulties encountered, 453  
 guidance from NSC, 586–88  
 guidance from SCOPS, 500–501  
 USCIS update, 391, 415–16  
 receipt numbers not yet received, 436

### Child Status Protection Act (CSPA)

derivative asylee’s adjustment after aged out child is not covered by CSPA, 439–40  
 DOS-USCIS guidance expected on “effective date” section and BIA’s *Garcia* and *Kim* decisions, 781, 782  
 guidance requested in light of *Avila-Perez*, 405–06, 418  
 NVC processing, timely provision of Packet III, 798–99

### children and minors

Adam Walsh Child Protection and Safety Act  
 consular officers no longer authorized to accept or adjudicate I-130 petitions at post, 12–13  
 delays in adjudication of I-130 petitions, 407–08  
 guidance for adjudication of I-130 and I-129F petitions, 75–82  
 procedures for adjudicating still in development, 428  
 asylum applicants, *see* Asylum and protection  
 citizenship under §320 of children born abroad to USCs, Certificate of Citizenship not required for passport, 802  
 CSPA guidance requested in light of *Avila-Perez*, 405–06, 418  
 K-2 visas, definition of “minor child,” 83–84, 406–07  
 signing applications, parents signing for children should sign their own names, 649  
 special immigrant juvenile visas, continuances, 730–31  
 unaccompanied minors  
 EOIR policies, 711–12  
 OPM 07-01, 284–94

**Chinese nationals**

- EAD delays based on security check, 606
- Guangzhou, consular post issues, 779
- retrogression, DOS forecast, 777–78
- visa revalidation, CBP guidance, 475

**citizenship**, *see* Naturalization

**civil surgeons**, *see* Medical examinations

**“code H”**

- located at bottom of approval notice, 429

**Colombians**

- domestic partnerships as valid marriages for I-730 purposes, 549

**comprehensive immigration reform**

- USCIS developing contingency planning, 411

**concurrent filing**

- connecting newly approved I-140 with pending I-485 that was filed earlier together with another I-140, 652–53
- I-765s for domestic servants, concurrent filing with I-539, 606
- recapturing earlier priority date in concurrent filing, 645
- “received” date is operative date, 650
- research-based waiver through HHS, filed with clinical waiver subject to §214(l), no DOS position, 772
- separate checks needed, 513

**conditional residents**

- removal of conditional status, *see* Lawful permanent residents

**consular procedure**

- see also* Kentucky Consular Center; National Visa Center; State Department; *substantive headings*
- advance issuance of H-1Bs, Visa Office to advise posts, 783
- communication with attorneys, 786
- “consular shopping” by H-1B applicants, 783
- delays in receiving file, causes and prognosis, 794–95
- dependent-visa applications, necessity of I-797, 788–89
- documentation process handled by contractor, security concerns expressed, 792–93
- E visa applications, consulates specifically requiring all employees’ passports or green cards, 789–90
- emergency services during non-work hours, 780
- expedited handling of SAOs, posts’ authority to request, 785–86
- following to join
  - DOS-USCIS discussions, 782
  - notices following I-824 approval, 656
  - NVC to begin full processing of cases, 796
- immediate-relative I-130s filed at VSC, approved for adjustment even when marked for consular processing, 664
- information retrieval, *see* PIMS
- L-1 visa anti-fraud fee, consular post websites with inaccurate information on how and where to pay, 785–86
- liaison with ICE for deported aliens, 801–02
- “NVC scheduling,” timeframe for conversion of posts, 794
- post-specific issues
  - El Salvador, 778–79
  - Guangzhou, 779
  - Jordan/Iraq, 800
  - London, 769–71, 779–80
  - Milan, 779
  - Nigeria, 800
  - Santo Domingo, 779, 800–801
  - Yemen, 801
- relocation of petitioner, transfer of case to another post, 795–96
- returns, 796–98
  - notification to applicant and attorney, 797–98
  - NVC vs. KCC, 797
- scheduling difficulties, immigrant visas, 791–92
- T visa approvals, VSC procedures for notifying consulate, 683–84
- visa refusals
  - elimination of “application received” stamp, 3

- visa wait times on DOS website, method of compiling information, 786–87

**credible fear**, *see* Asylum

**credit cards**

- use for payment of filing fees, 414, 794

**CRIS**, *see* Technology, *subhead*: Case Status Online

**Cuban parolees**

- extension of date, 427, 430
- Mariel Cubans, 571

**custody**, *see* Detention, bond, and custody

**Customer Relationship Interface System (CRIS)**, *see*

Technology, *subhead*: Case Status Online

**Customs and Border Protection (CBP)**, *see* U.S. Customs and Border Protection

**D****date codes in DOS cables**

- how to interpret, 2

**death**

- derivative asylees, death of principal, 553
- Form I-130 pending, effect of petitioner’s death
  - Freeman v. Gonzales* applicable only in CA9, 201–11
  - reinstatement for humanitarian reasons where I-130 was filed and approved at local office, 691

**debarment**

- labor certification program, FAQs on DOL final rule, 372–73

**deferred action**, *see* Relief from removal

**degree equivalency**

- evaluation by NSC, 545
- practice tips and updates from NSC, 630–34
- privatization of equivalency determinations, 397, 414–15
- sufficiency of evidence, EB-3 petitioner-employer, 595
- supporting documentation, NSC policy, 563–66
  - clarifying commentary, 596
  - VSC guidance, 669–70

**Department of State**, *see* State Department

**detention, bond, and custody**

- BIA extension requests for detained aliens, 716
- conditions in detention facilities, 725–26
- ICE detainers under 8 USC 287.7, 489–91
- ICE policy update, 487–88
- mental health issues, 493–94
- prosecutorial discretion guidelines
  - generally, 241–53
  - nursing mothers, 240
- standards, response to IG’s report, 492–93
- training, 494
- transfers and access to counsel, 491–92

**direct filing**

- new instructions for Forms I-129F, I-131, I-140, I-360, I-485, I-765, and I-907, 157

**disabilities**

- naturalization
  - standards for adjudicating medical certification (N-648), 188–99

**District Office Rapid Adjustment**, *see* DORA Pilot Program

**documents and documentation**

- affidavits of support, *see* Affidavits of support
- birth certificates increasingly requested in asylee adjustment cases, 625
- citizenship under §320 of children born abroad to USCs, Certificate of Citizenship not required for passport, 802

consulates contracting out IV documentation process, security concerns expressed, 792–93  
 correcting I-94 error, sufficiency of documentation, 660  
 degree equivalency, *see* Degree equivalency  
 DOS availability-of-documents information, 562  
 EOIR Record of Proceedings, provision to attorneys of copies, 735–36  
 evidence of lawful entry, parole documents, 523–24  
 foreign documents requested, sufficiency of time given in RFE, 649  
 fraudulent documents, authority of asylum officers to retain, 212–15  
 indexing exhibits, bottom tabs preferred, 640–41  
 IV vs. NIV petitions, burden of proof, 831  
 licenses to practice  
   documentation on ETA-9089, 755–56  
   overview of requirement for H-1B visas, 693–94  
   proof where certificates have expiration date, notwithstanding permanence of license authority, 665  
 minor error on application, 613  
 new-office L-1 petition, standard for evidence, 662–63  
 nonprofit L-1 petitioners, supporting evidence, 663–64  
 NVC's original-document requirement, 776–77  
 offer letter requested to establish permanent offer of employment, 629–30  
 omitted document, filing supplement rather than waiting for RFE, 648  
 photographs, *see* Photographs  
 police certificates submitted to NVC, no expiration if applicant has not returned to previous country, 796  
 reduction in need for supporting documents, 493  
 return of documents  
   documents confiscated from detained aliens or aliens in removal proceedings, 216–18  
   documents returned to service center as undeliverable, 498–99  
 RFEs for documentation already submitted in initial filing, 543  
 SSN cards, documents acceptable to establish identity, 809–10  
 verification of curricular practical training, 590  
 verification of foreign documents, requests by IJs or DHS only, 719

**domestic servants**

EADs, concurrent filing with I-539, 606

**domestic violence**

*see also* VAWA

Adam Walsh Act, *see* Children and minors  
 special rule cancellation of removal under NACARA  
 change to Asylum Officer Lesson Plan, 185–87

**DORA Pilot Program**

USCIS plans for future, 414

**DOS, *see* State Department****DUI / DWI**

visa applicants with alcohol-related convictions  
 guidance for posts, 7–8

**E****E nonimmigrants**

consulates specifically requiring all employees' passports or green cards, 789–90  
 E-3 processing times, 677, 696  
 I-94s, CBP update, 461–62  
 SSNs and work authorization for E spouses, 814  
 update on E visa processing, 769–71

**EB-5 immigrant investors**

Generally, 419–20  
 meaning of investment, AILA recommendation, 423–24  
 Pilot Program, approved regional centers  
   administration of regional centers, USCIS guidance, 148–50  
   Alabama Center for Foreign Investment, 142–47

Southwest Biofuels Regional Center, 151–56  
 Vermont Agency of Commerce and Community Development  
   re-approved, 135–41  
 statistics on I-526 and I-829 processing, 402–03

**e-filing, *see* Technology****El Salvador**

consular post issues, 778–79  
 TPS applicants, update on processing, 674–75

**Electronic Employment Eligibility Verification Program, *see* E-Verify****electronic filing, *see* Technology****eligibility for employment, *see* Employment authorization; Employment eligibility and verification****employer sanctions, *see* E-Verify; Employment eligibility and verification****employment authorization**

*see also* Form I-765; *specific status headings*

distinction between unauthorized employment, failure to maintain status, and unlawful presence, 575–85

**employment authorization documents (EADs)**

asylum cases, *see* Asylum and protection  
 delays  
   applicants contacting the local field office, 522  
   based on security check, 573, 606  
   interim cards for delays over 90 days, 606–07, 649, 659–60  
   in sending receipt for I-765 or cashing check, 520  
 domestic servants, concurrent filing with I-539, 606  
 error correction procedures, 558–59, 645  
 expediting when applicant has job offer with immediate start date, 606  
 fee waiver, procedure for requesting, 433  
 legalization temporary residents, requests for renewal of EADs, 517  
 Liberians on TPS/DED, proof of extension of EAD, 436  
 NBC EAD issues, *see* Service centers, *subhead*: National Benefits Center  
 new EAD, return of original required, 641  
 notices of approval not being sent to attorneys of record, 647  
 religious workers, EADs should be filed with CSC if adjustment application is already with CSC, 427–28  
 students, *see* Students and schools  
 TPS applicants in removal proceedings, 418  
 USCIS workload, 412

expiration of Form I-94, 10-day grace period, 514–15

national-security or egregious public-safety risks, procedures for adjudicating ancillary benefits, 94–95

salary paid year round despite having summers off, 546

standardization of procedures, INS guidance, 26–29

switch from cap-exempt employment to cap-subject employment  
 during period when no H-1B numbers are available, 88–93

VAWA, USCIS memo circulating internally, 397–98, 417

**employment-based immigration**

*see also* Adjustment of status; EB-5 immigrant investors; Labor certification; Professors and researchers

**ability to pay**

field guidance requested, 404–05  
 precedent cases that AAO follows, 828

boilerplate RFEs for EB-1s, concerns expressed, 640

degree equivalency, *see* Degree equivalency

EB-1 appeals, factors considered by AAO, 831

expert-letter writers contacted by TSC, TSC to investigate, 646

filed as EB-2 but approvable as EB-3, adjudication based on classification requested, 545

improper classifications, 634

**offers of employment**

actual vs. prospective, 567–68  
 permanent offers, proof, 629–30

premium processing, *see* Premium processing  
 Schedule A  
   ability to pay, 567  
   contract with specific nurse and specific facility, 566–67  
   preprocessing of Schedule A cases at NVC, 774–76  
 successors-in-interest  
   assumption of responsibility for assets and liabilities, 653–54  
   outstanding researcher positions, 568  
   practice tips and updates from NSC, 627–28  
 transfer of second approved I-140 to pending I-485, 566

**employment eligibility and verification**

*see also* Employment authorization  
 E-Verify  
   description of program, 819–21  
   MOU between SSA, DHS, and employers, 17–25  
 H-2A program, 376–77, 381–82  
 ICE worksite-enforcement operations, humanitarian considerations, 254–56  
 SSA verification and SAVE system, 811–15, 824–26

**English-language proficiency**

J visa update, 4

**EOIR, see** Executive Office for Immigration Review

BIA streamlining, *see* Board of Immigration Appeals

**E-Verify**

description of program, 819–21  
 MOU between SSA, DHS, and employers, 17–25

**exchange visitors, see** J visas**Executive Office for Immigration Review (EOIR)**

*see also* Board of Immigration Appeals  
 Attorney General's recommendations for improvement of EOIR, implementation, 295–304, 706–10, 721–24  
 immigration judges & immigration courts  
   arriving aliens and adjustment of status, IJ interpretation of EOIR/ASCUS regulations, 717–18  
   assistance for pro se respondents, literature in court waiting rooms describing procedures, 734  
 asylum cases  
   “clock” issues, resolution of problems, 724–25  
   corroboration evidence, guidance for IJs requested, 713  
   statistics on IJ grants of relief, 715, 720  
 change-of-venue motions by DHS, IJ authority to deny, 713–14  
 closing of courts in Boise and Helena, 713  
 complaint process, 709–10  
 conditions in courtrooms, standards for treatment of detainees, 725–26  
 documents from Record of Proceedings, provision to attorneys of copies, 735–36  
 last-minute changes to docket, 715–16  
 long-term absence of IJ, 732–33  
 Los Angeles IJs requiring California Department of Justice background checks, 729–30  
 overcrowded docket, suggestion for ameliorating, 734–35  
 removal or discipline of IJs, 710–11, 732–33  
 special immigrant juvenile visas, continuances, 730–31  
 transcripts, receipt of corrected copies, 733–34  
 verification of foreign documents, requests by IJs or DHS only, 719  
 law clerks and “attorney advisers,” statistics, 711  
 pro bono work, abuse by some attorneys of EOIR's list of free legal-service providers, 727–28  
 stipulated removal orders, model suggested, 726–27  
 streamlining, *see* Board of Immigration Appeals  
 unaccompanied minors, EOIR policies, 711–12  
 OPM 07-01, 284–94

**F****F nonimmigrants, see** Students and schools**failure to maintain status**

distinction between unauthorized employment, failure to maintain status, and unlawful presence, 575–85

**family-sponsored immigration**

*see also* Form I-130  
 Adam Walsh Child Protection & Safety Act, *see* Children and minors  
 adoption, *see* Adoption  
 death of petitioner while I-130 is pending  
   *Freeman v. Gonzales* applicable only in CA9, 201–11  
   reinstatement for humanitarian reasons where I-130 was filed and approved at local office, 691  
 domestic partnerships  
   Colombian domestic partnerships as valid marriages for I-730 purposes, 549  
 immediate-relative I-130s filed at VSC, approved for adjustment even when marked for consular processing, 664  
 NSC procedures, 570  
 reinstatement of I-130, 570  
 SIMS Pilot Program, 414  
 upgrade from 2A to immediate-relative category, 561–62

**Family Unity Program, see** Form I-817**FARC**

material support, waivers for asylum seekers, 446–47

**FBI checks, see** Background and security checks**fees**

asylees and refugees, *see* Asylum and protection  
 biometrics fees  
   cashing of checks, 620–21  
   invoices received for already-paid fees, 639  
   procedure, 433  
   requirement to pay or apply for waiver, 433, 437  
 credit cards and electronic payments, use of, 414, 794  
 endorsement of check with SRC receipt number, 643  
 erroneous rejection of petitions filed before fee increase, 426–27, 434  
 errors by USCIS, refund of fees, 561  
 fee waivers  
   criteria and guidelines from 2004 memo still in effect, 432  
   decided by USCIS employees rather than contractors, 427  
   EAD fee, procedure for requesting waiver, 433  
   errors on I-94, waiver of fee for I-102, 619–20  
   new guidelines, 158–67  
   processing time for requests, 432–33  
   statistics requested, 435  
   T- and U-visa and I-192 applications, 435  
 H-1B filing fees, mergers, 670  
 interim benefits based on pending adjustment, subsequent fee not necessary, 429  
 new fee schedule Q&As, 509  
 return of unnecessary filing-fee checks, 699  
 separate checks for each application, 624–25  
 surge in filing N-400 petitions before fee increase, 413–14

**fiancées and fiancés, see** K visas**fingerprinting, see** Biometrics**following to join**

consulate role after I-824 approval, 656  
 DOS-USCIS discussions, 782  
 NVC to begin full processing of cases, 796

**Form AR-11, see** Change of address**Form ETA-750**

lost forms, issuance of duplicate, 759

**Form ETA-9089**, *see* PERM**Form G-28**

electronic upload of G-28 data from DOS, technical problems discovered, 676–77, 692  
improper filing, remedies, 650  
original signatures, 670–71

**Form I-9**

E-Verify, *see* E-Verify

**Form I-90**, *see* Permanent resident cards, *subhead*: replacement**Form I-94**

backdated I-94s, nunc pro tunc requests, 698–99  
birth date inaccurate on I-94s, 621–22, 623  
CBP update on L, E, and TNs, 461–62  
correcting country-of-citizenship error, 660  
expired cards  
10-day grace period, work authorization, 514–15  
aliens on parole, 460–61  
“authorized period of stay” vs. “in status,” 494–95  
I-551 stamps, not within CBP jurisdiction, 475  
improvement suggestions, 476–77, 480–84  
names, difficulties on I-94 cards, 451–52  
replacement  
errors on I-94, waiver of fee for I-102, 619–20  
uncollected cards upon departure, CBP recommendations, 472–73

**Form I-102**, *see* Form I-94, *subhead*: replacement**Form I-129**

*see also substantive headings*  
bi-specialization update, 393–94, 395, 415  
consular officers no longer authorized to accept or adjudicate at post, 12–13  
H-1B Data Collection Supplement, 499  
H-4 beneficiary’s time, answering Question 3 on I-129 supp., 664

**Form I-129F**, *see* K visas**Form I-130**

*see also* Family-sponsored immigration  
concurrent filing, *see* Concurrent filing  
confidentiality, 561  
delays in adjudication, 407–08, 701–02  
entity with responsibility for verifying relationship between petitioner and beneficiary, 561  
expediting receipting as well as adjudication of I-130s for detainees, 702  
guidance for adjudication under Adam Walsh Act, 75–82, 428, 773–74  
where to be filed, 773–74

**Form I-131**

*see also* Travel, *subhead*: advance parole  
direct filing, new instructions, 157  
RFEs for copies of biographical page from passport, even though provided with I-131 application, 697–98

**Form I-140**

*see also* Employment-based immigration; Labor certification  
adjudication by district office, 594  
adjustment application approved although underlying I-140 remains pending, 651  
bi-specialization update, 393–94, 395, 415  
concurrent filing, *see* Concurrent filing  
consular-notification requests, petitions being sent to National Records Center rather than NVC, 641  
direct filing, new instructions, 157  
original LC not available, denial of I-140, 642

**Form I-212**

*see also* Waivers  
jurisdiction of district offices, 410  
VAWA exception to INA §212(a)(9)(C), 403–04, 417

**Form I-360**

*see also* Religious workers; Special immigrant visas  
direct filing, new instructions, 157

**Form I-485**

*see also* Adjustment of status  
concurrent filing, *see* Concurrent filing  
conflicting instructions with I-824 form, 525  
direct filing, new instructions, 157  
omissions that would cause application to be rejected rather than accepted with RFE, 647  
receipting, *see* Service centers  
sent to wrong service center, 616  
signatures, clarification of “facsimile stamp signature,” 615  
transfers of applications to appropriate district office, 615

**Form I-526**, *see* EB-5 immigrant investors**Form I-589**

*see also* Asylum and protection  
translations by Asylum Division, 447

**Form I-693**, *see* Medical examinations**Form I-751**, *see* Lawful permanent residents, *subhead*: removal of conditional status**Form I-765**

*see also* Employment authorization; *specific status headings*  
direct filing, new instructions, 157  
new form posted to USCIS website, 499

**Form I-817**

adjudication delays, 657–58  
approval notice not being sent to attorney of record, 647

**Form I-824**

break in processing after approval, TSC to review, 641  
conflicting instructions with I-485 form, 525  
procedures, 558

**Form I-829**, *see* EB-5 immigrant investors**Form I-907**

*see also* Premium processing  
direct filing, new instructions, 157  
timeliness of arrival dates for forms, 512

**Form I-914**, *see* T & U nonimmigrants**Form I-918**, *see* T & U nonimmigrants**Form N-400**, *see* Naturalization**Form N-565**

processing and filing changes, 643

**Form N-648**, *see* Medical examinations**fraud**

asylum officers’ retention of fraudulent documents, 212–15  
investigations and site visits for religious workers, *see* Religious workers  
L-1 visa anti-fraud fee, consular post websites with inaccurate information on how and where to pay, 785–86  
petitioner-company’s suspicion that LPR EB-3 beneficiaries who quit after arriving never had any intent to work for petitioner, recourse, 652

**funding**

SWA allocations under continuing budget resolution, 384–86

**G****Garcia, Matter of**

DOS-USCIS guidance expected, 781

**green cards**, *see* Permanent resident cards**Guangzhou**

consular post issues, 779

## H

**H-1B nonimmigrants**

advance issuance, Visa Office to advise posts, 783  
 automatic-revocation letters vs. notice of intent to revoke, when beneficiary no longer employed, 640  
 cap-filing update from VSC, 689–90, 691  
 communication to service centers on cap cases, 510–11  
 computer-generated petitions, acceptance of “screen print” of certified LCA, 85  
 “consular shopping” by H-1B applicants, 783  
 extensions, 520, 700–701  
 I-485 receipt rule for H & L nonimmigrants, 421, 425  
 licenses, *see* Licenses  
 master’s cap cases, 506–07, 668  
 mergers, applicability of filing fees, 670  
 new cap-subject petition filed based on anticipation of one-year stay overseas, 666  
 PERM, *see* PERM  
 portability  
   *Perez-Vargas*, impact of, 399–400, 417  
   switch from cap-exempt employment to cap-subject employment during period when no H-1B numbers are available, 88–93  
 premium processing, *see* Form I-907; Premium processing  
 processing times, *see* Processing times  
 recapturing of numbers when cap-subject petition is denied, 394–95  
 receipting, *see* Service centers  
 SCOPS update, 502–04, 505

**H-1B1 nonimmigrants**

extension of H-1 status, 520

**H-1C nonimmigrants**

reauthorization of H-1C program, not expected to cause shift of workload at VSC, 499

**H-2A nonimmigrants**

TEGL clarifying procedures for processing labor certifications  
 modification of TEGL, 379–83  
 TEGL clarifying procedures for processing LCs, 374–78

**H-2B nonimmigrants**

cap, final receipt date, 496  
 FAQs from DOL, 321–30, 331–39  
 multiple beneficiaries with notification to multiple consulates or POEs, filing procedure, 671–72  
 PERM cases, update, 752  
 TEGL updating procedures for processing labor certifications  
 modification of TEGL, 348–58  
 TEGL updating procedures for processing LCs, 311–20  
 tree-planting and reforestation occupations, TEGL with special guidelines, 340–47

**H-4 dependents**

consulates requiring I-797, 788–89  
 Form I-129 Supp, answering Question 3 in light of memo decoupling H-4 and H-1 time, 664  
 students, eligibility for adjustment, 574–75

**Hmong adjustment applicants**

applications remain on hold, 438–39

***Hoosier Care v. Chertoff***

decision currently under review, 594

**humanitarian parole**

Mariel Cubans, 571  
 transfer of Humanitarian Parole Program from ICE to USCIS, 421–22

## I

**ICE**, *see* Immigration and Customs Enforcement

**Immigrant Investor Pilot Program**, *see* EB-5 immigrant investors

**Immigration and Customs Enforcement (ICE)**

CRIS system to migrate from ICE to USCIS, 415  
 Humanitarian Parole Program, transfer from ICE to USCIS, 421–22  
 ICE detainees under 8 USC 287.7, 489–91  
 ICE worksite-enforcement operations, humanitarian considerations, 254–56  
 mental health, availability of resources at ICE detention facilities, 493–94  
 notification of deportee’s home country, ICE role, 801–02  
 parole of arriving aliens with credible fear of persecution or torture, ICE policy directive, 231–39  
 policy update, 487–88

**immigration courts and immigration judges**, *see* Executive Office for Immigration Review (EOIR)

**inadmissibility**

alcohol abuse or DUI convictions  
 not sufficient grounds for ineligibility under §212(a)(1)(A)(iii), 7–8  
 security and related grounds  
   material support  
     asylum cases, 131–34, 442–43, 446–47, 447–50, 554  
     discretionary exemption to inadmissibility, 99–109  
     FARC, 446–47  
     provided under duress, 86–87, 102–03  
 vacation of conviction that formed basis of aggravated-felony removal, DOS position on admissibility, 781–82  
 waivers, *see* Waivers

**India priority dates**

retrogression, DOS forecast, 777–78

**InfoPass**

requests for biometrics appointment, TSC direction to make InfoPass appointment was not correct, 649  
 scheduling appointment, EAD applicants, 522, 539

**inspections**

*see also* Ports of entry; Preclearance operations  
 CBP update, 465–66

**Inspector’s Field Manual**

CBP not releasing current version to public, 457  
 FOIA request submitted by AILA, 472

**Internet**, *see* Technology

**intracompany transferees**, *see* L nonimmigrants

**investors**, *see* E nonimmigrants; EB-5 immigrant investors

**Iraqis**

asylum applicants, 444, 451  
 translators, numerical cap on special immigrant visas, 439

## J

**J visas**

DOS as Interested Government Agency (IGA), 771–72  
 English-language proficiency, 4  
 extension of status, J-1 to H-1B “cap gap,” 406  
 foreign-residence requirement, I-612 waiver applications, 636, 659  
   G-28 information not arriving, 676–77, 692, 772  
 HHS waivers, request that DOS specifically note that waiver is based on §212(e), 772–73  
 professors and research scholars  
   *see also* Professors and researchers  
   one- and two-year bars, 5  
 research-based waiver through HHS, concurrent filing with clinical waiver subject to §214(l), no DOS position, 772

“residence abroad” requirement, 4  
 sponsoring agency seeking to extend period of stay for exchange visitor in trainee category, 773  
 Summer Work and Travel programs, 5–6  
 update on exchange-visitor issues, 4–6  
 verification of status, 813–14  
 Waiver Review Division, overview, 802–04

**Jordan/Iraq**

consular post issues, 800

**K****K visas**

abused children, guidance for adjudication of I-129F petitions under Adam Walsh Act, 75–82, 428  
 adjustment of status for K-2 aliens  
 definition of “minor child,” 83–84  
 guidance requested, 406–07  
 stepparent-stepchild relationship need not be demonstrated, 83–84  
 direct filing, new I-129F instructions, 157  
 K-3 petitions, transfer of cases to CSC or VSC, 539–40, 676  
 SSA position on enumeration for K-1s, 814–15

**Kentucky Consular Center (KCC)**

KCC no longer e-mailing to posts copies of approved NIV petitions, 9–11  
 process for handling consular returns, 796–97  
 verification of petition approvals, 783

**Kim, Matter of**

DOS-USCIS guidance expected, 781

**L****L nonimmigrants**

amendment of blanket petition on or after 6/6/05, 514  
 anti-fraud fee, consular post websites with inaccurate information on how and where to pay, 785–86  
 approval notices for blanket Ls, counterfeit-resistant paper, 656–57  
 databases, all blanket L petitioners now in PIMS, 806  
 dependent visas, consulates requiring I-797 approval notice, 788–89  
 Guangzhou consulate, delays, 779  
 I-94s, CBP update, 461  
 I-485 receipt rule for H & L nonimmigrants, 421, 425  
 new-office L-1 petition, standard for evidence, 662–63  
 nonprofit petitioners, supporting evidence, 663–64  
 SSNs and work authorization for L spouses, 814

**labor certification (LC)**

backlog elimination, *see* Backlog reduction/elimination  
 correcting errors in LC approval, 761  
 debarment, FAQs on DOL final rule, 372–73  
 delays, recruitment report filed months ago with no decision, 761  
 H-2 labor certifications, *see* H-2A nonimmigrants; H-2B nonimmigrants  
 improper payments and transactions  
 FAQs on DOL final rule, 369–72  
 national interest waivers (NIWs), *see* National interest waivers  
 original LC not available, denial of I-140, 642  
 PERM, *see* PERM  
 premium processing, *see* Premium processing  
 reductions in recruitment (RIR)  
 BEC cases, *see* Backlog reduction/elimination  
 clarification of RIR-conversion issues, 743  
 “hold harmless” RIR conversions, 765  
 RIR-conversion cases in Backlog Elimination Center, 746–47  
 supervised recruitment instructions not received in denied RIR, 761  
 retrieval of original LC, length of time required, 545  
 same LC for multiple I-140s, NSC practice tips and updates, 628–29

substitutions  
 FAQs on DOL final rule, 369  
 interim guidance on DOL final rule (72 FR 27904), 122–30  
 NSC comment, 593  
 premium processing, 643  
 VSC filing guidance, 658  
 timeframe for case resolution after a NOF, 760  
 USCIS authority to judge job requirement, *Hoosier Care* currently under review, 594  
 white-out on LC, 755

**labor condition applications (LCAs)**

computer-generated H-1B petitions, acceptance of “screen print” of certified LCA, 85

**Lautenberg Amendment**

parolees, adjudication of, 619–20

**lawful permanent residents (LPRs)**

abandonment of LPR status, 429  
 green cards, *see* Permanent resident cards (green cards)  
 removal of conditional status  
 CSC procedures for processing I-751, 515–16  
 deficient I-751, authority to deny when RFE not appropriately responded to, 673  
 NSC procedures for processing I-751, 568–69, 608  
 receipt for filing I-751, procedure if not received, 661

**legislation**

comprehensive immigration reform  
 USCIS developing contingency planning, 411

**Liberians**

adjustment cases on hold, status, 432, 437, 619, 620, 624  
 EADs for Liberians on TPS/DED, proof of extension, 436  
 green-card issuance, timeline unavailable, 437

**licenses**

certificates with expiration date, notwithstanding permanence of license authority, 665  
 documentation on ETA-9089, 755–56  
 overview of requirement for H-1B visas, 693–94

**litigation**

Office of General Counsel reports 400% increase, 411

**lock box system**

concerns and expansion plans, 393  
 erroneous rejections by Chicago lock box, NBC procedures to correct, 535–36  
 failure to recognize evidence of previous I-130 filing or approval, 523  
 USCIS plans, 414

**London**

NIV waiver policies, 779–80  
 update on E visa processing, 769–71

**M**

**material support**, *see* Inadmissibility, *subhead*: security and related grounds

**medical examinations**

asylum applicant’s Class B condition, repeat of exam previously done overseas, 554  
 disability exceptions to naturalization  
 standards for adjudicating medical certification (N-648), 188–99  
 DOS not accepting examinations by USCIS-approved civil surgeons, 792  
 extension of validity of civil surgeon endorsements on Form I-693, 44–45  
 HIV / AIDS, submission of I-602 waiver, 555, 602–03  
 positive skin tests as result of overseas medical, 622

**mental health**

availability of resources at ICE detention facilities, 493–94

**Mexican waiver applications**

USCIS plans to eliminate backlog, 433

**Milan**

consular post issues, 779

**minors**, *see* Children and minors

**Montagnard adjustment applicants**

applications remain on hold, 438–39

**Myanmar**, *see* Burmese refugees

**N**

**NACARA**

average wait time for NACARA-based residency cards, 695

domestic violence bar to special rule cancellation of removal,

applicability to applicants for admission, 185–87

Lesson Plan changes, 185–87, 447

material support to terrorist organizations, effect on eligibility for relief, 131–34

quality assurance review, changes to categories, 185–87, 447

**name checks**, *see* Background and security checks

**National Benefits Center (NBC)**, *see* Service centers

**national interest waivers (NIWs)**

physicians in medically underserved areas

interim guidance in light of *Schneider*, 51–72

**national security**, *see also* Background and security checks;

Inadmissibility, *subhead*: security and related grounds

ancillary benefits, procedure for adjudicating applications with national security concerns, 94–95

green-card replacement, procedures for adjudicating I-90

applications with national security concerns, 96–98

**National Visa Center (NVC)**

assignment of IV file to correct post, based on principal’s country of residence, 795–96

case numbers, three-letter code reflects post assigned to interview applicant, 765

consular-notification requests, petitions being sent to National Records Center rather than NVC, 641

consular posts converting to NVC scheduling, 794

CSPA procedures, Packet III mailing, 798–99

fees, acceptance of EFTs or credit cards, 794

IV petition pending at NVC for more than six months, 766

original-document requirement, 776–77

preprocessing of Schedule A cases at NVC, 774–76

**naturalization**

Battered Immigrant Protection Act §319

flagging N-400s to note §319 cases, 641–42

spouse of U.S. citizen working abroad, accommodation, 609

citizenship under §320 of children born abroad to USCs, Certificate of Citizenship not required for passport, 802

derivative asylee’s adjustment after principal naturalizes, 428, 439–40, 551, 553–54, 556–57, 558, 572, 619

disability exceptions

standards for adjudicating medical certification (N-648), 188–99

errors by USCIS, refund of fees, 561

examination

language, identifying preference, 560

privatization, 414–15

redesign, 411–12

N-400

filling questions 26 & 27, applicants subject to VD or were “caught and released,” 560

receipt notices, NSC problem corrected, 569

receipt notices yet to be issued, procedures to expedite case, 438

surge in filing before fee increase, 413–14

processing-times statistics requested, 435

replacement document, changes in I-565 procedures, 643

**Nebraska Service Center (NSC)**, *see* Service centers

**Nigeria**

consular post issues, 800

**no-match letters**

*see also* E-Verify

*AFL-CIO v. Chertoff*, DHS press release, 200

sharing no-match data, 821–22

SSA current policy, 816–19

**NOIDs**, *see* Notices of Intent to Deny

**nonprofits**

evidence needed to support L-1 affiliation for nonprofits, 663–64

**Notice to Appear (NTA)**

statistics and concerns, 398–99, 435

**Notices of Intent to Deny (NOIDs)**

response time

removal of standardized processing timeframe pursuant to 72 FR 19100, 110–21

USCIS to remind officers of need for timeliness, 422

**NSEERS**

CBP policies, 467

students, lack of FIN on I-94, 589–90

**nurses**

I-140 Schedule A

ability to pay, 567

contract with specific nurse and specific facility, 566–67

preprocessing of Schedule A cases at NVC, 774–76

misclassification of Schedule A nurses, 634

petitioner-company’s suspicion that LPR EB-3 beneficiaries who quit after arriving never had any intent to work for petitioner, recourse, 652

reauthorization of H-1C program, not expected to cause shift of workload at VSC, 499

**nursing mothers**

prosecutorial and custody discretion, 240

**O**

**O nonimmigrants**

established agent, clarification, 699–700

**Operating Policies and Procedures Memoranda (OPPM)**

unaccompanied minors, 284–94

**overstays**

CBP policy, 473–74

**P**

**P nonimmigrants**

established agent, clarification, 699–700

expansion of P-1 category, regulations under revision, 499

**parole**

advance parole, *see* Travel

arriving aliens with credible fear of persecution or torture ICE policy directive, 231–39

Cuban parolees, extension of date, 427, 430

erroneous information on parolee’s I-94, no fee for I-102, 619–20

evidence of lawful entry, parole documents, 523–24

expiration date on I-94s of aliens on parole, 460–61

humanitarian parole, *see* Humanitarian parole

Lautenberg parolees, adjudication of, 619–20

**passports**

- citizenship under §320 of children born abroad to USCs, Certificate of Citizenship not required for passport, 802
- extension of validity, CBP interpretation of FAM, 466

**Perez-Gonzalez, Matter of**

- I-212 adjudications, VAWA exception to INA §212(a)(9)(C), 403–04, 417

**Perez-Vargas, Matter of**

- guidance, 399–400, 417

**PERM**

- audit stage, 749–50
- denials
  - employer's name not on posting, 751
  - lack of *Kellogg* language, 749
- ETA-9089
  - ambiguous wording, 637
  - form-filling issues, 750–51
  - licenses, how to document, 755–56
- FAQs from DOL, 366–68
- H-2B cases, update, 752
- multiple filings, 748–49
- National Processing Center update and guidance, 748–52
- new PERM case for alien whose PERM case is on appeal for different position, 751
- telecommuting and roving employees, 751–52
- withdrawal once employer receives recruitment instructions, 757

**permanent resident cards (green cards)**

- “commuter” green cards, 646
- employment-based cases transferred from service centers to local offices, delays, 614
- I-551 stamps, not within CBP jurisdiction, 475
- Liberian green-card issuance, timeline unavailable, 437
- NACARA-based residency cards, average wait time, 695
- old, non-machine-readable cards, additional security measures, 466
- renewal, sufficiency of notice, 428
- replacement
  - applications with national security concerns, 96–98
  - processing of I-90 applications, 605–06
  - submission of original I-551 with I-90, 639–40

**Petition Information Management Service, see PIMS****photographs**

- advance parole, photo ID requirement for asylee, 602
- asylum cases, photo requirement, 426, 599–600, 602, 620, 623
- fingerprinting and photographing at POE of Canadian applicants who are denied a benefit, 459
- quality issues
  - refugee EAD applications, 426
  - student OPT applications, 591

**physicians**

- civil surgeons, *see* Medical examinations

**PIMS**

- NIV details available through CCD on new PIMS report, 9–11, 789

**PIMS (Petition Information Management Service)**

- DOS Q&A, 806

**portability, see H-1B nonimmigrants****ports of entry (POEs)**

- see also* Preclearance operations
- adjustment approval while applicant is outside U.S., method of admission at POE, 458–59
- fingerprinting and photographing at POE of Canadian applicants who are denied a benefit, 459

**preclearance operations**

- CBP update, 459–60
- immigration expertise of CBP officers, 478–79

**premium processing**

- see also* Form I-907
- boilerplate RFEs, concerns expressed, 544, 640
- and cap-subject cases, 508
- date when “clock starts,” 544
  - cases transferred to another service center, 642
- delays in receipting and depositing check in premium-processing cases, 516
- difficulties communicating with Premium Processing Unit, 517
- EAD concurrently filed, 666
- phone lines at VSC, no complaints received, 666
- power of attorney, necessity in I-907 applications, 636
- procedures in handling I-907s, 544
- and random lottery, 502
- refund process, 593, 645
- reinstatement for LC-based I-140 petitions, 613, 651
- statistics and internal VSC guidelines, 690–91
- substitution cases, 643
- USCIS plans for future, 416

**priority dates**

- corrections, procedure for processing, 635, 636
- July Visa Bulletin, *see* Visa Bulletin 107 (July 2007)
- multiple re-submissions of documents to NVC due to retrogression and then visa progression, 796
- recapturing earlier priority date in concurrent filing, 645
- retrogression, DOS forecast for India and China, 777–78
- visa availability determined at time of filing, 535

**privatization, see U.S. Citizenship and Immigration Services****pro bono work**

- abuse by some attorneys of EOIR's list of free legal-service providers, 727–28

**processing times**

- see also* Premium processing
- cases transferred from TSC to CSC, 515
- consulate-forwarded I-601 waiver applications, 667–68
- CSC update, 521
- E-3 cases, 677, 696
- EADs for asylees, 438
- EB-1 to EB-3 cases that are not eligible for premium processing, 543–44
- errors in posted processing times, 597, 623
- fee-waiver requests, 432–33
- H-1Bs, VSC update, 668–69
- I-130 receipting delays, 701–02
- I-751s at NSC, 569
- I-824 cases, 607
- I-914, VSC, 678
- Mantis SAOs, Condor SAOs, NCIC checks, 768–69
- N-400 and I-485 statistics requested, 435
- NACARA-based residency cards, 695
- prevailing-wage appeals, Chicago and Atlanta NPCs, 749
- removal of standardized RFE processing timeframe pursuant to 72 FR 19100, 110–21
- TN extensions, 655
- TPS re-registration, effect on processing times at VSC, 687–88
- U visas at VSC, 674, 702
- waivers, CBP update, 463–64

**professors and researchers**

- employment authorization, salary paid year round despite having summers off, 546
- J visa update, 5
- offers of employment
  - actual vs. prospective, 567–68
  - permanent offers, proof, 629–30
  - successors-in-interest, 568

**prosecutorial discretion**

Generally, 241–53  
deferred action, 488–89  
nursing mothers, 240

**public charges**

dependent I-485 filings in employment-based cases, documentation required, 661–62

**R**

**R nonimmigrants**, *see* Religious workers

**RAPS (Refugee, Asylum, and Parole System)**

change of address, linking data from AR-11, 453  
minor principal asylum applicants, updated procedures, 176–84, 446

**reductions in recruitment (RIR)**, *see* Labor certification

**reforestation occupations**

guidelines for H-2B processing, 340–47

**refugees**, *see* Asylum and protection

**registered traveler program**

CBP jurisdiction, 466–67

**regulations**

expansion of P-1 category, regulations under revision, 499  
status update from USCIS, 395, 416–17  
T and U status, regulations currently under review, 436, 684, 685

**relief from removal**

deferred action  
prosecutorial discretion, 488–89  
U status applicants in removal proceedings, jurisdiction of VSC, 30–31

**religious workers**

bi-specialization, I-131s for religious workers should be filed at CSC, 431  
CSC update, 514, 520  
delays in adjudication  
dependent on site visit, 546  
I-360 vs. I-129R petitions, 515  
timeliness of decisions on I-130 petitions, 431  
EADs should be filed with CSC if adjustment application is already with CSC, 427–28  
filing petitions at service centers, 547–48  
investigations and site visits, 430–31, 438, 521  
USCIS addresses issues of concern, 400–402, 418–19

**removal**

*see also* Inadmissibility; Waivers  
“authorized period of stay” vs. “in status,” 494–95  
ICE notification of home country, 801–02  
NTA statistics and concerns, 398–99  
stipulated removal orders, creation of uniform process, 726–27

**Requests for Evidence (RFEs)**

*see also substantive headings*  
CSC requests for current employment status for previously approved H-1B or L petitions, 514  
lack of specificity in affidavit of support RFEs, 524  
resolution and follow-up issues, 532–35  
response time  
removal of standardized RFE processing timeframe pursuant to 72 FR 19100, 110–21  
USCIS to remind officers of need for timeliness, 422  
sufficiency of time given in RFE to produce foreign document, 649

**“residence abroad” requirement**

*see also* Waivers  
J visa update, 4

**RFEs**, *see* Requests for Evidence

**S****Salvadoran TPS applicants**

update on processing, 674–75

**Santo Domingo**

consular post issues, 779, 800–801

**SAVE (Systematic Alien Verification for Entitlements)**

update and overview, 811–13, 824–26

**Schneider v. Chertoff**

interim procedures implementing, 51–72

**schools**, *see* J visas; Professors and researchers; Students and schools

**Secure Information Management Service**, *see* SIMS Pilot Program

**SENTRI**

CBP update, 467–68, 476

**service centers**

AAO role in standardizing adjudications at service centers, 830  
bi-specialization, *see* Bi-specialization  
California Service Center (CSC)  
AILA liaison minutes, 514–21  
*see also substantive headings*  
delays, communication to CSC, 510  
expedite procedures, non-premium processing cases, 517–18  
hours for accepting deliveries, 516  
receipting, *see subhead: Receipting (in this heading)*  
communication to service centers on cap cases, 510–11  
dates petitions will be received, 496  
EADs, USCIS workload, 412  
I-130 petition adjudication delays, 407–08  
National Benefits Center (NBC)  
administrative closure of applications, 524–25  
AILA liaison minutes, 522–40  
*see also substantive headings*  
attorney access for individual case inquiries, 522  
Chicago lock box rejections, procedures to correct, 535–36  
EAD issues, 526–32  
90-day clock, 526–27  
administrative closure, 527–28  
biometrics, 531–32  
deferred action cases, 529  
evidence required, 528, 529–31  
family-based adjustment applicants in removal proceedings, procedure for filing I-765, 539  
InfoPass appointment, scheduling, 522, 539  
requesting assistance, 531–32  
mailbox questions, 537–38  
scheduling procedures, employment-based adjustment applications, 538  
translators, interview notice regarding procedure to request, 538  
undeliverable mail, 525  
Nebraska Service Center (NSC)  
AILA liaison minutes, 541–635  
*see also substantive headings*  
business issues, 543–48, 593–95, 613–17  
expedite-request procedure, 570–71  
fax numbers, 635  
“other” product line issues, 560–62, 605–09  
practice tips and updates on I-140 processing, 627–35  
receipting, *see subhead: Receipting (in this heading)*  
refugee and asylee issues, 549–59, 597–604, 618–26  
student and school issues, 541–42, 589–92, 610–12  
obtaining documents returned to service center as undeliverable, 498–99  
personnel updates, 497, 543, 549, 560, 589, 610, 613, 618  
premium processing, *see* Premium processing

- processing times, *see* Processing times
- reauthorization of H-1C program, not expected to cause shift of workload at VSC, 499
- receipting
- correct receipt dates for various scenarios, 647–48
  - delays in receipting and depositing check in premium-processing cases, 516
  - expediting receipting as well as adjudication of I-130s for detainees, 702
  - I-485s, NSC update, 615–16
  - inaccurate reflection of receipt dates for cases on online system, 690
  - issuance of receipt does not mean petition has received cap number, 502
  - receipt notices yet to be issued, procedures to expedite case, 438
  - resolving complex issues, 435–36
  - SCOPS update, 506–07
- refiling after improper rejection of application, 617
- reinstatements processed at VSC and CSC only, 541, 542
- SCOPS liaison minutes, 496–513
- see also* substantive headings
- Texas Service Center (TSC)
- address for replying to RFEs
    - acceptable street address, envelope instructions, 652
    - P.O. box in Irving, used only for temporary time, 651
  - AILA liaison minutes, 636–54
    - see also* substantive headings
  - approval notices not being sent to attorney of record, 647
  - contact info, community relations officer/CBO liaison, 604
  - deposited check as evidence of filing, 648
  - duplicate receipts, 648
  - endorsement of check with SRC receipt number, 643
  - expert-letter writers contacted by TSC, TSC to investigate, 646
  - receipting, *see subhead*: Receipting (*in this heading*)
  - refiling of rejected applications, 637–38
  - review process for all rejects, 648
  - statistics, 649
  - supplementing application with omitted document rather than waiting for RFE, 648
- transfer of K-3 petitions to CSC or VSC, 539–40, 676
- Vermont Service Center (VSC)
- AILA liaison minutes, 655–705
    - see also* substantive headings
  - approval notices on counterfeit-resistant paper, 656–57
  - correcting errors on I-94s and I-797s, 660–61, 703
  - dependent applications, processing, 688
  - e-mail address for school officials' use, 542
  - erroneous rejections, mailing instructions for resubmissions, 671, 689
  - expedited cases, 664–65, 696–97, 702, 704–05
  - Express Mail and courier deliveries, 687
  - hotline, VAWA / U, 673–74, 679, 686
  - jurisdiction to assess deferred action for U status applicants in removal proceedings, 30–31
  - notices for cases adjudicated at Canadian border, attorneys not receiving, 667
  - prepaid mailers, 671
  - receipting, *see subhead*: Receipting (*in this heading*)
  - return of unnecessary filing-fee checks, 699
  - T & U Unit update, 678–86
- SIMS Pilot Program**
- USCIS assessment of program, 414
- Social Security Administration (SSA)**
- E-Verify, *see* E-Verify
  - naming conventions and character length in the enumeration or verification process, 810–11
  - no-match letters, *see* No-match letters
  - payroll guidance when SSA delayed in issuing SSN, 816–17
  - Social Security numbers (SSNs)
    - documents acceptable to SSA to establish identity, 809–10
    - policy and procedure for issuing SSNs to noncitizens, 807–09
    - transfer of earnings from one SSN to another, 822
    - verification of status, 811–15
    - update and overview of SAVE system, 811–13, 824–26
- Southwest Biofuels Regional Center**
- approved as regional center in Immigrant Investor Pilot Program, 151–56
- special immigrant visas**
- see also* Religious workers
  - continuances for children applying for special immigrant juvenile visas, 730–31
  - Iraqi and Afghani translators, numerical cap, 439
- special registration, see** NSEERS
- State Department (DOS)**
- see also* Consular procedure; Kentucky Consular Center; National Visa Center; *substantive headings*
  - availability-of-documents information, 562
  - DOS as Interested Government Agency (IGA), 771–72
  - interpreting date codes in cables, 2
  - online NIV application in the works, 786
  - Visa Office
    - general updates, 782–83, 785–86
    - organizational chart, 805
    - policy guidance that is not posted on public website, 785
  - Waiver Review Division, overview, 802–04
- state workforce agencies (SWAs)**
- funding, TEGL advising SWAs of their LC grant allocations, 384–86
  - H-2 labor certifications, *see* H-2A nonimmigrants; H-2B nonimmigrants
- students and schools**
- application for permanent residency, F-1 status deemed abandoned, 591
  - change of status
    - principal changing from F-1 to J-1, approval notes spouse's current F-1 status rather than requested J-2, 542
    - student changing from J-1 to F-1 status, OPT eligibility, 541
  - E-2 nonimmigrants attending college, 590
  - e-mail address for NSC, for school officials' use, 542
  - employment authorization
    - address listed on I-865, 612
    - current receipting date for OPT I-765, 611
    - EAD cards returned for bad addresses, 541–42
    - interim EAD cards, 542
    - new EAD, return of original required, 641
    - timeframe for mailing approved EADs, 611
  - extension of status, F-1 to H-1B "cap gap," 406
  - H-4 dependents attending school, eligibility for adjustment, 574–75
  - I-20, signatures by both DSO and student required, 589, 592, 610
  - J visa update, 5–6
  - NSEERS-subject students, lack of FIN on I-94, 589–90
  - optional practical training (OPT)
    - A-numbers and OPT grants, 614–15
    - delay in approval, availability of EAD, 590
    - failure to successfully complete course after approval for post-completion OPT, 611
    - full-time nondegree programs, 590–91
    - nondegree and noncertificate students, F-1 OPT applications, 611
    - one-day gap between OPT expiration and change-of-status approval, 665
    - "perfect OPT application package," 591
    - photographs in application, quality, 591
    - requirement to submit all previous I-20s, 591–92

*optional practical training (OPT), cont'd*

- return or reissuance of OPT cards lost in the mail, 610
- student changing from J-1 to F-1 status, OPT eligibility, 541
- verification of curricular practical training in OPT applications, 590
- verification of status, 813–14

**substitutions**, *see* Labor certification

**successors-in-interest**, *see* Employment-based immigration

**summary disposition of BIA cases**, *see* Board of Immigration Appeals, *subhead*: streamlining

**Summer Work and Travel programs**

- clarifications by DOS, 5–6

**T****T & U nonimmigrants**

- backlog on issuance of U visa receipts, 674, 702
- consular processing of T visas, 683–84
- deferred action for U status applicants in removal, VSC jurisdiction, 30–31, 685–86
- EAD approved or I-765 pending, I-131s can still be adjudicated, 685
- EAD renewals, 684–85
- fee waivers, 435
- fingerprinting policy, 685
- I-131s, RFEs requesting evidence of continuing risk at or after filing I-485, 684–85
- I-918 petitioners not required to submit old interim-relief packet, 702
- “offenses,” use of term on I-918, 702–03
- regulations under review, 436, 684, 685
- training for adjudicators at VSC, 673–74
- Violence Against Women Act, *see* VAWA
- VSC hotline, 673–74, 679, 686
- VSC staffing, procedures, and processing update, 678–86, 685–86

**technology**

- AILA-USCIS cooperation, 391
- AR-11 Web function, USCIS update, 391, 415–16
- BIA electronic-filing update, 714–15
- biometrics, *see* Biometrics
- Case Status Online
  - confusing wording on website, 639
  - CRIS system to migrate from ICE to USCIS, 415
  - inaccurate reflection of receipt dates for cases on online system, 690
- CBP update on data integration, 457–59, 467–68
- character limitations for data fields, 497
- DOS to pilot fully online NIV application, 786
- e-filing
  - update on status, 392
- electronic payment, 414
- G-28s, electronic upload of data from DOS, technical problems discovered, 676–77, 692
- IBIS/CLAIMS integration, 457–58
- lock box system, concerns and expansion plans, 393
- PIMS, *see* PIMS
- SAVE system, 811–13, 824–26
- TPS applicants, EAC numbers not being recognized, 660
- trusted traveler program, TRIP website, 477–78
- USCIS update, generally, 390–93
- website redesign, USCIS update, 391–92, 415

**TEGLs**, *see* Training and Employment Guidance Letters

**temporary protected status**, *see* TPS

**temporary workers**, *see specific H nonimmigrant headings*

**terrorist organizations**, *see* Inadmissibility, *subhead*: security and related grounds

**TN visas**

- Mexican TN-2s, CBP update, 461–62, 469–70

**TPS (temporary protected status)**

- EAC numbers for TPS applicants not registering with Case Status Online, 660
- EADs being denied while I-821 is still pending, 660
- EADs for Liberians on TPS/DED, proof of extension, 436
- late registration after I-821 denial, 675–76
- re-registration, effect on processing times at VSC, 687–88
- renewal of request for TPS while in removal proceedings, 410–11
  - EAD issuance, 418
- Salvadoran TPS processing, update, 674–75
- where to send I-765, 695

**Training and Employment Guidance Letters (TEGLs)**

- H-2A labor certifications, 374–78, 379–83
- H-2B labor certifications, 311–20, 348–58
- SWA funding, 384–86
- tree-planting and reforestation occupations, 340–47

**translators and translations**

- Afghani and Iraqi translators, cap on special immigrant visas, 439
- I-589 instructions, 447
- interview notice regarding procedure to request, 538

**travel**

- advance parole
  - asylees and refugees
    - payment of I-485 fee, exempt from paying fee for advance parole, 431–32
    - photo ID requirement for advance parole, 602
  - bi-specialization, I-131s for religious workers should be filed at CSC, 431
  - distinction between re-entry permits, refugee travel documents, and advance parole, 607–08, 622
  - EAD approved or I-765 pending, I-131s still adjudicable, 685
  - expedited handling, 616
  - submission of currently valid re-entry permit with I-131, 607
  - T nonimmigrants, RFEs requesting evidence of continuing risk at or after filing I-485, 684–85
- derivative asylees, travel to principal’s country of persecution, 444, 551–52
- national-security or egregious public-safety risks, 94–95
- NIV extension petitions pending, CBP guidance on travel, 474–75
- Refugee Travel Document, “purpose of trip,” 603
- registered traveler program, CBP jurisdiction, 466–67
- Summer Work and Travel programs, clarifications by DOS, 5–6
- trusted travelers, TRIP program, 477–78

**treaty traders**, *see* E nonimmigrants

**tree planters and related reforestation occupations**

- guidelines for H-2B processing, 340–47

**trusted traveler program**

- TRIP program, 477–78

**U**

**unaccompanied minors**, *see* Children and minors

**unlawful presence**

- distinction between unauthorized employment, failure to maintain status, and unlawful presence, 575–85

**U.S. Citizenship and Immigration Services (USCIS)**

- see also substantive headings*
- comprehensive immigration reform, USCIS developing contingency planning, 411
- personnel plans, 395
- privatization plans, 397, 414–15
- regulations under development, status, 395
- service centers, *see* Service centers

**U.S. Customs and Border Protection (CBP)**

data integration, CBP update, 457–59  
policy, structure, and general information, 457

**US-VISIT**

CBP update, 463–65

**V****VAWA (Violence Against Women Act)**

Battered Immigrant Protection Act, *see* Naturalization  
employment authorization, USCIS memo circulating internally,  
397–98, 417  
I-212 adjudications, VAWA exception to INA §212(a)(9)(C),  
403–04, 417  
new procedures implementing 2005 Act, 219–23  
Salvadoran self-petitioners, 778  
visa waiver entrants, special considerations, 485–87  
VSC hotline, 673–74, 679, 686

**verification**, *see* Employment eligibility and verification

**Vermont Agency of Commerce and Community Development**

re-approved as regional center in Immigrant Investor Pilot Program,  
135–41

**Vermont Service Center (VSC)**, *see* Service centers

**videoconferencing**

unaccompanied minors, EOIR policy, 711–12

**Violence Against Women Act**, *see* VAWA

**Visa Bulletin 107 (July 2007)**

filings based on July priority dates  
delays in EADs for I-765s, 616  
FAQs, 168–70, 171–73, 174–75  
I-485 filed at wrong service center, 616  
NSC update, 614  
statistics, 413  
TSC acceptance of AP and EAD applications for I-485s filed after  
7/17/07, 650

**Visa Office**, *see* State Department

**visa revalidation**

Chinese nationals, CBP guidance, 475

**visa waiver program**

adjustability, 485–87

sworn statement, provision to inadmissible VWP applicants, 468  
VAWA applicants, special considerations, 485–87

**voluntary departure**

Family Unity Program, *see* Form I-817

**W****waivers**

acceptability of I-485 that includes favorable DOS recommendation  
letter for 212(e) waiver but no I-612 approval notice, 609  
CBP update and processing times, 463–64  
consulate-forwarded I-601s, processing times, 667–68  
foreign-residence requirement, I-612 waiver applications, 636, 659  
G-28 information not arriving, 676–77, 692, 772  
HHS waivers, request that DOS specifically note that waiver is  
based on §212(e), 772–73  
HIV-positive asylum adjustment applicant, I-602 waiver, 555,  
602–03  
I-212 adjudications  
jurisdiction of district offices, 410  
VAWA exception to INA §212(a)(9)(C), 403–04, 417  
material support, waivers for asylum seekers, 131–34, 442–43,  
446–47, 447–50  
Mexican applications, USCIS plans to eliminate backlog, 433  
practice guide on waivers of inadmissibility, 224–30  
procedures, lack of clarity, 478  
research-based waiver through HHS, concurrent filing with clinical  
waiver subject to §214(l), no DOS position, 772  
valid contract for purposes of 212(e) waiver, DOS-USCIS  
communications, 782  
Waiver Review Division, overview, 802–04

**websites**, *see* Technology

**work authorization**, *see* Employment authorization

**worksite enforcement operations**

humanitarian considerations, 254–56

**Y****Yemen**

consular post issues, 801