



**U.S. Customs and
Border Protection**

OCT 3 2008

MEMORANDUM FOR: Executive Directors, Field Operations
Directors, Field Operations
Director, Preclearance (b) (6), (b) (7)(C)

FROM: Executive Director (b) (6), (b) (7)(C)
Admissibility and Passenger Programs
Office of Field Operations

SUBJECT: ~~Amendment to Memorandum to the Field Regarding Lawful
Permanent Resident's (LPRs) Evidence of LPR Status at Ports of
Entry Dated August 12, 2008, Muster, and IFM Chapter 13.2~~

The United States Citizenship and Immigration Services (USCIS) recently notified U.S. Customs and Border Protection (CBP) Headquarters that USCIS inadvertently omitted several special notes when they approved the CBP memorandum to the field entitled "Modification to Policy Regarding Lawful Permanent Resident's (LPRs) Evidence of LPR Status at Ports of Entry," dated August 12, 2008, and the corresponding muster and Inspector's Field Manual (IFM) Chapter 13.2 update. USCIS requested that CBP amend the memorandum, muster, and IFM Chapter 13.2 (d) update so that certain applicants not in possession of Form I-551 do not pay the Form I-90 fee or the biometric fee when they are exempt said fees.

Therefore, IFM Chapter 13.2, entitled "Returning Residents Lacking Evidence of Alien Registration," part (d) is updated by adding the following to "special notes":

- (6) No fee required for Form I-90 application when box 2b or 2d is marked.
- (7) No fee is required from applicants filing under "2g" who have not yet reached their 16th birthday.
- (8) Biometric fees are only required of applicants ages 14-79 inclusive.

Attached is a muster sheet on the above topics for immediate dissemination. If you have any questions, please contact (b) (6), (b) (7)(C) Program Manager, at (b) (6), (b) (7)(C)

Attachments

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Date: October 13, 2008

Topic: Amending IFM Chapter 13.2 Entitled "Returning Residents Lacking Evidence of Alien Registration"

Reference Materials: 8 CFR 211; Inspector's Field Manual, Chapter 13.2

Headquarters POC: **(b) (6), (b) (7)(C)**

Office: Office of Field Operations,
Admissibility and Passenger Programs

The CBP Inspector's Field Manual (IFM) Chapter 13.2 (d) entitled "Returning Residents Lacking Evidence of Alien Registration," is amended by adding the following three items to "special notes":

- (6) No fee required for Form I-90 application when box 2b or 2d is marked.
- (7) No fee is required from applicants filing under "2g" who have not yet reached their 16th birthday.
- (8) Biometric fees are only required of applicants ages 14-79 inclusive.

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13.2 Returning Residents Lacking Evidence of Alien Registration. (IFM 01-08; 8/14/08)

Ports of entry encountering returning Lawful Permanent Residents (LPRs) lacking evidence of alien registration fall under one of three categories depending on the circumstances presented. CBP officers could either execute a visa waiver, defer the inspection, or the execute Form I-90.

a. Visa Waiver. Ports of entry encountering a returning LPR lacking evidence of alien registration because (b) (7)(E) may offer a visa waiver pursuant to section 211(b) of the Immigration and Nationality Act (INA). Form I-193 is to be completed for an LPR requesting a visa waiver, if otherwise admissible, for LPRs who claim that their Form I-551 is not lost, stolen, or mutilated. The application fee should be waived for most if not all instances where the LPR is being granted a Form I-193 waiver for the first time. If the waiver is approved, stamp the original Form I-193 and passport with an admission stamp and endorse both with "211(b)." Upon completion, the LPR is to be given a copy of the Form I-193 and be admitted as a returning resident. If a waiver is denied under section 211(b) of the INA, the applicant may withdraw his or her application for admission or be placed in removal proceedings. Any actions taken are to be recorded in the (b) (7)(E) (b) (7)(E) Form I-193 is not considered an adverse action for ENFORCE purposes and, therefore, not required to be entered into ENFORCE. This action (b) (7)(E) (b) (7)(E) (b) (7)(E) For additional information on confirming LPR identity, refer to IFM Chapter 31.4. Fine proceedings, discussed in Chapter 43, may also be appropriate.

b. Deferred Inspection. Deferred inspection should be limited to an LPR who will be able to produce evidence of alien registration within a few days or who claims to have lost or had stolen the Form I-551 and is unable to pay the Form I-90 and biometric collection fee at the time of initial inspection. The LPR will be required to present Form I-551 at the deferred inspection or, if lost or stolen, file a Form I-90 for a replacement Form I-551 with U.S. Citizenship and Immigration Services (USCIS) within the next 30-days. When appearing for the deferred inspection, the LPR will be required to present evidence, generally a Form I-797 Receipt Notice, that the Form I-90 has been properly filed. Deferred inspection (b) (7)(E) (b) (7)(E) (b) (7)(E) For additional information on confirming LPR identity, refer to IFM Chapter 31.4. Fine proceedings, discussed in Chapter 43, may also be appropriate.

The applicant is to be enrolled in ENFORCE and procedures set forth in Chapter 17.10 are to be followed. Advise the LPR that a Form I-90 may be filed electronically at <http://uscis.gov/graphics/formsfee/forms/efiling.htm>. Appointments for fingerprints and photographs may be made by accessing www.INFOPASS.USCIS.gov.

c. Form I-90 Application. Ports of entry encountering returning LPRs lacking evidence of alien registration because said evidence was lost, stolen, or mutilated shall require the LPR to apply for a visa waiver and new Form I-551 pursuant to 8 CFR 211.1(b)(3). Form I-90 will serve both as the application for replacement and as an application for waiver of passport and visa, without obligation to file a separate waiver application on Form I-193. The application fees must be collected and shall include both the Form I-90, Application to Replace Alien Registration Receipt Card, and biometric fees. Biometric fees are only collected for applicants age 14-79

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inclusive. Ports of entry must collect both fees, unless the biometric fee is waived due to the age parameter. Provide the LPR with a copy of the Form I-90 and fee receipt. This action (b) (7)(E)

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For additional information on confirming LPR identity, refer to IFM Chapter 31.4 Fine proceedings, discussed in Chapter 43, may also be appropriate.

Completing Form I-90. Ensure the LPR has correctly filled out “Parts 1-4.” Make a copy of the completed form. Process Form I-90 as follows:

- Both the Form I-90 fee and the biometric fee must be collected. However, the biometric fee is collected only for applicants ages 14-79 inclusive. Endorse the “Receipt” block on both forms with “duplicate—fee previously collected.” Staple the original CBP receipt to the original copy of Form I-90. Staple a copy of the CBP receipt to the copy of Form I-90.
- Endorse the “Action Block” on the lower right side of each copy with an admission stamp and the notation “Admitted 211(b), I-90 filed”. Return the copy of Form I-90 to the LPR with the copy of the fee receipt.
- Advise the alien that USCIS will send an appointment notice to report to a local Application Support Center (ASC) to obtain the necessary photographs and a fingerprint to complete the filing of the application and generate the replacement Form I-551. The notice will be sent to the address recorded on the Form I-90.
- The original Form I-90 should be routed to the USCIS address listed below with a completed Form I-90 Processing Sheet for data entry into the (b) (7)(E) (b) (7)(E) will generate a notice for the LPR to report to a local ASC to capture the necessary biometrics, fingerprint and photograph, to create a replacement Form I-551.

If boxes 2a, 2c, 2e, 2f, 2g (no fee if “2g” is checked and applicant is 15 or under), 2h1, 2h2, 2i, or 2j are checked off on Form I-90, staple the completed Form I-90 Processing Sheet on top of the completed original Form I-90 application with original fee receipt and forward the packet to USCIS at one of the following addresses:

For U. S. Postal Service (USPS) deliveries:

U. S. Citizenship and Immigration Services
P. O. Box 54870
Los Angeles, CA 90054-0870

For Express U. S. Postal Service (USPS) or commercial deliveries, e.g., Federal Express, UPS:

U. S. Citizenship and Immigration Services
Attention: I-90
16420 Valley View Avenue
La Mirada, CA 90638

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If 2b or 2d is checked off, no fee is required for Form I-90 application (see IFM Chapter 13.2 (d)(5) "Special Notes").

(d) Special Notes.

(1) If at the time of the current application for admission existing records indicate that the LPR has been issued a Form I-90 or a deferred inspection had been scheduled to file a Form I-90 previously or a Form I-193 has previously been executed, the POE should take a Form I-193, with fee. Another Form I-90 should not be filed or deferred inspection should not be authorized, if possible. If the LPR requires a replacement Form I-551, refer the applicant to <http://uscis.gov/graphics/formsfee/forms/efiling.htm>. Appointments for fingerprints and photographs may be made by accessing www.INFOPASS.uscis.gov.

(2) A resident alien who has turned 14 years of age and has not replaced his or her alien registration card should be advised of the registry requirements of section 264 of the INA. The

(b) (7)(E) Evidence of current status and the applicant's prior alien registration card history will be available (b) (7)(E)

(3) An LPR presenting an expired 10-year Form I-551 should be advised to file a Form I-90 with USCIS. No further action is to be taken.

(4) Procedures for commuter LPRs who lack evidence of registration are identical to the procedures for LPRs who lack evidence of registration. However, if the commuter LPR has no fixed address in the United States the USCIS will send an appointment notice to report to a local ASC to obtain the necessary photographs and a fingerprint to complete the filing of the application and generate the replacement Form I-551 to the port of entry where the commuter LPR generally is processed. These actions (b) (7)(E)

(b) (7)(E) See IFM Chapter 21.8 for more information on alien commuters.

(5) If box 2b or 2d is marked on Form I-90, no fee is required and Form I-90 should be mailed to one of the Service Centers below where the applicant's Adjustment of Status (AOS) application was received.

California Service Center, Attn: I-90 "b" or "d", P.O. Box 10090, Laguna Niguel, CA 92607-1009

Nebraska Service Center, Attn: I-90 "b" or "d", PO Box 87090, Lincoln, NE 68501-7090

Texas Service Center, Attn: I-90 "b" or "d", P.O. Box 851983, Mesquite, TX 75185-1983

Vermont Service Center, Attn: I-90 "b" or "d", 75 Lower Welden Street, St. Albans, VT 05479-0001

National Benefits Center, Attn: I-551 Corrections, 705B SE Melody Lane, Box 2000, Lee's Summit, MO 64063

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