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IMMIGRATION
LAWYERS
ASSOCIATION

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Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
20 Massachusetts Avenue, NW
Washington, DC 20529-2140

Submitted via e-mail: USCISPolicyManual@uscis.dhs.gov

**Re: USCIS Policy Manual, Volume 1: General Policies and Procedures, Part A,
Public Services**

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to updated USCIS policy guidance regarding services USCIS provides to the public, found in Volume 1: General Policies and Procedures (“Policy Manual”) as announced in a Policy Alert dated May 10, 2019 (“Policy Alert”).¹

AILA is a voluntary bar association of more than 15,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to provide comments to USCIS relating to its recent updates to Volume 1, Part A of the USCIS Policy Manual pertaining to the services that USCIS provides to the public. We believe that our collective expertise and experience makes us particularly well-qualified to offer views that will benefit the public and the government. Given the large volume of immigration benefits applications and petitions that USCIS processes each year, the number of stakeholders with which the agency engages in the course of adjudicating these applications and petitions, and the extensive information that the agency provides through its website, the USCIS Contact Center, and field offices, stakeholder feedback on the services USCIS provides to the public is essential to ensure that USCIS policy is not only operationally efficient, but to ensure that USCIS is also providing accessible, reliable, timely, and accurate guidance and information about its services to fee-paying customers and the general public.

¹ See U.S. CITIZENSHIP & IMMIGRATION SERV., DEPT. OF HOMELAND SECURITY, PA-2019-03, USCIS PUBLIC SERVICES (MAY 10, 2019), <https://www.uscis.gov/sites/default/files/policymanual/updates/20190510-PublicServices.pdf>.

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A. Procedural and Due Process Concerns

As an initial matter, we note that fourteen (14) calendar days is an insufficient time frame for the public to meaningfully review, evaluate, and provide comments to changed policy. Changes to agency policy require a reasonable time for analysis and comment. Accordingly, USCIS should provide the public at least sixty (60) days for comment, a time frame that AILA has previously advocated for in prior comments that it has submitted to USCIS in response to changes to the USCIS Policy Manual.²

AILA notes that many stakeholders do not have access to prior versions of the USCIS Policy Manual in order to meaningfully discern what changes USCIS has made to its policy guidance. To promote greater transparency and public awareness about the changes that USCIS has adopted, AILA recommends that USCIS provide a table of changes document outlining the changes that the agency has made to the Policy Manual, similar to what USCIS provides when there is a change to a USCIS form.³ This would allow stakeholders to be more fully informed about the policy changes that USCIS has made and have the meaningful opportunity to weigh in on such changes.

More concerning, however, is that this new policy guidance became immediately effective on May 10, 2019, the date that USCIS announced that it had updated its policy guidance. An immediate effective date alone runs counter to the provision of notice and due process. At a minimum, any policy change should be made only after public comment and after due consideration of such comments. Making policy change contemporaneous with announcement provides no meaningful opportunity to resolve critical questions and practical concerns raised by stakeholders during the comment before the new policy has become effective.

B. Comments to USCIS Policy Manual

These comments relate to the May 10, 2019 Policy Alert announcing that USCIS is updating policy guidance in the USCIS Policy Manual regarding “services USCIS provides to the public, including general administration of certain immigration benefits, online tools and up-to-date information.”⁴

Our comments advance the following points:

- a) The elimination of the term “customer” from Volume 1, Part A of the USCIS Policy Manual reflects the agency’s ongoing shift away from its customer-service oriented mission;
- b) USCIS’ web-based information about InfoPass should be updated and expanded;

² See e.g., AILA Comment to USCIS Policy Manual, Volume 6: Immigrants, Part 6, Investors, Geographic Area of a Regional Center, submitted to USCIS on September 9, 2018; AILA Comment to USCIS Policy Manual, Volume 6: Immigrants, Part 6, Investors, Immigrant Investors and Debt Arrangements, submitted to USCIS on November 12, 2018.

³ See e.g., Agency Information Collection Activities: Form I-90, Extension of a Currently Approved Information Collection; Comment Request, Table of Changes – Form 3.21.2019, <https://www.regulations.gov/document?D=USCIS-2009-0002-0036>.

⁴ PA-2019-03, *supra* note 1.

- c) USCIS should provide the criteria it uses to determine eligibility for an InfoPass appointment;
- d) USCIS should ensure that its premium processing telephone line is adequately staffed;
- e) USCIS should inform the public, through its Policy Manual, of designated telephone lines that are available for VAWA, U, and T applicants and their legal representatives;
- f) Designated email boxes for case-specific inquiries should be reopened and staffed appropriately;
- g) USCIS should revise and expand its expedite criteria and revisit the way in which the agency processes and responds to expedite requests;
- h) Electronic devices should be permitted in all USCIS Field Offices, with limited exceptions; and
- i) USCIS should maintain its prior goal of “First Contact Resolution”.

We discuss these points more fully below.

a. The elimination of the term “customer” from Volume 1, Part A of the USCIS Policy Manual reflects the agency’s ongoing shift away from its customer-service oriented mission

Contrary to congressional intent that USCIS function as a service-oriented immigration benefits agency, USCIS has increasingly shifted its focus toward immigration enforcement. The elimination of the term “customer” from Volume 1, Part A of USCIS’s Policy Manual illustrates this ongoing transformation.

Congress established USCIS to separate the government’s immigration benefits services from its immigration enforcement components. Previously, the government housed those two functions under a single agency—legacy Immigration and Naturalization Service (legacy INS). Both the legislative and executive branches, however, long criticized this consolidation as inefficient and counterproductive. In 2002, the Congressional Research Service observed that there “appeared to be a consensus among interested parties that the former INS’s two main functions — service and enforcement — needed to be separated.”⁵

Congress achieved this division with the passage of the Homeland Security Act of 2002, which abolished INS. Adjudication functions were transferred from legacy INS to the Bureau of Citizenship and Immigration Services—later renamed USCIS. Enforcement functions were

⁵ Congressional Research Service, “Immigration and Naturalization Service: Restructuring Proposals in the 107th Congress” (Dec. 30, 2002), https://www.everycrsreport.com/files/20021230_RL31388_3678de56f7aba9d7d612f19a020d1f0030db4d9c.pdf.

transferred to what ultimately became Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP).⁶

Consistent with its congressional mandate as a service-oriented agency, for years USCIS's, mission statement read:

*USCIS secures America's promise as a nation of immigrants by providing accurate and useful information to our **customers**, granting immigration and citizenship benefits, promoting an awareness and understanding of citizenship, and ensuring the integrity of our immigration system (emphasis added).*

However, in February 2018, the agency marginalized the "customer service" aspect of its mandate by issuing a new mission statement that omitted the prior version's reference to applicants and petitioners as "customers." The revised statement, as reflected in Chapter 1 of USCIS' updated Policy Manual, reads:

U.S. Citizenship and Immigration Services administers the nation's lawful immigration system, safeguarding its integrity and promise by efficiently and fairly adjudicating request for immigration benefits while protecting Americans, securing the homeland, and honoring our values.

This omission both reflects and conveys the agency's shift away from the congressionally mandated service-oriented adjudications. Indeed, in recent years, USCIS has adopted a series of measures, such as reductions to stakeholder engagements, rollbacks to customer service tools, and restrictions on congressional liaison, that have limited the public's access to helpful, accurate, and timely information on individual case matters, as well as USCIS policies and practices. The lack of transparency into agency actions, the inability to obtain substantive information on pending applications and petitions, and the creation of bureaucratic hurdles to congressional assistance erode public trust, frustrate the ability of affected stakeholders to make personal and professional plans, and elevate anxiety surrounding the immigration process.

b. Web-based information about InfoPass should be updated and expanded

In Volume 1, Part A, Chapter 2 of the updated USCIS Policy Manual, relating to web-based information, USCIS highlights a number of sub-sites hosted on the USCIS websites, including the InfoPass portal, <https://my.uscis.gov/appointment>. The information provided on the InfoPass portal is confusing and outdated in light of the agency's recent implementation of the Information Services Modernization Program (InfoMod) at certain field offices nationwide. The InfoPass sub-site currently gives stakeholders the false impression that they can make an InfoPass appointment directly through the online portal at any USCIS field office nationwide. USCIS should update the InfoPass portal to clearly inform stakeholders that the InfoMod program eliminates the self-scheduling InfoPass appointment system, and now requires stakeholders to schedule appointments through the USCIS Contact Center. USCIS should also provide a list of the offices that have

⁶ Pub. L. No. 107-296, 116 Stat. 2135 (Nov. 25, 2002), https://www.dhs.gov/sites/default/files/publications/hr_5005_enr.pdf.

implemented the InfoMod program and a timeline for the field offices that will implement the program in the near future, as well as clear instructions on how stakeholders can make an InfoPass appointment for a field office that has implemented the InfoMod program.

For example, stakeholders attempting to make an InfoPass appointment at the Kendall Field Office in Kendall, Florida through the InfoPass portal provided in the USCIS Policy Manual now receive a message that indicates that “[t]his office is not accepting walk-in requests or scheduling InfoPass appointments.” Such a message gives stakeholders the false impression that no appointments will be entertained at this field office. USCIS should clarify on the InfoPass portal that stakeholders who would like to request an InfoPass appointment at a field office that has implemented InfoMod must schedule an appointment by either calling the USCIS Contact Center or submitting a request via the following online form: <https://my.uscis.gov/help/schedule/>. For field offices that have not yet implemented InfoMod, USCIS should clarify that appointments can still be made online via the InfoPass portal: <https://my.uscis.gov/appointment>.

AILA recently surveyed our members regarding the implementation of USCIS’s InfoMod program and learned that very few of our members were aware of the online form, <https://my.uscis.gov/help/schedule/>, as a mechanism to request an InfoPass appointment. Recently, it also appears that the online form, <https://my.uscis.gov/help/schedule/>, is no longer properly functioning, as it reflects “[t]here are no field offices for this zip code” for any zip code that is inserted. AILA recommends that USCIS fix the technical problem with the online form, make the public more aware of its availability, and ensure that it is appropriately staffed to process appointment requests made through this portal as AILA has received reports from our members who have requested an appointment through this online form that they never received a call back from USCIS Contact Center staff to schedule an appointment, or that inadequate determinations were made by USCIS staff on these InfoPass appointment requests. Additionally, AILA members have significant concerns about the efficiency and functionality of the call back system. They have reported extensive wait times, inconveniently timed call backs for both applicants and attorneys outside of normal business hours, and inconsistent application of what types of issues require an InfoPass appointment, which has frequently resulted in members having to restart the process, wasting precious resources both for the government and the public. AILA recommends that USCIS update its Policy Manual with instructions on how to use the online form and the call back system, particularly identifying situations when an InfoPass appointment can be made.

AILA would also like to bring to USCIS’ attention that other USCIS webpages relating to InfoPass are also outdated. For example, the “Your Guide to InfoPass” webpage (<https://www.uscis.gov/tools/your-guide-infopass>) was last updated in March 2018. This webpage provides outdated information about scheduling an InfoPass appointment. AILA recommends that USCIS update its webpages relating to InfoPass to ensure that the information provided is complete and accurate, in particular regarding how stakeholders can make an InfoPass appointment. This will ensure that stakeholders are better informed about the new InfoPass scheduling process for certain offices, and should help to minimize unnecessary calls to the USCIS Contact Center or in-person visits to the Field Office, freeing up limited USCIS resources.

c. USCIS should provide the criteria it uses to determine eligibility for an InfoPass appointment

In Volume 1, Part A, Chapter 3 of the updated USCIS Policy Manual, relating to forms of assistance, USCIS indicates that “[i]n-person appointments at Field Offices are reserved for critical services that require a person’s physical presence in the office to resolve the issue.” USCIS indicated during a February 14, 2019 teleconference provided by the CIS Ombudsman on the topic of USCIS Applicant Support Services, that it has identified at least 16 issues that qualify for an InfoPass appointment, such as ADIT stamps (I-551 stamps), proof of status, and parole in place, among others.⁷ AILA recommends that USCIS disclose in its Policy Manual the criteria that USCIS uses to determine eligibility for an InfoPass appointment. Clearly providing this information to the public will help reduce the number of unnecessary requests for InfoPass appointments made by individuals who clearly do not qualify for such an appointment, freeing up limited USCIS resources for individuals who do qualify.

Given the time-sensitive nature of many of the critical services provided by Field Offices, AILA recommends that USCIS allow for same-day InfoPass appointments when necessary, and that USCIS provide information about its same-day appointment policy, and the eligibility criteria for same-day appointments, in its Policy Manual at Volume 1, Part A, Chapter 3.

Earlier this spring, AILA received various reports of issues encountered by our members when attempting to submit a fee for an EOIR motion or application at a USCIS Field Office. AILA received case examples that indicated that some of our members were having problems when attempting to schedule an InfoPass appointment with a USCIS Field Office for the purpose of submitting such fees. Reportedly, some USCIS Contact Center staff were either unaware that these fees could be submitted at a local USCIS office without a related USCIS receipt number or connected case, or believed that feeing in an EOIR motion or application did not qualify for an InfoPass appointment. These issues were in addition to AILA members who reported delays and/or issues with the USCIS Contact Center call-back system, which sometimes resulted in multiple days before an InfoPass appointment could be scheduled, and several more days before the appointment ultimately was attended. These issues present serious access issues for cases in which a fee must be submitted urgently in order to be considered timely. In light of these issues, AILA recommends that USCIS include on its list of issues that qualify for an InfoPass appointment the feeing in of an EOIR motion or application at a USCIS Field Office. Given the often time sensitive nature of these filings, AILA recommends that USCIS adopt a process by which stakeholders can fee in these applications, either through a same day InfoPass appointment and/or through a walk-in option made available at all USCIS Field Offices nationwide.

d. USCIS should ensure that its premium processing telephone line is adequately staffed

In Volume 1, Part A, Chapter 3 of the updated USCIS Policy Manual, relating to forms of assistance, USCIS indicates that it provides a toll-free phone number exclusively for inquiries about petitions filed under the Premium Processing program. AILA has received multiple reports from our members in recent months that the telephone line for the Texas Service Center (TSC)

⁷ See *Teleconference Summary: Updates to USCIS’ Applicant Support Services*, U.S. DEPT. OF HOMELAND SECURITY (April 2, 2019), <https://www.dhs.gov/blog/2019/04/02/teleconference-summary-updates-uscis-applicant-support-services>.

Premium Processing Unit has frequently been nonresponsive. Our members frequently have reported in recent months that when contacting the TSC premium processing unit, no officer is available to answer the phone, effectively making this telephone service useless in many cases. AILA recommends that USCIS ensure that its telephone lines, including the premium processing telephone lines, are adequately staffed so that fee-paying customers, and their legal representatives, are able to communicate timely with an officer in the premium processing unit when they call to inquire about a case.

e. USCIS should inform the public, through its Policy Manual, of designated telephone lines that are available for VAWA, U, T applicants and their legal representatives

AILA is aware that USCIS maintains a designated telephone line for VAWA, U, and T applicants and their representatives: (802) 527-4888. AILA recommends that USCIS continue to maintain this telephone line, inform the public about the existence of this telephone line in Volume 1, Part A, Chapter 3 of its Policy Manual, and ensure that the telephone line is appropriately staffed to ensure that VAWA, U and T applicants, and their legal representatives, receive timely responses from USCIS to inquiries made through this telephone line.

f. Designated email boxes for case-specific inquiries should be reopened and staffed appropriately

AILA is concerned about the elimination of the following USCIS Service Center designated email boxes from USCIS' updated Policy Manual:

- California Service Center, csc-ncsc-followup@dhs.gov
- Vermont Service Center, vsc.ncscfollowup@dhs.gov
- Nebraska Service Center, ncscfollowup.nsc@dhs.gov
- Texas Service Center, tsc.ncscfollowup@dhs.gov

These email addresses were previously provided in Part A, Chapter 2 of the prior version of the USCIS Policy Manual, and until January 21, 2019, were available for stakeholders seeking to inquire about a pending or adjudicated petition or application at one of these Service Centers.

AILA is also concerned about the elimination of the USCIS Headquarters Office of Service Center Operations (SCOPS) email box, SCOPSSCATA@dhs.gov. This email address was previously provided in Part A, Chapter 2 of the prior version of the USCIS Policy Manual, and was available to stakeholders through spring 2018, when reference to the email box was abruptly removed from the USCIS website.

By eliminating these designated email boxes, USCIS is removing an important and effective tool for stakeholders to escalate case-specific inquiries that have failed to be adequately addressed, or are completely ignored, by the USCIS Contact Center. AILA has observed, for example, straightforward cases issues, such as a clear typographical error on an approval notice (Form I-797) that go completely ignored by the USCIS Contact Center for months, with no resolution.

During the period in which these designated email boxes were available to the public, AILA was aware of many stakeholders who were able to get case-specific inquiries effectively resolved through these designated email boxes. AILA observed many case examples where the designated Service Center email boxes were utilized in situations where the case inquiry was completed ignored by the USCIS Contact Center (i.e., no response was ever received despite numerous follow ups), or when the response received by the USCIS Contact Center was inadequate or reflected a clear misunderstanding of the issue at hand. These designated email boxes were particularly helpful in situations where the case had been filed with a particular Service Center, but a receipt notice or acknowledgement letter failed to be provided by the Service Center, such as a request for humanitarian reinstatement where no letter of acknowledgement was provided by the Service Center, making it difficult to track the case through normal methods. These designated email boxes also often provided more accurate and substantive information than the USCIS Contact Center, resolving the issue more effectively.

In light of the fact that some stakeholders still report not receiving any response from the USCIS Contact Center after following the public inquiry process, AILA recommends that USCIS reopen these designated email boxes to provide an important and effective tool for stakeholders to escalate case-specific inquiries that have failed to be adequately addressed, or are completely ignored, by the USCIS Contact Center. Without an effective escalation process to resolve case-specific inquiries that have failed to be resolved by the USCIS Contact Center, stakeholders will be inclined to turn to the courts, their Congressional representatives or the CIS Ombudsman for case resolution, creating more workload for USCIS and DOJ counsel, USCIS' Congressional liaison staff and the CIS Ombudsman. Such email boxes also serve as an important tool for bringing to the agency's immediate attention problematic trends impacting a wide range of stakeholders, such as system-wide glitch in the issuance of receipt or approval notices. Being notified of these problematic trends early on can minimize the negative impact on stakeholders and reduce the overall workload on USCIS staff to resolve the issue.

g. USCIS should revise and expand its expedite criteria list and revisit the way in which the agency processes and responds to expedite requests

Previously, USCIS considered the following criteria for purposes of expediting a benefit request:

- Severe financial loss
- Emergency situation
- Humanitarian situation
- Nonprofit status of requesting organization in furtherance of the cultural and social interests of the United States
- DOD or national interest situation
- USCIS error
- Compelling interest of USCIS

In light of USCIS's recent revisions to the USCIS Policy Manual, the expedite criteria listed in Volume 1, Part A, Chapter 5, is now limited to the following situations:

- Severe financial loss to a company⁸ or person⁹ provided that the need for urgent action is not the result of the petitioner’s or applicant’s failure: (1) to file the benefit request or the request to expedite in a reasonable time frame; or (2) to respond to any requests for additional evidence in a reasonably timely manner;
 - Urgent humanitarian reasons;
 - Compelling U.S. Government interests (such as urgent cases for the Department of Defense or DHS, or other public safety or national security interests); or
 - Clear USCIS error.
- i. USCIS should expand its list of expedite criteria

AILA is concerned about USCIS’s recent changes to its list of expedite criteria. In particular, AILA is troubled by USCIS’s elimination of “non-profit organizations whose requests is in furtherance of the cultural and social interests of the United States” from the list of criteria that may qualify for an expedite. The elimination of this criteria from the expedite list could have a detrimental impact on the cultural and social interest of the United States. This expedite criteria has been extremely beneficial to nonprofit organizations and the communities they serve, such as those operating in the performing arts industry, including opera houses, arts festivals, and ballet companies. In many cases, nonprofit organizations tend to file pro se, and often do not have the extra \$1,410 to cover the cost of premium processing filing fee. Without this expedite criteria and in light of growing USCIS processing delays, many nonprofit organizations may suffer, failing to meet their tight performance schedules, and in some cases, they may have to cancel or postpone their events or performances, to the detriment of local communities across the nation.

AILA is also concerned about the elimination of “emergency situation” from the expedite criteria list. Although USCIS has retained “urgent humanitarian reasons” as one of the expedite criteria, there are a number of emergency situations that could arise that do not involve a humanitarian concern, such as a situation that poses an immediate risk to business interests, physical property, wildlife, or the environment. Accordingly, AILA recommends that USCIS add “emergency situation” back into the list of expedite criteria to cover situations that would fall outside the realm of an “urgent humanitarian reason.”

Similarly, AILA is concerned about the elimination of “national interest situation” for the expedite list. AILA believes that “compelling U.S. government interests” is too narrow and may fail to encompass broader national interest situations that may be beyond the interest of the U.S. government, yet still benefit the nation as a whole. A “national interest situation” could for example encompass a leading cancer research center that is seeking to fill a critical position that could impact cutting-edge research at the national level. As such, AILA recommends that “national interest situation” be added back to the list of expedite criteria.

⁸ “Severe financial loss” is defined in Volume 1, Part A, Chapter 5 of the USCIS Policy Manual as meaning that the company would be at risk of failing.

⁹ The policy manual indicates that the need to obtain employment authorization, standing alone, without evidence of other compelling factors, does not warrant expedited treatment.

Finally, AILA is concerned about how the closing of USCIS International Field Offices overseas might impact the processing of family-based applications if those applications are shifted to USCIS Service Centers in the United States. If USCIS International Field Offices close overseas, the expedite criteria should be updated to include I-130 petitions filed by U.S. citizen expatriates, adoptive parents, and military services members who are being transferred or coming to the United States on short notice.

ii. USCIS should broaden its definition of “severe financial loss”

The revised Policy Manual sets forth a definition for “severe financial loss to a company” which USCIS defines as meaning that “the company would be at risk of failing.” This definition is extreme and unrealistic, even for the top-most company executive. In reality, many companies could operate for a few months without a particular employee, since companies build in redundancies and generally do not rely solely on a single person to keep the company from failing. AILA recommends that USCIS eliminate this narrow definition and consider broader financial impacts, such as loss of key corporate contracts, loss of a competitive industry advantage, etc.

iii. USCIS should provide non-exhaustive guidelines as to what will be deemed to be a “reasonable time frame” and define “reasonably timely manner” consistent with timeframes provided in written requests for evidence

The updated criteria now includes a requirement that a case may only be expedited if the need for urgent action is not the result of the petitioner’s or applicant’s failure to file a benefit or expedite request in a “reasonable time frame” or to respond to any requests for additional evidence in a “reasonably timely manner.” AILA recommends that USCIS update its Policy Manual with non-exhaustive guidelines of what the agency will consider to be a “reasonable time frame” to avoid inconsistent and arbitrary adjudications of expedite requests. Moreover, AILA recommends that USCIS deem that any responses to requests for evidence that are filed within the timeframe prescribed in the written request for additional evidence to have been submitted in “reasonably timely manner”.

iv. USCIS should provide exceptions when premium processing service is available

In Volume 1, Part A, Chapter 5 of the Policy Manual, USCIS indicates that “it does not consider expedite requests for petitions and applications that have Premium Processing Service available.” Previously, USCIS provided an exception to this policy when the petitioner was a not-for-profit organization designated by the Internal Revenue Service that is acting in furtherance of the cultural and social interests of the United States. AILA recommends that USCIS continue to provide this exception, as well as expand the exception to cover applicants or petitioners who can demonstrate that they are either financially unable to pay the premium processing filing fee of \$1,410, or can demonstrate that they are unable to wait for the fifteen (15) calendar day processing time frame for premium processing due to the nature of their expedite request.

v. USCIS should provide responses to expedite requests

AILA is concerned about the following language that USCIS has included in Volume 1, Part A, Chapter 5 of the USCIS Policy Manual regarding USCIS responses to expedite requests:

To increase efficiency in the review and processing of expedite requests, USCIS is not required to provide justification and is not required to respond regarding decisions on expedite requests. (emphasis added).

Given the time-sensitive, and often compelling nature of expedite requests, AILA believes it is bad policy for USCIS to fail to provide any type of response to stakeholders on the outcome of an expedite request. Such a policy will reduce transparency, erode public trust, frustrate the ability of affected stakeholders to make personal and professional plans, and elevate anxiety surrounding the immigration process. Such a policy will in fact be less efficient for USCIS, as it will create more work for the agency as many stakeholders will follow up with the USCIS Contact Center to try to ascertain the outcome of the expedite request. Alternatively, some stakeholder may file subsequent expedite requests, believing that their initial expedite request was lost or ignored by the USCIS Contact Center. As such, AILA recommends that USCIS provide stakeholders with some type of response to an expedite request, confirming that the expedite request has been received and is being reviewed and additional notification that it has either been granted or denied by the agency. Such a response could be provided either via telephone, email, written notification, or through the USCIS online case status portal, in order to provide stakeholders with some type of assurance of the receipt and finality of their request.

vi. USCIS should adopt a transparent and efficient process for stakeholders to place expedite requests

To increase transparency and efficiency, AILA recommends that USCIS streamline the process by which stakeholders place an expedite request. Currently, the process requires several points of communication between a stakeholder and USCIS. Stakeholders generally start by calling the USCIS Contact Center to speak to an officer and make a formal request to place an expedite request. Subsequently, USCIS will contact the stakeholder by email or phone to request that documents be submitted in support of the expedite requests. Upon submission of the supporting documents to USCIS, often via fax, some stakeholders receive some type of action on their cases, while others are left with no response on the expedite request. For stakeholders receiving no response, in many cases they will follow up with the agency via the Contact Center to inquire about the status of the expedite request or to place a subsequent expedite request, believing that the first request may have gotten lost or ignored.

AILA would recommend that USCIS develop a uniform process and timeline for expedite requests, that allows stakeholders to submit their supporting documentation at the same time that they place the expedite request. Given that fax machines are becoming less common in the workplace, AILA recommends that USCIS allow for submission of supporting documents via email or through the USCIS online portal. Finally, AILA recommends that USCIS adopt a uniform timeframe (for example, 3-5 business days) by which stakeholders can expect to hear back from USCIS on the outcome of the expedite request.

h. Electronic Devices should be permitted in all USCIS Field Offices, with limited exceptions

The updated USCIS Policy Manual at Volume 1, Part A, Chapter 8 provides that “[v]isitors must abide by applicable policies established by the facility in which they are seeking services. Depending on the facility’s policies, visitors may be permitted to possess cell phones, personal digital assistants, tablets, laptops, and other electronic devices.” Although many field offices do allow for the use of electronic mobile devices, AILA is aware that several field offices have adopted policies requiring that all electronic mobile devices must be shut off prior to entering the InfoPass services counter and interview office.

Many of AILA’s members have transitioned their practice to utilizing electronic devices to digitally store case information. These electronic devices enable access to important case-specific information and relevant supporting documentation on the go, and provide our members with a quick and efficient way to conduct case research. Additionally, many of our members rely on electronic devices to communicate with clients and their members of their staff in the event that an urgent issue arises while they are attending an appointment at a USCIS field office.

We understand that the use of electronic devices could in some cases be disruptive to agency activities or pose security issues. For these reasons, some field offices have chosen to restrict all use of electronic devices during interviews and/or appointments. AILA urges that USCIS reevaluate its policy and allow for the use of electronic devices in all local USCIS offices, with limited exceptions to prevent disruption to agency activities. In order to ensure that the manner in which these devices is not disruptive to others, USCIS might consider a general policy requiring that all electronic devices be switched to “silent” or “vibrate” when inside a facility and further establish criteria for permissible use of such devices during interviews and appointments, such as accessing case specific information, conducting case related research, and responding to an urgent or emergency situation. Such a policy would ensure that stakeholders have access to important information relevant to their particular case, while also ensuring that use of such devices is not disruptive to USCIS officials and visitors in the facility.

i. USCIS should maintain its prior goal of “First Contact Resolution”

The prior version of the USCIS Policy Manual at Volume 1, Part A, Chapter 2, provided that all inquiries to USCIS should be reviewed with the goal of “First Contact Resolution,” which USCIS defined as “giving an accurate and complete answer the first time to eliminate the need for a subsequent inquiry about the same issue.” AILA is concerned that the goal of “First Contact Resolution” was eliminated from the updated version of the USCIS Policy Manual. AILA encourages USCIS to add this language back into the Policy Manual at either Chapter 3 or Chapter 4 of Volume 1, Part A. Maintaining the goal of “First Contact Resolution” will help USCIS to fulfill its stated mission of “efficiently. . . adjudicating request for immigration benefits” by ensuring that stakeholders receive accurate and complete information the first time they contact USCIS. This goal, if properly executed, will eliminate the need for subsequent inquiries by stakeholders about the same issue, freeing up limited USCIS resources to be devoted to adjudicating cases or resolving new case inquiries.

C. Conclusion

In closing, we thank you for providing this opportunity to comment on updates to the policy guidance contained in Volume 1, Part A of the USCIS Policy Manual regarding services USCIS provides to the public. We look forward to a continuing dialogue on this and related matters.

Respectfully submitted,

AMERICAN IMMIGRATION LAWYERS ASSOCIATION