

**U.S. Customs and Border Protection
Office of Field Operations**



Admissibility and Passenger Programs

Admissibility Advisory Networks
Interim
Standard Operating Procedures

March 2013

Interim

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This is the Admissibility Advisory Network Interim Standard Operating Procedure being issued by the Executive Director, Admissibility and Passenger Programs. Suggestions for revisions should be directed to the Director, Enforcement Programs.

(b) (6), (b) (7)(C)

Executive Director, Admissibility and Passenger Programs

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1. PURPOSE

The purpose of this Standard Operating Procedure (SOP) is to define the roles and responsibilities of the Field Office Admissibility and Advisory Network (AAN) for consistency in the application of admissibility decision making throughout the Office of Field Operations (Field Operations). Each Field Office will establish and maintain an AAN that is responsible for ensuring all admissibility case reviews are consistent for Field Operations. Field Office AANs are responsible to their port management as it relates to requests for assistance and the review of complex adverse action cases. Each Director Field Operations will continue to leverage their own network for admissibility support locally, but the individual networks will be combined into one large network running through Admissibility and Passenger Programs for mutual support when needed rather than setting up a physical Center. This guidance will be periodically updated with procedures and information necessary to meet evolving challenges.

2. BACKGROUND

The Office of Field Operations (Field Operations) recognizes that enforcement of Title 8 requires specialized knowledge of immigration laws, regulations, and procedures in order to make complex admissibility determinations. Field Operations is committed to provide CBP officers with the highest standards of support required to make complex admissibility determinations. To accomplish this goal, Field Operations is establishing an Admissibility Advisory Network (AAN) within each field office. This network will not remove the decision-making from the ports, but would support ports of entry by providing technical expertise in resolving complex admissibility cases in real time and will conduct a review of all adverse action cases within a timely manner, usually within twenty-four hours.

3. DEFINITIONS

- 3.1. Admissibility Advisory Network (AAN): Provides advice and guidance on complex admissibility cases, determines training needs, and assists Admissibility and Passenger Programs with policy and research.
- 3.2. Admission: With respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
- 3.3. Adverse Action: Admissibility decisions that result in other than an admission to the United States.
- 3.4. Complex cases: Any case for which a decision cannot be readily made.
- 3.5. Real-time: As events happen prior to final disposition.

4. REFERENCES

- 4.1. Title 8 of the Code of Federal Regulations
- 4.2. The Immigration and Nationality Act, as amended
- 4.3. Inspector's Field Manual
- 4.4. Creation of Admissibility Advisory Centers Memorandum dated November 8, 2012
- 4.5. Field Office Review of Expedited Removal Cases Memorandum dated October 25, 2011

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5. RESPONSIBILITIES

5.1 Directors, Field Operations (DFOs)

5.1.1 Responsible for the overall management and implementation of the AAN.

5.2 Assistant Directors, Border Security (ADFO, BS)

5.2.1 Responsible for the management, staff support, and implementation of the AAN in their field office and ports of entry.

5.3 Port Directors (PDs)

5.3.1 Maintains overall responsibility for ensuring that their staff is referring complex cases to the AAN in accordance with this SOP.

5.3.2 Responsible for port management to conduct review of all adverse action cases as directed by the Field Office Admissibility Advisory Network staff.

5.4 Field Office Admissibility Advisory Network (AAN)

5.4.1 Review select adverse action cases processed within the jurisdiction of the AAN Field Office usually within 24-hours or the next business day.

5.4.1.1 Effective March 2013, conduct 100% daily review of all Expedited Removal, VWP Refusals, and Withdrawal adverse action cases.

5.5 Admissibility Outreach – to be implemented at a later date

5.5.1 Represent CBP at meetings with external groups such as the American Immigration Lawyers Association and other Non-Governmental Organizations.

5.5.2 Collaborate within and across DHS components and, as well as international, federal, state, local, and private sector partners.

5.6 Admissibility Policy and Research – to be implemented at a later date

5.6.1 Assist Admissibility and Passenger Programs with reviewing Federal Register Notices, Board of Immigration Appeals and Supreme Court decisions and draft policy for Headquarters dissemination.

5.6.2 Assist Admissibility and Passenger Programs with policy reviews and updates to include the Inspector's Field Manual.

5.7 Admissibility Training – to be implemented at a later date

5.7.1 Assess knowledge gaps to create training tailored to local and/or national needs.

5.7.2 Work to expand the knowledge and skills of current CBP officers, supervisors, and new academy graduates.

5.7.3 Work to develop future subject matter experts (SME).


5.7.4 Conduct interviews with officers, first and second-line supervisors, Port Directors, and Directors of Field Operations to determine perceived and actual areas of developmental need.

5.7.5 Liaise with training units at the ports to address identified training needs.

5.7.6 Liaison with CBP / USCIS / ICE Chief Counsel to conduct clinics discussing best practices, common mistakes, and to ensure evidence is provided to sustain charges on the Notice to Appear, i.e. "NTA Clinic".

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6. FIELD OFFICE CASE REVIEWS

- 6.1. The AAN staff will conduct 100% daily, usually within 24 hours or the next business day, reviews of all Expedited Removal, VWP Refusal, and Withdrawal adverse action cases for ports under their jurisdiction.
- 6.2. Field Offices will utilize the steps in the attachments.
- 6.3. AAN staff will use the appropriate data bases to review adverse action cases to make certain the following criteria is met:
 - 6.3.1. Correct inadmissibility charge applied
 - 6.3.2. Section 212 charge sufficient for case
 - 6.3.3. Sworn statement complete and accurate
 - 6.3.3.1.  (b) (7)(E)
 - 6.3.4. Port management has reviewed, approved, and provided concurrence for case.
- 6.4. AAN staff will maintain a daily log (Attachment A) of cases reviewed for ports under their jurisdiction. Any discrepancies or best practices will be noted. The log will be updated to reflect any corrective actions taken.
- 6.5. AAN staff will notify the Port Director and Director Field Operations or their designee via e-mail for corrective action. Examples include:
 - 6.5.1. Incorrect application of charge(s)
 - 6.5.2. Incomplete form, no evidence of port management review
 - 6.5.3. Port will provide status of follow-up actions taken to Field Office within 5 days.
- 6.6. Utilizing Attachment A, the AAN staff will provide the Port Director and Director Field Operations or their designee with a monthly report analyzing deficiencies and noting best practices.
- 6.7. AAN staff will consolidate monthly reports and submit quarterly reports to APP.

7. AAN REAL-TIME CASE RECOMMENDATIONS

- 7.1. AAN staff will assist ports on complex cases.
- 7.2. AAN staff are available to provide advice and guidance on complex cases in coordination with Admissibility and Passenger Programs, as needed.
- 7.3. The AAN does not remove the decision making from the Port Directors or their designees. Ports do not need to consult AAN for routine case processing.

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7.4. Contacting the AAN:

7.4.1. The Chief or designee with concurrence of the Port Director or Assistant Port Director (or designees) is to contact the Field Office AAN in real time. The Chief or designee will provide:

- 7.4.1.1. A detailed summary of the case and the assistance needed.
- 7.4.1.2. Type of travel document presented, if any.
- 7.4.1.3. Age and health of the subject.
- 7.4.1.4. (b) (7)(E) event number, if any.
- 7.4.1.5. Any National Security, Media implications, or other high-profile person.

7.4.2 The Field Office AAN team member will respond to the request by providing the requestor with:

- 7.4.2.1.1 A summary of the request.
- 7.4.2.1.2 A proposed solution to the request to include relevant laws and policy.
- 7.4.2.1.3 Follow up contact information for the AAN.

7.4.3 The Chief or designee will notify the AAN team member by email of the disposition of the case.

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**ATTACHMENT A
CASE REVIEW TRACKING SHEET
(Drop Down Menus Displayed)**

FO	Date	Port	A#	(b) (7)(E) Event #	Type (WD, ER, VWP)	212 Charge Used	Management Review of Case (Y/N)	212 Charge Sufficient (Y/N)	Reason For Deficiency	All paperwork correct (Y/N)	Other Deficiencies	Remarks	Corrective Action Taken By Port
					ER	2A1			N/A		Biographical data incorrect		
					ER/CRF	2A2			Administrative Error		Forms missing		
					VWPR	2B			Case Summary Insufficient		Grammatical errors		
					VWPRF	2C			Fear Questions not addressed		Information missing		
					WD	6C1			Incorrect Use of the Law		Insufficient information in Q&A		
						6C1, 7A1			No Manager Concurrence		Multiple items		
						6C1, 7A2			None		Other		
						6C1, 7B1			Q & A Insufficient				
						6C1, 7B2							
						6C2							
						6C2, 7A1							
						7A1							
						7A2							
						7B2							
						9A1							
						9A2							
						9B1							
						9B2							
						9C1							
						9C2							
						Other							

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Reason for Deficiency	Explanation
N/A	
Administrative Error	Jurat has wrong number of pages, wrong name, gender, wrong charge captured, wrong boxes checked, etc
Case Summary Insufficient	Deficiencies not captured above
Fear Questions not addressed	Didn't ask question related to fear, didn't recognize fear indicators, didn't refer for review, etc.
Incorrect Use of the Law	Use the wrong section of the law, the wrong proceedings, didn't apply CBP policy, etc
No Manager Concurrence	
None	
Q & A Insufficient	Alienage not established, identity not established, admissibility not established

Other Deficiencies
Biographical data incorrect
Forms missing
Grammatical errors
Information missing
Insufficient information in Q&A
Multiple items
Other

Case Type	
ER	Expedited Removal
ER/CRF	Expedited Removal/Credible Fear
VWPR	VWP Refusal
VWPRF	VWP Refusal/Asylum
WD	Withdrawal of Application for Admission (I-275)

Charge - table for (b) (7)(E)	
2A1	7A1
2A2	7A2
2B	7B1
2C	7B2
6C1	9A1
6C1, 7A1	9A2
6C1, 7A2	9B1
6C1, 7B1	9B2
6C1, 7B2	9C1
6C2	9C2
6C2, 7A1	Other

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ATTACHMENT B
EXPEDITED REMOVAL AUDIT FORM

A# _____ Event # _____ Alien's Name _____

Notice of Order of Expedited Removal (I-860)

- _____ Proper Allegations on I-860
- _____ Correct charge(s) used and match template 212 charges
- _____ No charges or allegations other than 212(a)(6)(C) and 212(a)(7)

Sworn Statement (I-867 A & B)

- _____ Identity established
- _____ Alienage established
- _____ Inadmissibility charges supported
- _____ Fear questions asked
- _____ Jurat completed correctly

SECTION 212 CHARGE SUFFICIENT: YES/NO

COMMENTS: _____

Record of Deportable/Inadmissible Alien (I-213)

- _____ Relates to the alien
- _____ Identifies charges
- _____ Identifies disposition
- _____ Identifies other required information (e.g. consular notification, prior criminal history, etc.)

COMMENTS: _____

Notice of Visa Cancellation (I-275)

- _____ Correct box/es checked
- _____ Case summary is correct

Notice of Order / Departure Verification (I-296)

- _____ Correct box/es checked

COMMENTS: _____

Discretionary Action Checklist

- _____ Recommending Supervisor indicated
- _____ Reviewing 2nd Line Manager indicated

Printed Name of AAN Reviewer: _____

Date of Review: _____

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ATTACHMENT C
WITHDRAWAL AUDIT FORM

A# _____ Event # _____ Alien's Name _____

Sworn Statement

- Correct Form used
- I-877
- I-867 A & B

Form I-877

- Identity established
- Alienage established
- Inadmissibility charges supported
- Record of Sworn Statement Form (I-263A) completed
- Jurat completed correctly

Form I-867 A & B

- Identity established
- Alienage established
- Inadmissibility charges supported
- Inadmissibility charges are 212(a)(6)(C) or 212(a)(7) only
- Fear questions asked
- Jurat completed correctly

SECTION 212 CHARGE SUFFICIENT: YES/NO

COMMENTS: _____

Record of Deportable/Inadmissible Alien (I-213)

- Relates to the alien
- Identifies charges
- Identifies disposition

COMMENTS: _____

Notice of Visa Cancellation (I-275)

- Correct box/es checked
- Case summary is correct

COMMENTS: _____

Discretionary Action Checklist

- Recommending Supervisor indicated
- Reviewing 2nd Line Manager indicated

Printed Name of AAN Reviewer: _____

Date of Review: _____

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ATTACHMENT D
VISA WAIVER REFUSAL AUDIT FORM

A# _____ Event # _____ Alien's Name _____

Sworn Statement Form I-877

- _____ Identity established
- _____ Alienage established
- _____ Inadmissibility charges supported
- _____ Asylum requested
- _____ Record of Sworn Statement Form (I-263A) completed
- _____ Jurat completed correctly

SECTION 212 CHARGE SUFFICIENT: YES/NO

COMMENTS: _____

Record of Deportable/Inadmissible Alien (I-213)

- _____ Relates to the alien
- _____ Identifies charges
- _____ Identifies disposition

COMMENTS: _____

Notice of Visa Cancellation (I-275)

- _____ Correct box checked
- _____ Case summary is correct

COMMENTS: _____

Discretionary Action Checklist

- _____ Recommending Supervisor indicated
- _____ Reviewing 2nd Line Manager indicated

Printed Name of AAN Reviewer: _____

Date of Review: _____