USCIS Launches Online Form to Request a Field Office Appointment (August 21, 2023)

USCIS launched a new online form for individuals, attorneys, and accredited representatives to request an in-person appointment for certain customer service-related appointment requests, such as ADIT stamp or emergency advanced parole, at their local field office without having to call the USCIS Contact Center. Individuals can visit my.uscis.gov/appointment to submit a request for a specific date, time, and type of appointment with their local field office. This online appointment request form is not a self-scheduling tool and does not guarantee an appointment for the preferred date or time requested. The Contact Center will review and validate each request before confirming the appointment date and time.

Individuals, attorneys, and accredited representatives will still have the option to call the USCIS Contact Center to request an appointment. However, USCIS strongly encourages users to use the new online appointment request form.

conductor must be committed by a public official who is acting in an official capacity to qualify under the Convention Against Torture, but such conduct committed outside their official capacity is not. The BIA clarified that the test for “in an official capacity” is whether the official was able to engage in the conduct because of his or her government position, or whether the official could have done so without connection to the government.

Extension and Redesignation of Ukraine for TPS (August 18, 2023)

DHS announced the extension and redesignation of Ukraine for Temporary Protected Status (TPS) for 18 months from Oct. 20, 2023, through April 19, 2025.

The extension and redesignation of Ukraine for TPS allows existing beneficiaries to re-register to retain TPS through April 19, 2025, if they otherwise continue to meet the eligibility requirements for TPS. Existing TPS beneficiaries who wish to extend
their status through April 19, 2025, must re-register during the 60-day re-registration period. The redesignation of Ukraine allows additional Ukrainian nationals (and individuals having no nationality who last habitually resided in Ukraine) who have continuously resided in the United States since Aug. 16, 2023, and been continuously physically present in the United States since Oct. 20, 2023, to file initial applications to obtain TPS.

USCIS Updates Policy Manual on Bona Fide Determinations for Qualifying Family Members of U Nonimmigrant Petitioners (August 11, 2023)

USCIS accounted an update to the USCIS Policy Manual to allow for review of Form I-918, Supplement A, Petition for Qualifying Family Member of a U-1 Recipient, for determination of whether a qualifying family member is bona fide as soon as the principal petitioner receives a bona fide determination, even if the principal petitioner has not filed Form I-765, Application for Employment Authorization. If the qualifying family member has already filed Form I-765, USCIS may also adjudicate that application.

Under previous policy guidance, USCIS would not consider qualifying family members for a bona fide determination until the principal petitioner received an Employment Authorization Document (EAD) as part of the bona fide determination process.

This updated guidance applies to all petitions for U nonimmigrant status that are currently pending or filed on or after Aug. 11.

Modernized Family Reunification Parole Processes for Cuba and Haiti (August 10, 2023)

DHS announced updates to modernize the family reunification parole (FRP) processes for Cuba and Haiti. Most process steps can now be completed online except for the medical exam by the panel physician and the final in-person parole determination at a U.S. port of entry. Identity verifications and eligibility determinations will continue on an individual, case-by-case basis and security vetting will continue to be conducted.

The processes begin with the Department of State’s National Visa Center (NVC) issuing an invitation to the petitioning U.S. citizen or lawful permanent resident family member whose Form I-130, Petition for Alien Relative, on behalf of a Cuban or Haitian beneficiary has been approved. The petitioner can then initiate the FRP
process by filing Form I-134A, Online Request to be a Supporter and Declaration of Financial Support, on behalf of the principal beneficiary and any derivative beneficiary spouse and children to be considered for advance travel authorization and parole.

DHS announced that the NVC will soon begin issuing invitations to eligible petitioners under the updated FRP processes for Cuba and Haiti. The NVC will email the invitation to petitioners if there is an email address of record associated with the approved Form I-130. If there is no associated email address, the NVC will mail the invitation to the petitioner's mailing address of record.

USCIS will send a letter to petitioners who have a pending Cuban Family Reunification Parole case under a previously submitted Form I-131, Application for Travel Document, for a principal beneficiary who is waiting for an interview in Havana to explain how their cases will proceed.

For additional information on FRP, please visit USCIS's Family Reunification Parole Processes webpage.

**USCIS Issues Guidance for Stateless Noncitizens in the US (August 1, 2023)**

USCIS issued new guidance to assist stateless noncitizens in the United States who wish to obtain immigration benefits or have submitted other requests to USCIS. Stateless individuals are those who are not legally considered a citizen of any country, and therefore may be denied legal identity, and struggle to access education, healthcare, marriage, and job opportunities. Individuals can be born stateless or become stateless because of discrimination, war and conflict, or changing borders and laws. The new guidance clarifies when and how USCIS may consider a noncitizen stateless for the purpose of adjudicating immigration benefits or other requests.

**USCIS Expands myProgress to Form I-765 and Form I-131 (July 12, 2023)**

USCIS announced the expansion of myProgress (personalized processing times) to forms I-765 and I-131. myProgress provides applicants with access, in their online account, to personalized estimates of their wait time for major milestones on their case, including their final case decision. To view estimated case timelines, applicants must first create a USCIS online account or log into their account and select their pending application. If they e-filed or linked one of the applicable forms to their online account using an online access code, they will see a myProgress tab for their
application. The myProgress tab displays the estimated wait time until their case has a decision, along with a checkmark beside three milestones as they are completed:

- Confirmation that the application was received;
- Biometric services appointment (if required) has been completed; and
- The decision on the pending case.

Applicants will still need to visit the public Check Case Processing Times webpage to determine if they are eligible to file an Outside of Normal Processing Times service request.

SCIS Launches Online Rescheduling of Biometrics Appointments (June 28, 2023)

USCIS launched a new self-service tool allowing benefit requestors, and their attorneys and accredited representatives, to reschedule most biometric services appointments before the date of the appointment.

Previously, benefit requestors and accredited representatives could only request to reschedule a biometric services appointment by calling the USCIS Contact Center. With this new tool, those individuals who have or create a USCIS online account can reschedule most requests for biometric services appointments without having to call the Contact Center. The new tool, however, cannot be used to reschedule an appointment that already has been rescheduled two or more times, is within 12 hours, or that has already passed.

The biometric services appointment rescheduling tool can be accessed via a USCIS online account regardless of whether the pending case was submitted online or by mail. Benefit requestors and accredited representatives will still have the option to call the USCIS Contact Center to reschedule an appointment, but USCIS strongly encourages users to use the new tool to save time, increase efficiency, and reduce call volume to the USCIS Contact Center.

USCIS also announced additional guidance added to the USCIS Policy Manual to describe when good cause exists for a reschedule request.

*Please note that victims of trafficking, serious crimes and domestic violence are NOT eligible to reschedule by phone. They must write to the Vermont Service Center.*
USCIS Update on Telephonic Appearance Policy (June 22, 2023)

USCIS provided clarification of current policy regarding telephonic appearances and other COVID-19 flexibilities. Interview notices are being reverted to pre-COVID language and field offices may require attorneys to be present in person.

We recommend that as a best practice, attorneys should not assume telephonic appearances will be honored even in situations in which USCIS appointment notices are issued with COVID-19 flexibilities language. We further recommend that attorneys plan on physically attending interviews with their clients and contact the relevant field office with any questions relating to field office specific policies.

Reminder: Please remember to check the mailing addresses for any USCIS application you are sending in. Addresses are subject to change with little notice. Each form should list a mailing address on their respective USCIS web page.

Urge Congress to Pass the Afghan Adjustment Act

Since evacuating Afghans in August 2021, Advocates and others have called for passage of a long-term status for Afghans that avoids the asylum process and fixes the SIV system. The AAA was introduced by Sen. Klobuchar and Sen. Graham in August 2022, but failed to pass. It was then re-introduced, again bipartisan and bicameral, in July 2023. There is an opportunity to pass it by adding it to the National Defense Authorization Act (NDAA) set to be passed in the fall. Support for the AAA by Congressmen Tom Emmer and Brad Finstad, and North and South Dakota’s legislators, is key—call on them to pass the AAA (S. 2327/HR 4627).

Afghan Re-parole Reminders and Updates

- Individuals who receive an extension of parole through the automatic consideration process (i.e., those with pending asylum or adjustment of status applications) will not automatically receive a new work authorization card. However, these individuals will be able to prove they are work authorized by presenting their paper approval notice (Form 797C) together with their initial (c)(11) EAD (even if facially expired). This combination of documents constitutes sufficient proof of work authorization for the duration of the individual’s parole period. If an individual nonetheless desires a new (c)(11) EAD, they can still apply for one with no fee. Please note that these applications go to a different address than a (c)(8) EAD application.
• Individuals without pending asylum or adjustment of status applications are required to affirmatively apply for re-parole by filing a Form I-131. The Form I-131 includes a box the individual can check indicating they want USCIS to send them a new (c)(11) EAD. We are finding that I-94s are often updated to reflect the new two-year parole period before the individual receives notice of the approval of their I-131 or their new EAD. An I-94 reflecting that an individual is in valid OAR parole status serves as proof of work authorization for 90 days, which should be enough time for them to receive their new EAD.

• Some OAR parolees have received requests via letter from DHS asking for information relating to re-parole. We have received confirmation that these requests are legitimate communications from DHS and that responding to the request within 30 days of receipt is a condition of parole. We recommend that those individuals who have received requests from DHS respond with the requested information; please note, the response can be completed online via the website displayed on the request letter.

Upcoming Asylum Office Circuit Rides to Minnesota

Unknown if any at this time.

Chicago Asylum Office Updates

The Chicago Asylum Office has provided the following updates:

• The AO is currently prioritizing interviews for detained credible/reasonable fear interviews and OAW applicants.

• Rana Curry is no longer serving as backlog officer. The backlog officer position at CAO is currently vacant.

• Pre-interview submissions may be sent via email to Chicago.Asylum@uscis.dhs.gov. Include the applicant’s name, A-number, and date of interview in the email. Submissions are also accepted via mail or in person. If it is not possible to provide the submission in advance, bring two copies to the interview.

• Expedite requests may be sent to Chicago.Asylum@uscis.dhs.gov. Chicago AO follows USCIS guidelines regarding expedite requests; requests are evaluated on a case by case basis and will consider health issues, information about
family in the country of origin, financial issues, and any other relevant considerations.

- Sworn statements are taken at the officer’s discretion when there are concerns related to a mandatory bar, public safety, or national security. A copy of a sworn statement will be provided at the interview upon request. Attorneys may contact the Chicago AO to obtain a copy if the interview has already taken place.

- If a derivative needs to be added to an I-589 after the principal applicant’s interview but before a decision, attorneys should submit a request in writing and include one copy of the I-589 with the dependent's information and passport photo along with proof of the relationship.

- Inquiries about OAW cases that have exceeded the statutory time limit may be sent to Chicago.Asylum@uscis.dhs.gov.

- When cases are transferred from the AO to EOIR (where the applicant filed affirmatively while waiting for the NTA to be docketed), the AO will file the application with the court via ECAS, and attorneys with a G-28 on file should receive notice when the case is transferred to EOIR. Attorneys may email Chicago.Asylum@uscis.dhs.gov to address issues with case transfer.