



# Nebraska Service Center Stakeholder Newsletter

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## Upcoming Stakeholder Calls

Every month, NSC hosts an informal call which allows stakeholders to ask questions about our products and processes. This call addresses topics on a rotating basis.

The monthly stakeholder call generally occurs at 10:00 CST on the second Thursday of the month. Call-in information is disseminated to the distribution list maintained by the Community Engagement Officer mailbox, [ceo.nsc@dhs.gov](mailto:ceo.nsc@dhs.gov).

Here is a calendar of the stakeholder calls scheduled for the 2013 fiscal year. Please note that all dates are subject to change.

- November 8—Refugee/Asylee
- December—NO CALL!
- January 17—Student/School and Other [i.e. not Refugee/Asylee or Business]
- February 14—Business
- March 14—Refugee/Asylee
- April 11—Student/School and Other
- May 9—Business
- June 13—Refugee/Asylee
- July 11—Student/School and Other
- August 8—Business
- September 12—Refugee/Asylee

## Deferred Action for Childhood Arrivals

In the August newsletter, we provided information about Secretary Napolitano’s June 15 memorandum which set forth criteria making certain individuals eligible for an exercise of prosecutorial discretion to prevent them from being placed into removal proceedings or removed from the United States.

On August 15, 2012, USCIS began to accept requests for consideration of deferred action for childhood arrivals. The request process is as follows:

- Collect documents to demonstrate that you meet the guidelines.
- Complete and submit the required forms: [I-821D](#), [I-765](#), and [I-765WS](#). All three forms must be sub-

mitted, along with the accompanying fee of \$465. There is no fee waiver for these forms, although a fee exemption is available in limited circumstances.

- Make sure that you have properly signed all forms. Also ensure that your name and date of birth are entered the same way on all forms.
- Submit all forms to the appropriate USCIS Lockbox, as stated in the form instructions. Forms must be fully completed and accompanied by the proper fee to be accepted. Please note that the Form I-765 may not be electronically filed; you must submit a physical form to the Lockbox along with the I-821D and I-765WS.

- Make sure you enclose all supporting documentation and evidence with your filing.
- After filing, you will be scheduled for biometrics collection at an Application Support Center (ASC). If you fail to appear for your biometric appointment, your request may be denied.

NSC began reviewing the submitted requests during September 2012. Look to this space in future issues for filing tips and other information.

In the meantime, you can refer to [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals) to learn more about the process.

## Did You Know?

If you are filing multiple concurrent forms - for example, a Form I-485 (Application to Register Permanent Residence or Adjust Status) along with ancillary Forms I-131 (Application for Travel Document) and I-765 (Application for Employment Authorization) - and you have a G-28 representative, then a properly signed Form G-28 should be included for each form. The Form I-485 officer generally does not also work the

Forms I-131 and I-765, which are separated from the I-485 once the files reach our Service Center. If a G-28 is not present in the file, then any notices - such as requests for evidence, approval notices, and the documents themselves - will be sent directly to the applicant, not to the intended representative.

In many instances, the application package will only include one G-28, which will

remain with the I-485 application. While the Lockbox may initially key this G-28 on multiple applications and send all the receipt notices to the representative, the G-28 remains with the I-485. If there is no physical G-28 in the I-131 and I-765 application files, the officer will delete the G-28 information and direct any notices to the applicant.

## Spotlight on Form I-730

Form I-730, Refugee/Asylee Relative Petition, allows a principal refugee or asylee to request derivative refugee or asylee status for any spouse or child under the age of 21. This form facilitates the reunification of families who may have been separated while fleeing from persecution.

Here are some filing tips to help avoid delays in processing.

### Documents

When fleeing the country, a refugee or asylee may have to leave items behind, including birth certificates, marriage certificates, and other identity documents. However, in order to demonstrate the claimed relationship between the petitioning refugee or asylee and the derivative beneficiary, the petitioner must submit documentary evidence per USCIS regulations. Birth and marriage documents are required as initial evidence.

If possible, the petitioner should submit primary evidence - i.e. civilly registered documents - to establish the relationship. If primary evidence is not available, the petitioner must submit a written statement, on official letterhead, from the relevant government or other competent civil authority establishing the record does not exist and/or is not available in that country. The statement must indicate the reason the record does not exist and indicate whether similar records for the time and place are available. Only at that time will secondary evidence be considered.

If relying on secondary evidence, the petitioner should submit as many secondary documents as possible to establish the relationship. Please keep in mind that any secondary evidence must overcome the lack of primary evidence. If submitting affidavits, such affidavits must overcome the absence of both primary and secondary evidence.

To determine whether primary documents may be obtained from the relevant country, please refer to the Department of State's Foreign Affairs Manual and Visa Reciprocity Table, available at the DOS website, [www.state.gov](http://www.state.gov).

### DNA Testing

In some cases, if a relationship cannot be adequately established, USCIS may offer DNA testing of the petitioner and beneficiary as an alternative to other options. However, please keep in mind that offering DNA testing is done on a case-by-case basis at the determination of the officer in consideration of the facts of the specific case. Given the expense of DNA testing and the requirement to follow specific protocols for USCIS acceptance of the results, **the petitioner should not initiate DNA testing unless specifically suggested by USCIS or by the U.S. Consulate abroad.**

If USCIS does issue a request for evidence (RFE) or notice of intent to deny (NOID) which includes DNA testing as an alternative, please also refer to any other requests made by USCIS. For instance, USCIS may request a civilly registered birth document or secondary evidence of the relationship, and offer DNA testing as an alternative. The petitioner should still try to provide the primary or secondary evidence requested. The DNA testing process often takes longer than the time frame given with an RFE or NOID, so the petitioner should provide all other evidence requested by the deadline. The officer will then make a decision based on the totality of the record. If the primary or secondary evidence is sufficient, the DNA evidence may not be required to approve the case.

### Contact Information

Many of the derivative beneficiaries of Form I-730 are still located abroad, and must be interviewed at a consulate before being issued travel documents to the U.S. As such, it is imperative for the petitioner to fill out Part 2 (Information About Your Alien Relative, The Beneficiary) of Form I-730 as completely as possible. Of particular interest is the beneficiary's foreign address, phone number, and email, if applicable. The address should be the best address for the beneficiary to receive notification of the consular interview. The address should also be provided in the language

of the country where the beneficiary resides.

Providing complete contact information will help prevent delays in processing the beneficiary overseas.

Part 2. Information About Your Alien Relative, the Beneficiary	
Family Name (Last name), Given Name (First name), Middle Name:	
Address of Residence (Where the beneficiary physically resides)	
Street Number and Name:	Apt. #
City:	State or Province:
Country:	Zip/Postal Code:
Mailing Address (If different from residence) - C/O:	
Street Number and Name:	Apt. #
City:	State or Province:
Country:	Zip/Postal Code:
Telephone Number Including Country and City/Area Code:	
The Beneficiary's E-Mail Address, if Available:	

### Translations

If you are submitting a foreign language document, be sure to include a complete, certified English translation. The translation should translate the entire document, word-for-word. Summary translations or extracts are not acceptable.

### Responding to RFEs

If an RFE is issued, please read the entirety of the RFE and provide all evidence requested. Everything should be submitted at the same time. If you submit only some of the evidence requested, USCIS considers that a request to make a decision based on the evidence of record.

Also be sure to note the deadline for responding to an RFE, and submit your response timely. Late responses may result in the denial of the petition.

Also be sure to include the RFE letter on top of your response. If the RFE letter is not included in the response or if it is not placed at the top of the response, your reply may be identified as correspondence, which will delay it being matched with the file. This may also result in a denial of the petition.