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Re: Exceptions for Permitting the Filing of Form I-601, *Application for Waiver of Grounds of Inadmissibility*, and Any Associated Form I-212, *Application for Permission to Reapply for Admission into the United States After Deportation or Removal*, at International USCIS Offices (PM-602-0062)

To Whom It May Concern:

The American Immigration Lawyers Association (AILA) submits the following comments in response to the interim policy memorandum, “Exceptions for Permitting the Filing of Form I-601, *Application for Waiver of Grounds of Inadmissibility*, and Any Associated Form I-212, *Application for Permission to Reapply for Admission into the United States After Deportation or Removal*, at International USCIS Offices (PM-602-0062).”¹

AILA is a voluntary bar association of more than 11,000 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. AILA appreciates the opportunity to comment on this interim policy memorandum and believes that our members' collective expertise provides experience that makes us particularly well-qualified to offer views that will benefit the public and the government.

AILA appreciates the opportunity to comment on PM-602-0062, which provides guidance to all USCIS employees as to when it is permissible for international USCIS managers to allow the overseas filing of a Form I-601 and any associated Form I-212.

¹ *USCIS Interim Memo on Filing I-601 & I-212 Forms at International Offices*, AILA Doc. No. 12053142, <http://www.aila.org/content/default.aspx?docid=39851>; http://www.uscis.gov/USCIS/Outreach/Feedback%20Opportunities/Interim%20Guidance%20for%20Comment/I601_Centralization_Exception_PM_2.pdf

Exception for Applicants with a U.S. Citizen Spouse or Other Close Family Member Who Faces Imminent Military Deployment

AILA commends USCIS for allowing the immediate filing of a waiver application abroad based on exceptional and compelling circumstances, and appreciates the specific examples of such circumstances, which include medical emergencies, threats to personal safety, age-out situations, and adoptions. AILA urges USCIS to add “imminent military deployment of a U.S. citizen spouse or other close family member” to the list of specific examples that should be given serious weight.

Exception to the Personal Filing Requirement

AILA applauds USCIS for its flexibility in allowing applicants physically present in a country with a USCIS presence to personally file waiver applications based on the proposed exceptions. We urge USCIS to consider waiving the personal filing requirement for good cause and extreme situations, since traveling to the closest USCIS international office may be cost prohibitive or physically impossible as evidenced by the qualifying reason for the exceptional circumstance.

Informational Access to Stakeholders

In an effort to ensure that stakeholders are aware of the filing exceptions for I-601 and I-212 waiver applications abroad, AILA asks USCIS to post consistent and clear information regarding the exceptions provided in this memo on both the USCIS website and at each USCIS office abroad. We also recommend that USCIS coordinate with DOS to provide written information on the exceptions to the standard filing procedure to waiver applicants at the time of their immigrant visa denial.

Conclusion

We appreciate the opportunity to comment on this interim memorandum, and look forward to a continuing dialogue with USCIS on issues concerning this important matter.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION