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July 27, 2011

Office of Public Engagement
U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW
Washington, DC 20529
Via e-mail: opefeedback@uscis.dhs.gov

**Re: AILA Comments on USCIS Interim Memorandum:
Change in Standard Timeframes for Applicants or
Petitioners to Respond to Requests for Evidence
(PM-602-0040)**

The American Immigration Lawyer's Association (AILA) submits the following comments in response to the interim policy memorandum, "Change in Standard Timeframes for Applicants or Petitioners to Respond to Requests for Evidence."

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, U.S. permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We appreciate the opportunity to comment on this interim memorandum and believe that our members' collective expertise provides experience that makes us qualified to offer views that will benefit the public and the government.

AILA applauds U.S. Citizenship and Immigration Services (USCIS) for recognizing that the previous policy, which provided USCIS officers the flexibility to determine individual response times for Requests for Evidence (RFEs), led to inconsistencies in the RFE process. In addition, it has been extremely difficult for applicants and petitioners to adequately and completely respond to RFEs that seek voluminous documentation within an often abbreviated time period (i.e., 30 days), particularly when some or all of the documentation must be obtained from an overseas source. The creation of a standard 84-day response time for all form types, except Form I-539, Application to Extend/Change Nonimmigrant Status, will go far in alleviating the pressure applicants and petitioners have experienced when faced with an RFE with a short response time.

That said, we ask that USCIS recognize that there may be times when an I-539 applicant could benefit from an RFE response time greater than 30 days, particularly when the applicant is asked to obtain documents that originate from an overseas source. We encourage USCIS to include language in the *Adjudicator's Field Manual* that would give adjudicators the discretion to provide additional time above and beyond the standard 30-days for an I-539 RFE under circumstances that may so warrant.

Conclusion

AILA appreciates the opportunity to comment on this interim memorandum and looks forward to continued dialogue with USCIS on this and other issues.

Sincerely,

THE AMERICAN IMMIGRATION LAWYERS ASSOCIATION